CHAPTER 3
JONES COUNTY ZONING ORDINANCE
TITLE VI - PROPERTY & LAND USE

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ARTICLE II GENERAL

SECTION 1. TITLE
This Ordinance shall be known and may be referred to as the "Jones County Zoning Ordinance".

SECTION 2. OVERVIEW
This Ordinance provides for the creation of distinct zoning districts in Jones County. The districts include: A: Agricultural; A2: Agricultural; R: Residential; RMH: Residential Manufactured Housing; C1: Commercial; C2: Highway Commercial; I1: Industry; I2: Heavy Industry; P: Public; CRAO: Critical Resource Area Overlay; PD: Planned Development.

This Ordinance also provides for the creation of the Jones County Planning and Zoning Commission; provides for the creation of the Jones County Board of Adjustment to hear appeals and grant exceptions and variances to this Ordinance; and provides for a Land Use Administrator to enforce the provisions of this Ordinance.

SECTION 3. PURPOSE AND OBJECTIVES
This Ordinance is adopted in accordance with, and as authorized by, 2005 Iowa Code Chapter 335, County Zoning. This Ordinance is also adopted upon the consideration and guidance of the Jones County 1997 Land Use Plan prepared by the Jones County Land Use Plan Advisory Board.

Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used, and no structure may be located, constructed, extended, converted, structurally altered, or otherwise developed, without full compliance with the terms of this Ordinance.

SECTION 4. AUTHORITY
The Jones County, Iowa, Board of Supervisors shall have the authority to regulate for the orderly use and development of land and related natural resources in accordance with the provisions of 2005 Iowa Code Chapter 335.

SECTION 5. JURISDICTION
The powers provided for in the Ordinance shall apply to all land within Jones County which lies outside the corporate limits of any city, and which are not specifically exempted from jurisdiction under Section 6.

SECTION 6. EXEMPTIONS
The following are exempted from this Ordinance:

A. Except to the extent required to implement this Ordinance, no regulation or restriction adopted under the provisions of this Ordinance shall be construed to apply to land, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures, or erections, which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used. Said exemptions shall not apply to structures, buildings, dams, obstructions, deposits or excavations in or on the flood plains of any river or stream. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property and buildings are primarily adopted and used for a farm or farming as defined in Article III, SECTION 2. HH.

B. No regulation or restriction adopted under the provisions of this Ordinance shall be construed to control the type or location of distributing equipment and structures of utility companies,

including but not limited to poles, towers, wires, gas mains, cables, or any other similar distributing or operating equipment of a telephone, power, gas, railroad company, or publicly owned wastewater treatment lagoons, which are subject to the regulation of the Iowa Commerce Commission or the Iowa Department of Natural Resources.

C. Other planning Ordinances approved by the Jones County Board of Supervisors.

D. A boundary line adjustment between two lots or parcels with a common boundary is exempt from the platting procedures of this ordinance under the following conditions:

1. The boundary line adjustment does not create a new buildable lot and the owners of the common boundary submit a plat of survey prepared in accordance with Chapter 354 of the Iowa Code.

2. No part of the divided parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.

3. No parcel shall conflict with any provision or portion of the County Zoning Ordinance and Subdivision Regulations.

4. Boundary line application is submitted, signed by all applicable parties.

SECTION 7. INCENTIVES FOR FARMS AND FARM OPERATIONS

This Ordinance is intended and designed to protect farming operations within Jones County. Therefore, the following incentives for agricultural land preservation shall apply to farms and farm operations located within the County.

A. Limitation on Power to Impose Assessments: A political subdivision or a benefited district providing public services such as sewer, water, lights, or for non-farm drainage shall not impose benefit assessments or special assessments on land used primarily for agricultural production on the basis of frontage, acreage, or value, unless the benefit assessments or special assessments were imposed prior to the enactment of this Ordinance or unless the service is provided to the landowner on the same basis.

B. Water Priority: In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the Iowa Department of Natural Resources shall give priority to the use of water resources by a farm or farm operation, exclusive of irrigation, over all other uses except the competing uses of water for ordinary household purposes.

SECTION 8. RELATIONSHIP TO LAND USE PLAN

The enactment, amendment and administration of this Ordinance shall be accomplished with due consideration of the purpose and objectives of the Jones County Land Use Plan, prepared by the Jones County Land Use Plan Advisory Board, and as adopted by the Board of Supervisors. The Plan shall serve as a

guide for the future development of Jones County and the basis for the enactment of this Ordinance.

SECTION 9. SMART GROWTH PLANNING GOALS TO BE FOLLOWED

In addition to the County's 1997 Land Use Plan being a guide for the standards contained in this Ordinance, the following smart growth planning initiatives shall be followed when new subdivision developments are proposed in Jones County:

A. Whenever possible, new residential subdivisions shall be located within or near incorporated cities to take advantage of existing infrastructure and services.

B. Whenever possible, new residential subdivisions shall be located contiguous to existing development to lessen the impact of new subdivisions near agricultural operations.

C. Whenever possible, new commercial and industrial development shall be located within or near incorporated cities to take advantage of existing infrastructure and services.

D. Whenever possible, new commercial and industrial development shall be located contiguous to existing commercial and industrial development to lessen the impact of this type of development near existing residential development or agricultural operations.

E. Whenever possible, new residential, commercial or industrial development should be located on land containing 65 or less CSR.

SECTION 10. IOWA OPEN MEETINGS LAW

The commissions and boards, and public bodies of this Ordinance are subject to the terms, regulations, and restrictions of the Iowa Open Meetings Law, under 2005 Iowa Code Chapter 21. Wherever in these Ordinances a conflict appears between the Ordinance and the Open Meetings Law, the Open Meetings Law shall control.

ARTICLE III DEFINITIONS

SECTION 1. GENERAL

For the purpose of this Ordinance, certain terms and phrases shall be deemed to have the meaning ascribed to them in this section. All other terms used in these regulations, including all types of permitted uses shall have their normal, most common meaning. Words in the singular number include the plural; those in the plural number include the singular. Words in the present tense include the past and future tenses, and the future, the present tense. The masculine gender shall include the feminine and neuter genders. The word "shall" is mandatory, while the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

SECTION 2. DEFINITIONS

A. Accessory Building and Use: An accessory building, whether temporary or permanent, is a structure, which is secondary or subordinate to the principal use or building on the same lot or tract. Examples include private garages, storage sheds, large satellite antennas, and swimming pools. An accessory use is an activity, which is secondary or subordinate to the principal use or building on the same lot or tract. Examples include gardens, parking lots, animal exercise areas, driveways, private recreation areas commonly found on similar type land uses in rural Jones County.

B. Adult: As used in this Ordinance refers to persons who have attained the age of at least eighteen (18) years.

C. Adult Entertainment Use: Any establishment having as all or a portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by the emphasis on the depiction or description of sexual activities or the showing of human genitals and / or female breasts. Establishments may include adult bookstores, “juice” bars, “topless” bars, “strip” clubs, “Adult motion picture theaters”, etc. An adult entertainment establishment as defined herein is not limited to an establishment with a liquor license.

D. Agriculture: See DD. Farm and Farming

E. Agricultural Use: The land, structure, or use, while so used, which is primarily adapted for farmland, farms, farm operations, and farm dwellings; and the necessary accessory uses for treating or storing the farm products; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activity. For purposes of this Ordinance and its implementation, this definition includes private open space, including but not limited to woodlands, wetlands, native and open prairies, surface waters and wildlife habitats.

F. All Weather Surface: Crushed stone surfacing or paving (asphalt or concrete) sufficient to carry the anticipated traffic.

G. Amendment: The act or process to change or modify the provisions found in this Ordinance.

H. Animal Shelter: A licensed facility providing services for animal care with opportunities for animal adoption. Supporting services may include medical care, exercise areas, education, retail, financial assistance, and adoption centers.

I. Auxiliary Dwelling Unit: An additional residential unit containing its own kitchen and bathroom. To qualify, a unit can be a room addition or an attached structure to the existing primary dwelling unit or garage. Auxiliary Dwelling Units are not the same as Seasonal Dwelling Units (See RRRR. Seasonal Dwelling Units).

J. Basement: A story having more than one-half (1/2) of its height below the average grade surrounding the building.

K. Bed and Breakfast Inn: A private residence which provides lodging and meals for transient guests, in which the host or hostess resides, and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require food reservations, and serves food only to overnight guests.

M. Billboard: Any structure or portion of a building used for the display of advertising of a business or attraction which is not carried on or manufactured in or upon the premises upon which said billboard is located. This includes painted exterior walls with pictures, words, or logos.

N. Board of Adjustment: The County Board of Adjustment of Jones County, Iowa. See Article XXIV.

O. Board of Supervisors: The Jones County Board of Supervisors.

P. Boundary line adjustment: An adjustment to a common boundary between no more than two adjacent parcels or tracts of land.

Q. Buffer Area: A strip of land established to protect one type of land use from another incompatible use. The strip may be of variable width and includes fences, screen plantings, or earthen mounds to buffer the adjoining property from noise, traffic, or visual nuisances.

R. Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, including mobile homes, but not including signs or billboards.

S. Bulk Storage Plant: That portion of property where hazardous or flammable liquids or gases are received by pipeline, tank cars, or tank vehicles, and are stored in bulk above the ground for the purpose of distributing such liquids or gases, where the aggregate capacity of all storage on the property exceeds twelve thousand (12,000) gallons.

T. Business or Commercial: When used in this Ordinance, the term refers to the engaging in the purchase, sale, or exchange of goods or services, or the operation of "for profit" offices, recreational, or amusement enterprises.

U. Clinics: A building, or buildings, used by physicians, lawyers, dentists, osteopaths, chiropractors, and all professions for out-patient care of persons requiring such professional service; does not include veterinary clinics.

V. Composting: The controlled, biological decomposition of selected solid organic waste materials under aerobic conditions resulting in an innocuous final product.

X. Condominiums: Two (2) or more multiple family dwelling units separated by rated firewalls and individually owned within the shell of the building envelope with common maintenance of the exterior walls, basement and roof with common grounds.

Y. Congregate Housing: Mixed use dwellings for progressive ownership occupancy through various stages of aid and assistance including independent assisted living, eldercare, memory care and nursing assistance.

Z. Convenience Store: Any retail establishment offering for sale prepackaged food products, household and grocery items, newspapers and magazines and/or sandwiches and other freshly prepared foods and beverages, as well as vehicle fuel and gasoline.

AA. Corn Suitability Rating (CSR): An index for ranking the productivity of soils and their suitability for row-crop production in Iowa. The CSR system rates soils from five (5) to one hundred (100), with one hundred (100) reserved for those soils a) located in areas of the most favorable weather conditions in Iowa, b) that have high yield potential, and c) that can be continuously row cropped. (A detailed description of the CSR system, including methodology and CSR estimates for various soil types, may be found in Special Report Number 66, "Productivity Levels of Some Iowa Soils", April, 1971, published by the Agricultural and Home Economics Experiment Station and Cooperative Extension Service, Iowa State University.)

BB. Day Nursery, Nursery School, or Day Care (Public): Any agency, institution, establishment, or place which provides supplemental parental care and/or educational work, other than lodging overnight, for seven (7) or more children of preschool age for compensation.

CC. Development: Any man-made change to alter the existing land use of a parcel of land including and not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DD. Driveway: A private road providing access for vehicles and pedestrians to the principal building or use.

EE. Dwelling Unit: Any building or portion thereof having one or more habitable rooms, which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation. Includes Auxiliary and Seasonal Dwelling Units.

1. Single-Family: A building designed for, or occupied exclusively for, residence purposes by one (1) family.

2. Two Family (Duplex): One or two buildings designed for, or occupied by, two (2) families only, with separate housekeeping and cooking facilities for each.

3. Multiple-Family: A building or buildings designed for, or occupied by, more than two (2) families, with separate housekeeping and cooking facilities for each. Building may be under one (1) title owner, or a separate title of ownership for each dwelling unit.

4. Quadraplex residential: A four (4) family attached dwelling units separated by rated firewalls and owned by one or more entities.

5. Residential over Commercial: Multiple family dwelling units, typically rental units, on the second floor above commercial units, as regulated by the Uniform Building Code.

6. Townhouse-for-sale residential: Multiple attached dwelling units separated by rated firewalls and owned by one or more entities. Occasionally, referred to as Row Houses. Each unit is platted separately along the firewalls and at least one (1) foot beyond the front and rear building lines.

7. Triplex residential: A three (3) family attached dwelling units separated by rated firewalls and owned by one or more entities.

FF. Earthen Berm: An embankment of earth created by adding material to the location. The berm is then graded and landscaped to act as a visual barrier and natural area, which is pleasing to see. Usually associated with a buffer area.

GG. Easement: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

HH. Farm and Farming (Agricultural): The building(s) and use of land for growing agricultural or farm produce or products, including, but not limited to the following: The growing of grains, hay, vegetables, fruits, and trees; grazing, dairying and raising of livestock or poultry; and the storing and treating and feeding of the farm produce or products. Parcels of 10 acres or less will be considered residential unless the applicant provides a site plan, business plan and Federal Tax Schedule F to prove otherwise.

II. Farm Products: Those plants and animals and their products which are useful to people and include but are not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or clothing.

JJ. Farmer: The farm operator or individual or family who is actively engaged in farming on a day to day basis or someone who is retired from farming as it relates to the land the farmer formerly farmed.

KK. Farm Land: Those parcels of land suitable for the production of farm products.

LL. Farmstead: The farmhouse and/or associated farm buildings, and adjacent service areas of a farm. A farmstead split will be defined as a one-time split of the farmstead and nearby land areas from the farm unit for residential purposes.

MM. Farmland Split: The splitting of a smaller parcel of land from the farm. A farmland split will be defined as a one-time split of the farmland from the farm unit for residential purposes.

NN. Flood: A general and/or temporary rise in stream flow or flood stage that results in water overflowing its banks and inundating normally dry land areas adjacent to the channel, or from the unusual and rapid accumulation of runoff or surface water from the source.

OO. Flood Elevation: The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the ten (10) year flood elevation is the elevation of floodwaters related to the occurrence of the ten (10) year flood.

PP. Flood Insurance Rate Map (F.I.R.M.): The official map prepared by the Federal Emergency Management Administration (FEMA) as a part of the Flood Insurance Study of a community, delineating both the special flood hazard areas and the risk premium zones applicable to such areas.

QQ. Flood Insurance Study: A study initiated, funded, and published by FEMA for the purpose of evaluating in detail the existence and severity of flood hazards; providing the County with the necessary information for adopting a flood plain zoning Ordinance; and establishing actuarial flood insurance rates.

RR. Flood Plain: Any land area susceptible to being inundated by water as a result of a flood. Also referred to as Special Flood Hazard Area (SFHA).

SS. Flood Plain Management: The operation of an overall program of correction and preventive measures for reducing flood damage and promoting the wise use of floodplains, including but not limited to, emergency preparedness plans, flood control works, flood proofing, and flood plain management regulations.

TT. Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

UU. Floodway: The channel of a river or other watercourse and the adjacent land areas, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

VV. Floodway Fringe: That area of the flood plain, outside of the floodway, that can be filled, leveled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

WW. Garage, Private: An enclosed structure intended for the parking of the private property of the families residing upon the premises.

XX. Garage, Public: Any building or premises, except those used as private or storage garages, used for equipping, refueling, servicing, parking, repairing, selling, or storing motor-driven vehicles.

YY. Garage, Storage: Any building or premises, including a mini-storage garage, used for storing motor-driven vehicles (other than commercial vehicles), recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property, excluding such things as automobile fuels and oils or other hazardous or volatile substances, pursuant to previous arrangements.

ZZ. Group Housing: A building or place where lodging or boarding is provided for compensation or not, for five (5) or more individuals, but not open to transient guests as would be found in a motel/hotel. Normally associated with a charitable organization or government financed program to assist unique groups of people.

AAA. Health Care Facility: An establishment for provisions of care to persons suffering from illness, injury, or disability and includes hospitals, custodial homes, nursing homes, convalescent homes, extended care facilities, and similar facilities.

BBB. Health Club: A non-medical service establishment intended to maintain or improve the physical condition of paying customers. Contains exercise and game equipment and facilities, steam baths, saunas, hot tubs, or similar equipment or facilities.

CCC. Home-Based Industry: A secondary use of a light industrial or commercial nature carried on entirely within the residence and/or accessory building by a member of the family residing on the premises where there is no evidence of such occupation being conducted on the premises by virtue of exterior displays or outdoor storage, excessive noises, obnoxious odors, electrical disturbances, or significant increase in vehicular activity.

DDD. Hotel: An establishment, which is open to any number of transient guests. It usually provides sleeping quarters and private baths, maid service, and services and facilities to assist the traveling public. In some cases, it may provide long-term housing to the public.

EEE. Incineration: The processing and burning of waste for the purpose of volume and weight reduction in facilities designed for such use.

FFF. Industry, Heavy: When used in this Ordinance, term refers to a use engaged in the basic processing and manufacturing of material or products predominately from extracted or new materials, or a use engaged in the storage of; or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

GGG. Industry: When used in this Ordinance, term refers to a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing,

fabrication, assembly, treatment, packaging and a use engaged in warehousing, distribution, wholesale trade, and catalogue sales.

HHH. Institution: A building or use occupied or run by a government agency, non-profit organization, or institution of higher learning to serve the social, educational, charitable, and/or religious needs of the public.

III. Junk or Salvage Yard: Any site where commercial or domestic metals, wood, appliances, and other discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled, or sorted for profit or not for profit. Includes the dismantling or wrecking of vehicles, appliances, machinery, or equipment, and the dismantling, sorting and resale of building materials salvaged from building wrecking sites. (The visible presence of two (2) or more junk vehicles on any parcel shall constitute prima facie evidence of a junkyard.)

JJJ. Junk Vehicle: A "junk vehicle" as described in the Jones County Nuisance Ordinance.

KKK. Kennel: Any premise on which four (4) or more dogs, six months or older, are kept for breeding, boarding, grooming, selling, hunting, other organized sports and recreation, or training services.

LLL. Land Use Administrator: The individual designated by this Ordinance to administer the enforcement of the regulations imposed by said Ordinance. This person may also be referred to as the Administrator.

MMM. Livestock: Cattle, horses, sheep, swine, poultry or any other animal or fowl, which are being produced primarily for commercial purposes.

NNN. Livestock Transfer Station: A business which temporarily holds hogs, cattle, or other livestock being transferred from farmer/producer to a slaughter facility. The business shall not in the normal course of operations keep livestock overnight, shall be an auction yard, slaughterhouse, or retail outlet, and shall comply with all regulations of the Iowa Department of Natural Resources.

OOO. Lot: For the creation of future splits of land, a lot is a parcel of land at least sufficient in size to meet minimum planning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have legal access to a public street or private street and may consist of:

1. A single lot of record, including a plat of survey;

2. A portion of a lot of record;

3. A combination of completed and/or portions of lots of record; or

4. A parcel of land described by metes and bounds, if created and recorded in the Jones County Recorder's Office prior to July 1, 1990; or

5. A parcel described by a landowner and rented to an individual, family, or corporation for residential or

recreational purposes (such as river camp lots or mobile home lots).

6. If lots are combined or divided to form such a lot as described above, any residual lot or parcel created must meet the requirements of this Ordinance.

PPP. Lot Area: Total horizontal area within lot lines.

QQQ. Massage Establishment: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity; including, but not limited to massage parlors, health clubs, sauna baths, and steam baths. Massage establishments are required to display the licensed massage therapists certificate of completion.

RRR. Manufactured Home: A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human habitation as defined by a dwelling unit, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Any factory-built structure used for human habitation, which does not meet all the above requirements, is considered a mobile home and shall be regulated as a mobile home.

SSS. Mobile Home: Any vehicle, not registered as a motor vehicle in Iowa, used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designated, constructed, or reconstructed, as will permit the vehicle to be used as a place for human habitation by one (1) or more persons. A mobile home is not a manufactured home unless it has been converted to comply with the requirements as a manufactured home.

TTT. Mobile Home Park: Any site, lot, or tract of land upon which three (3) or more occupied mobile homes are harbored, either free of charge, or for revenue purposes, and as defined in 2005 Code of Iowa, Chapter 435.1 subsection 4.

UUU. Motel: An establishment, which is open to any number of transient guests. It usually provides sleeping quarters and private baths, maid service, and services and facilities to assist the traveling public. In some cases, it may provide long-term housing to the public.

VVV. New Construction: Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.

WWW. Non-Conforming Use: Any building or land lawfully used at the time of the effective date of this Ordinance which does not conform after the effective date of this Ordinance with the use regulations of the District in which it is situated.

XXX. One Hundred (100) Year Flood: A flood which has the magnitude of occurring once every one hundred (100) years. There is a one in one hundred chance each year for such a flood.

YYY. Ordinance Map: The zoning map or maps incorporated into this Ordinance and made a part thereof which designate various land uses and required information.

ZZZ. Parcel: A part of a tract of land.

AAAA. Patio Homes: A single-family dwelling unit with a gross square footage of less than 1600 square feet, typically on an undersized parcel.

BBBB. Parking Space: A permanently surfaced area of not less than one hundred eighty (180) square feet (not less than 9 feet wide and 20 feet long) plus necessary maneuvering space for the parking of a motorized vehicle. For handicapped parking, the space will not be less than required by State of Iowa Administrative rules.

CCCC. Permanent Foundation: Method of support and anchorage recommended by the manufacturer and required by federal manufactured home construction and safety standards 3280.306(b). If manufacturer's instructions are not available or the unit was manufactured prior to June 15, 1976, minimum requirements contained in Iowa Administrative Code [661] Chapter 16, Sections 626(1) and 626(2) are required.

DDDD. Planning and Zoning Commission: The Planning and Zoning Commission of Jones County, Iowa.

EEEE. Principal Permitted Use: Those uses of land specifically permitted within each zoning district.

FFFF. Principal Use: The main use of land or structures as distinguished from an accessory use.

GGGG. Public Hunting Area: An area located on real estate which is owned by, leased by, or subject to a conservation easement for the benefit of, a county, state, or federal government agency, upon which area public hunting is permitted by designation of the agency.

HHHH. Quarry and Extraction Uses: A location where sand, stone, rock, ore or other materials are extracted from the earth or recycled. Activities associated with quarries include, but are not limited to drilling, crushing, blasting, processing, washing, storage and sales of materials and similar activities.

IIII. Recycling Center: A site where commercial, domestic, and yard wastes are sorted, packed, baled, composted, and/or processed for reuse.

JJJJ. Residence: See EE. Dwelling Unit

KKKK. Retirement Communities: Residential or mixed use developments typically for residents over the age of 55 years.

LLLL. Rezoning: To change the zoning classification of a particular lot or parcel of land (for example, changing the zoning of a parcel of land from Agricultural to Residential to permit residential development).

MMMM. Right-of-Way: The land area secured or reserved by a governmental agency giving it or the public the right to travel on, over, and under the area.

NNNN. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved. Used for the sale of farm products, primarily produced on the premises.

OOOO. Sanitary Landfill: A site where solid wastes are disposed of by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created.

PPPP. Seasonal Dwelling Units: A dwelling unit which is rented or leased that is separate and clearly accessory and incidental to the principal dwelling unit on the same property. Seasonal dwelling units are a Special Permitted Use within any A District. 10 acres or more is required to have a seasonal dwelling unit on your property. A seasonal dwelling unit is for temporary dwelling only and not for year-round occupancy.

QQQQ. Sign: Any word(s), lettering, figures, emblems, pictures, trade names, or trade names used by an individual, firm, or association, a corporation, a profession, a business, a service, a community, a church, or school and visible from any public street or right-of-way and designed to attract attention for commercial or non-profit purposes. This is not to be construed to include directional signs erected or required by governmental bodies, legal notices, signs bearing only property numbers or names of occupants on premises.

RRRR. Sod Farm: An agricultural use of land and building where the primary use of the land is growing, harvesting, and selling of sod on the wholesale market.

SSSS. Solid Waste Disposal Site: A site where commercial, industrial, and domestic wastes are buried (sanitary landfill) or incinerated, or converted into energy for a waste-to-energy facility in accordance with state and local disposal regulations and standards.

TTTT. Solid Waste Transfer Station: A site where commercial, domestic, and yard wastes are temporarily collected, sorted, and compacted prior to transporting to a solid waste disposal site or recycling center.

UUUU. Special Permitted Uses: Those uses of land which are defined in each district and reviewed by the Board of Adjustment.

VVVV. Stable, Private: A building or structure with four (4) enclosed walls used, or intended to be used, for housing horses belonging to the owner of the property, only for non-commercial purposes.

WWWW. Stable, Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with the public stable or riding academy.

XXXX. Street: All land between right-of-way lines dedicated to a governmental unit or perpetually restricted to transportation. The definition includes the terms road, street, and highway, no matter

how named, whether public or private, but does not include private driveways from a street to a house.

YYYY. Structure: Anything constructed or erected with a fixed location on the ground, attached to the ground, or which is attached to something having a permanent location on the ground, including, but not limited to factory-built homes, billboards, or poster panels, storage tanks, or similar uses.

ZZZZ. Subdivision: The accumulative effect of dividing an original lot, tract, or parcel of land, as of April 1, 1998 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes. The term includes a re-subdivision or re-platting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

AAAAA. Tire Lot (Waste): A site where waste tires have accumulated for storage, recycling, or processing. The presence of more than five (5) vehicular tires on a subdivision lot or non-farm tract outside of a building, not mounted on vehicle(s), constitutes a tire lot.

BBBBB. Tract: Fractional part of a section of land.

CCCCC. Travel Trailer/Mobile Home: A recreational vehicle, with or without motor power, designed as a temporary dwelling, not exceeding eight (8) feet in width and fifty (50) feet in length, exclusive of a separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.

DDDDD. Travel Trailer Park (Camp): An area used, or offered for use, in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents, or similar devices used for temporary, portable housing. Unoccupied mobile homes, travel trailers, and similar devices may be stored in the Park, but only in an area marked for storage. No repair, maintenance, sales, or servicing, of such devices are allowed in the Park.

EEEEE. Unincorporated Village: The villages in Jones County of Scotch Grove, Langworthy, Amber, Hale, Oxford Mills, Stone City, Center Junction, Fairview, and any other cities that become unincorporated in the future.

FFFFF. Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

GGGGG. Value Added Agricultural Products: A process in which an agricultural product changes its physical state or forms an additional product; or the production of a product enhances its value. Examples of value added products may include, wineries, malted barley and hard cider production, sale of honey products, and creameries.

HHHHH. Variance: A divergence from this Ordinance where such a change will not be contrary to the public interest and where, owing to

conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

IIIII. Violation: The act of disregarding the requirements set forth in this Ordinance. A violation includes, but is not limited to, commencement of work prior to a variance approval or failure to obtain an exception prior to commencement of work.

JJJJJ. Wind Turbine: Any device, both public or private, such as a windmill, wind charger or wind turbine installed to capture wind energy for electricity.

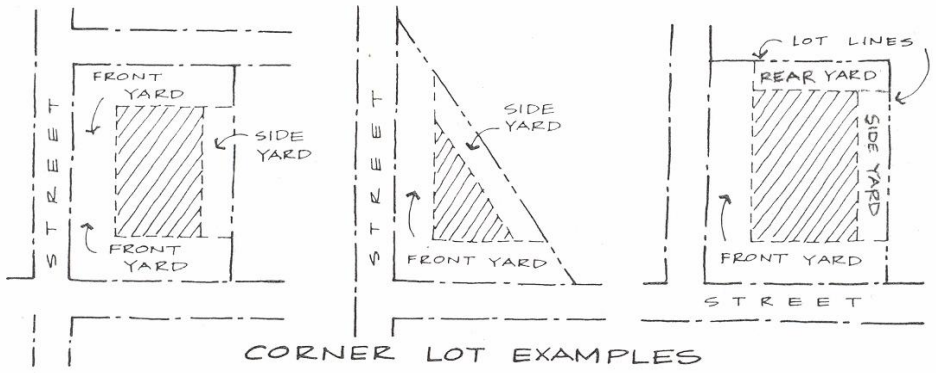
KKKKK. Winery: A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and or sales area. Wineries are a Special Permitted Use within the A, A2, C1 and C2 Districts.

LLLLL. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, a minimum horizontal distance between the lot line or Right-of-Way line (where applicable) and the main building shall be used.

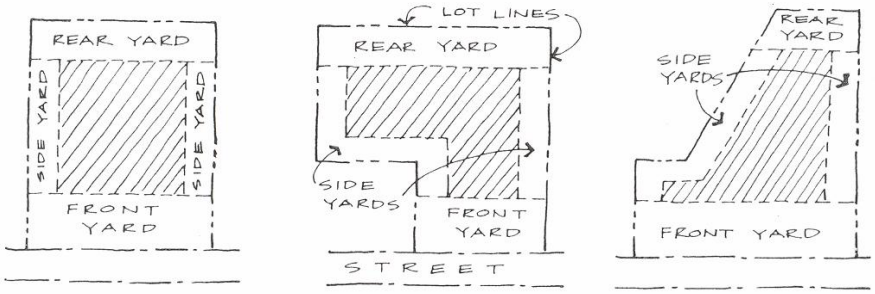
1. Yard, Front: A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. On corner lots (lots abutting on two or more streets at their intersection) the front yard shall face the shortest street dimension of the lot except that if the lot is square, then the front yard may face either street.

2. Yard, Rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

3. Yard, Side: A yard extending from the front lot line to the rear yard line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projections thereof. See the following yard examples:



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES

MMMMM. Zero Lot Line: A development technique which permits the principal building to be sited on one (1) or more lot lines. The intent is to allow more open area on the lot; and where several buildings are built close together, to lower the installation expense of utilities. Such technique is permitted only through the Board of Adjustment review process.

NNNNN. Public Utilities: means a public utility as defined in Iowa Code § 476.1, and shall also include waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter 357A or chapter 504, cooperative water associations, and electric transmission owners as defined in Iowa Code § 476.27 primarily providing service to public utilities as defined in Iowa Code § 476.1. For purposes of this Ordinance, "public utility" includes private water systems and sewer systems that are used in common by multiple parties if the parties using the common system consent.

OOOOO. Hazardous Liquid Pipelines: No person or property owner shall use land in any area or district in this county for purposes of transporting hazardous liquid through a hazardous liquid pipeline except under the conditions and restrictions provided hereinafter in ARTICLE XVII HAZARDOUS LIQUID PIPELINES. For purposes of the Jones County Zoning Ordinance, "hazardous liquid" and "hazardous liquid pipeline" shall have the meanings defined in ARTICLE XVII HAZARDOUS LIQUID PIPELINES.

ARTICLE IV GENERAL REGULATIONS AND PROVISIONS

SECTION 1. STREETS AND ACCESS POINTS
The owner/developer of all lots and parcels in the county shall meet the requirements of the Jones County Subdivision Ordinance for streets and access points.

SECTION 2. DWELLINGS PER PARCEL
There shall be no more than one (1) dwelling per lot, except for auxiliary and seasonal dwelling units. (See Article XI – Auxiliary and Seasonal Dwelling Units)

SECTION 3. PERMANENT FOUNDATION
All residential dwellings constructed or placed on a lot or parcel of land in the county shall be built on, or placed on, and appropriately secured to, a permanent foundation which meets, at a minimum, the definition of permanent foundation (See Article III, SECTION 2. CCCC. Permanent Foundation).

SECTION 4. STORM WATER REQUIREMENTS
If any property of one (1) acre or more is disturbed, the owner must meet IDNR stormwater requirements. In addition, a stormwater management plan shall be submitted before any work is approved.

SECTION 5. BOUNDARIES AND OFFICIAL ZONING MAP
The boundaries of the zoning districts are hereby established as shown on the Official Zoning Map of the unincorporated area of Jones County, Iowa. The Official Zoning Map shall be made part of this Ordinance and shall be filed electronically and in the office of the Jones County Land Use Department.

A. Official Signature: The Official Zoning Map shall be identified by the written or electronic signature of the Chairperson of the Board of Supervisors, and attested by the County Auditor under the following words: "This is to certify that this is the 'Official Zoning Map' of Jones County, Iowa, adopted on this day _____."

B. Map Amendments: If, in accordance with the rezoning provisions of this Ordinance, changes are made to the district boundaries, the Ordinance number and date of the change shall be recorded by the Zoning Administrator on the official Zoning Map.[Subsequent map amendments are noted at the end of this ordinance.]

B. Replacement if Destroyed: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or unreadable, the Board of Supervisors may by resolution adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The new map may correct drafting or other errors or omissions in the prior Official Zoning Map, provided that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

SECTION 6. NEW TERRITORY
All territory which may hereafter become a part of the unincorporated area of Jones County that is regulated by this Ordinance, by severance of any part of a city, or by discontinuance of an entire city as ordered by the State City Development Board, shall automatically be classed as lying and being within the same Land Use Map district as adjacent unincorporated land. If more than one district is adjacent to the new unincorporated area, the area shall automatically be classified as lying and being within the A-Agricultural District until such classification can be changed by a rezoning and map amendment as provided in Article XXVII Amendments.

ARTICLE V ZONING DISTRICTS

SECTION 1. A - AGRICULTURAL

A. Intent: The Agricultural District is intended to protect agricultural land from encroachment of urban land uses. It is also intended to preserve the rural character of this area by restricting the development of farmland for non-agricultural use. It is further the intent of these regulations to protect the groundwater resource to the maximum extent practical through the proper management of sources and routes of contamination within the district.

B. Principal Permitted Uses: Property and buildings in the Agricultural District may be used for the following purposes:

1. Farms, farmhouses, and farm buildings related to the farm operation.

2. Specialized farms where livestock, such as hogs, cattle, horses, poultry, pigeons, rabbits, and other common farm animals are bred and/or raised.

3. Specialized horticultural operations, including truck gardens, orchards, and wholesale nurseries.

4. Forests, wildlife preserves, and conservation areas.

5. Sod farms.

6. Farmland split for residential purposes subject to the following restrictions:

   a. Where, as of December 1, 2005, an existing farm has forty-two (42) or more contiguous acres, a single parcel may be split for a non-farm use.

   b. The property to be separated from the farm shall contain no less than two (2) net acres, exclusive of road rights-of-way, and a lot width of no less than 150 feet, consistent with required area regulations, unless the Jones County Department of Public Health has a higher minimum acreage requirement in which case the property to be separated from the farm shall meet that minimum requirement.

   c. After separation, the parent farm shall have forty (40) or more acres remaining.

   d. Residential dwellings, buildings, and structures shall not be built or moved within 600 feet of a public hunting area.

7. Farmstead split for residential purposes subject to the following restrictions: An existing farm dwelling may be split from the adjacent farmland for residential purposes.

a. Where, as of December 1, 2005, an existing farm has forty-two (42) or more contiguous acres, a single parcel may be split for a non-farm use.

b. The property to be separated from the farm shall contain no less than two (2) net acres, exclusive of road rights-of-way, and a lot width of no less than 150 feet, consistent with required area regulations, unless the Jones County Department of Public Health has a higher minimum acreage requirement in which case the property to be separated from the farm shall meet that minimum requirement.

c. After separation, the parent farm shall have forty (40) or more acres remaining.

d. Residential dwellings, buildings, and structures shall not be built or moved within 600 feet of a public hunting area.

8. Auxiliary Dwelling (1)

a. Auxiliary Dwellings are allowed on parcels with a minimum of two(2) acres.

b. An Auxiliary Dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single-family residence, whichever is larger.

9. Cemeteries

C. Permitted Accessory Uses: The following accessory buildings and uses are permitted:

1. Private garages.

2. Storage sheds.

3. Swimming pools.

4. Horticulture plants and gardens.

5. Non-utility scale solar.

D. Special Permitted Uses: The following special uses may be permitted in the Agricultural District after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Bed and breakfast inns subject to Article VIII.

2. Churches or other places of worship, including parish houses and Sunday school facilities.

3. Commercial recreation uses subject to Article IX.

4. Communication towers subject to Article XIV.

5. Home-based industries subject to Article VII.

6. Kennels, animal shelters, and fox and mink farms subject to Article XXI.

7. Public and private stables.

8. Seasonal dwelling units subject to Article XI.

9. Seed, feed, biofuel plants (biodiesel, ethanol) and other direct farm supply businesses.

10. Wind Energy Conversion Systems (WECS) under 100 Kilowatts (KW) subject to Article XV.

11. Wineries and other Value Added Agricultural Products.

12. Quarry and Extraction Uses subject to Article X.

E. District Regulations: The bulk regulations established for all A - Agricultural Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

G. Sign Regulations: See Article XX Sign Requirements.

H. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

I. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 2. A2 - AGRICULTURAL

A. Intent: The A2 Agricultural District is intended to reinforce the intent of the Agricultural District and in addition to provide for those activities which may be interrelated with agriculture.

B. Principal Permitted Uses: Property and buildings in the A2 Agricultural District may be used for the following purposes:

1. Any use permitted in the A-Agricultural District.

2. Grain elevators with usual accessory structures.

3. Wind Energy Conversion Systems (WECS) over 100 Kilowatts (KW) subject to Article XV.

4. Utility Scale Solar Energy Systems (SECS) according to Article XVI.

C. Permitted Accessory Uses: The following accessory buildings and uses are permitted:

1. Private garages.

2. Storage sheds.

3. Non-utility scale solar.

D. Special Permitted Uses: The following special uses may be permitted in the A2-Agricultural District after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Multiple Auxiliary dwelling units

2. Bed and breakfast inns subject to Article VIII.

3. Churches or other places of worship, including parish houses and Sunday school facilities.

4. Commercial recreation uses subject to Article IX.

5. Communication towers subject to Article XIV.

6. Home-based industries subject to Article VII.

7. Kennels, animal shelters, and fox and mink farms subject to Article XXI.

8. Public and private stables.

9. Quarry and Extraction Uses subject to Article X.

10. Seasonal dwelling units subject to Article XI.

11. Seed, feed, biofuel plants (biodiesel, ethanol) and other direct farm supply businesses.

12. Wineries and other Value Added Agricultural Products.

E. District Regulations: The bulk regulations established for all A2 - Agricultural Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

G. Sign Regulations: See Article XX Sign Requirements.

H. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

I. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 3. R – RESIDENTIAL (INCLUDES R and RMF [Multi-Family])

A. Intent: The Residential District is intended to provide appropriate locations for rural residential development. Development within a Residential District shall be designed to protect the rural character of nearby properties, be sufficiently compatible with adjoining properties, preserve natural resources, and have access to adequate infrastructure.

B. Principal Permitted Uses: Property and buildings in the Residential District may be used for the following purposes:

1. Single-family residential only, except in the PD District where single-family residential, two-family residential and multi-family residential are allowed.

2. Auxiliary Dwelling Unit (1)

   a. Auxiliary Dwellings are allowed on parcels with a minimum of two(2) acres.

   b. An Auxiliary Dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single-family residence, whichever is larger.

3. Cemeteries

C. Permitted Accessory Uses: The following accessory buildings and uses are permitted:

1. Private garages.

2. Storage sheds.

3. Swimming pools.

4. Horticulture plants and gardens.

5. Non-utility scale solar.

D. Special Permitted Uses: The following special uses may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Multiple Auxiliary dwelling units.

2. Bed and breakfast inns subject to Article VIII.

3. Churches or other places of worship, including parish houses and Sunday school facilities.

4. Home-based industries subject to Article VII.

5. Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.

6. Schools (public and private), educational institutions, preschools, and day care facilities.

7. Wind Energy Conversion Systems (WECS)- Small subject to Article XV.

8. Animal Shelters subject to Article XXI.

E. District Regulations: The bulk regulations established for all R - Residential Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

G. Sign Regulations: See Article XX Sign Requirements.

H. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

I. Lighting Requirements: See Article XIX Lighting Requirements.

J. Unincorporated Village exemptions:

1. Setback reduction: Front yard setbacks are measured from the road right-of-way line. On blocks where at least 50 percent of the existing buildings have a shorter setback, the setback may be reduced by 50% of the required setback.

2. Reduced lot size: For previously platted parcels within an unincorporated village, the lot size may be reduced to less than one acre if the property can be served by a public wastewater facility.

a. Minimum lot area:

i. Single-family dwelling, 12,000 square feet.

ii. Multi-residential dwelling, 20,000 square feet.

SECTION 4. RMH – RESIDENTIAL MANUFACTURED HOUSING

A. Intent: The purpose of the RMH - Residential Manufactured Housing District is to provide for the location of mobile homes, modular homes, manufactured housing and the development of manufactured housing parks. It is further intended to provide for the placement of such residences on individual subdivided lots.

B. Required Uses: Storm shelters shall be required in each RMH District constructed after December 1, 2005. However, if the Board of Supervisors determines that a safe place of shelter is available within a reasonable distance of the manufactured home community or mobile home park for use by community or park residents, in lieu of requiring construction of a storm shelter, a community or park owner shall provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, Jones County Emergency Management. If construction of a storm shelter is required, the following requirements shall be met:

1. The size of the storm shelter shall be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.

2. The storm shelter shall include a restroom if the shelter is used exclusively as a storm shelter.

3. The storm shelter shall exceed the construction specifications approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.

4. The shelter shall be located no farther than one thousand three hundred twenty (1,320) feet from any manufactured or mobile home in the manufactured home community or mobile home park.

For the purpose of this Chapter, "Storm shelter" shall mean a single structure or multiple structures designed to provide persons with temporary protection from a storm.

C. Principal Permitted Uses: Premises in each RMH Residential Manufactured Housing District shall be used for manufactured housing parks only.

D. Permitted Accessory Uses: The following accessory buildings and uses are permitted:

1. Laundry facilities, recreational facilities and management offices.

2. Private garages.

3. Storage sheds.

4. Non-utility scale solar.

4. Swimming pools.

E. Special Permitted Uses: The following special uses may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Home-based industries subject to Article VII.

F. Special Provisions:

1. The maximum overall density shall be eight homes per acre of all land within the mobile home park.

2. Manufactured housing parks shall comply with all applicable requirements of the Iowa Department of Public Health and the Jones County Department of Public Health.

3. Manufactured housing subdivisions and the subdivision of manufactured housing parks shall comply with the Bulk Regulations of this article and all other provisions of this chapter.

G. District Regulations: The bulk regulations established for the RMH - Residential Manufactured Housing District are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

H. Individual Mobile Home Lot Requirements:

1. There shall be provided and maintained a minimum distance of 25 feet between mobile homes.

2. The individual mobile home lot shall be not less than 80 feet in depth and shall contain not less than 4,000 square feet in area. However, such minimum lot area may be reduced by an amount equal to an area included in common open space, (not including land in individual lots, parking areas, or streets contiguous and immediately available to the individual lot or lots having reduced minimum areas) and, by means of location, size, shape, and landscaping, being designed primarily for the utilization and enjoyment of the inhabitants of the said contiguous lots. The amount shall be reduced equally among all lots in the mobile home park. However, in no case shall an individual mobile home lot be reduced to an area less than 2,500 square feet.

I. Accessory Building Requirements:

1. All accessory buildings and structures shall maintain a minimum of ten (10) feet from the principal building and from all other accessory buildings on the same lot or parcel.

2. Accessory buildings and uses shall not be used for dwelling purposes.

J. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

K. Sign Regulations: See Article XX Sign Requirements.

L. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 5. C1 – COMMERCIAL

A. Intent: The C1 District is intended to establish and preserve a business district convenient and attractive for a wide range of retail uses and businesses, government and professional offices, and places of amusement in a setting conducive to and safe for pedestrian traffic. The uses permitted are generally low intensity in nature due to the small size of the principal building, low number of employees, and low traffic generators.

B. Principal Permitted Uses: Uses shall include the following only:

1. Banks, theaters, offices.

2. Churches or other places of worship, including parish houses and Sunday school facilities.

3. Gas stations and convenience stores.

4. Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.

5. Personal service shops.

6. Post offices, police and fire departments and stations, and telephone offices.

7. Restaurants and taverns.

8. Schools (public and private), educational institutions, hospitals, preschools, and day care facilities.

9. Stores and shops for conducting any lawful retail business.

10. Wholesale businesses and professional offices.

11. Residential apartments above the 1st floor. No apartments shall be located on the 1st floor.

12. Animal Shelters subject to Article XXI.

13. Those uses which in the opinion of the Planning and Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.

C. Permitted Accessory Buildings or Uses:

1. Private garages.

2. Storage sheds.

3. Non-utility scale solar.

D. Special Permitted Uses: The following special uses may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Bed and breakfast inns subject to Article VIII.

2. Communication towers subject to Article XIV.

3. Wind Energy Conversion Systems (WECS)- Small subject to Article XV.

4. Wineries and other Value Added Agricultural Products.

E. District Regulations: The bulk regulations established for all C1 - Commercial Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Additional Yard Requirements: Where a lot is located next to an R District, the front, side or rear yard of the permitted use in the Commercial property that abuts the R District shall be 30 feet.

G. Open Space Required: The total land area devoted to open space and landscaping shall not be less than ten (10) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme. Such open space may include the required setbacks.

H. Landscaping Required: Landscaping is required for all new buildings and additions over 500 square feet in this District. Any proposed building or addition for which landscaping is required in this District shall submit a Landscaping Plan to be approved by the Planning and Zoning Commission. The landscaping shall meet the following requirements:

1. Where possible, approved landscaping shall be used to screen parking areas, open storage of any materials or equipment, and trash and recycling enclosures.

2. Landscaping shall not be located where it will block visibility and create traffic hazards or sight distance problems.

I. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

J. Sign Regulations: See Article XX Sign Requirements.

K. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

L. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 6. C2 – HIGHWAY COMMERCIAL

A. Intent: The C2 District is intended to establish and preserve higher impact commercial areas consisting of shopping centers and commercial strips where customers reach individual business establishments primarily by automobile. The uses permitted are generally high intensity in nature due to the large size of the principal building, high number of employees, and high traffic generators.

B. Principal Permitted Uses: Uses shall include the following only:

1. Automotive service establishments, warehouses, repair shops, service stations and other auto or truck oriented uses, including farm implement sales, service and repair.

2. Churches or other places of worship, including parish houses and Sunday school facilities.

3. Gas stations and convenience stores.

4. Hotels and motels.

5. Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.

6. Restaurants and taverns.

7. Schools (public and private), educational institutions, hospitals, preschools, and day care facilities.

8. Seed, feed, biofuel plants (biodiesel, ethanol) and other direct farm supply businesses.

9. Shopping centers or malls.

10. Stores and shops for conducting any lawful retail business.

11. Wholesale businesses and professional offices.

12. Animal Shelters subject to Article XXI.

13. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.

C. Permitted Accessory Buildings or Uses:

1. Private garages.

2. Storage sheds.

3. Non-utility scale solar.

D. Special Permitted Uses: The following special uses may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Bed and breakfast inns subject to Article VIII.

2. Communication towers subject to Article XIV.

3. Wind Energy Conversion Systems (WECS)- Small subject to Article XV.

4. Wineries and other Value Added Agricultural Products.

5. Adult entertainment uses subject to Article XII.

E. District Regulations: The bulk regulations established for all C2 - Commercial Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Additional Yard Requirements: Where a lot is located next to an R District, the front, side or rear yard of the permitted use in the commercial property that abuts the R District shall be 50 feet.

G. Open Space Required: The total land area devoted to open space and landscaping shall not be less than ten (10) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme. Such open space may include the required setbacks.

H. Landscaping Required: Landscaping is required for all new buildings and additions over 500 square feet in this District. Any proposed building or addition for which landscaping is required in this District shall submit a Landscaping Plan to be approved by the Planning and Zoning Commission. The landscaping shall meet the following requirements:

1. Where possible, approved landscaping shall be used to screen parking areas, open storage of any materials or equipment, and trash and recycling enclosures.

2. Landscaping shall not be located where it will block visibility and create traffic hazards or sight distance problems.

J. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

K. Sign Regulations: See Article XX Sign Requirements.

L. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

M. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 7. I1 – INDUSTRY

A. Intent: To establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

B. Principal Permitted Uses: Premises in each I1 District shall be used for any use except residential and those permitted and special permitted uses specifically confined to the I2 Heavy Industrial District.

C. Permitted Accessory Buildings or Uses:

1. Private garages.

2. Storage sheds.

3. Non-utility scale solar.

D. Special Permitted Uses: The following special use may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Adult entertainment uses subject to Article XII.

2. Communication towers subject to Article XIV.

3. Quarry and Extraction Uses subject to Article X.

4. Wind Energy Conversion Systems (WECS)- Small subject to Article XV.

E. District Regulations: The bulk regulations established for all I1 - Industrial Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Additional Yard Requirements: Where a lot is located next to an R District, the front, side or rear yard of the permitted use in the Industrial property that abuts the R District shall be 75 feet. In addition, proper buffering (as defined in Article III, SECTION 2. Q. Buffer Area and FF. Earthen Berm) shall be included on site to mitigate negative impacts between uses.

G. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

H. Sign Regulations: See Article XX Sign Requirements.

I. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

J. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 8. I2 – HEAVY INDUSTRY

A. Intent: To establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from many other kinds of land uses.

B. Principal Permitted Uses: Premises in each I2 District shall be used for the following purposes only:

1. Auto wrecking, junk yards, and similar salvage storage shall be permitted only when enclosed within a tight unpierced fence not less than six feet in height or surrounded with a greenbelt planting strip not less than 20 feet in width and eight feet in height. All such storage shall be located not less than 30 feet from any street line and not less than 20 feet from any other lot line. The storage of rags, paper and similar combustible wastes shall not be closer than 100 feet to any property lines unless enclosed in a masonry building of not less than four-hour fire resistive construction.

2. The bulk storage of oils, petroleum and similar flammable liquids shall be permitted only when stored underground in tanks located no closer to any property line than the greatest depth to the bottom of such tanks or above ground in tanks located at least 150 feet from any property line.

3. Acid manufacture.

4. Cement, lime, gypsum, or plaster of Paris manufacture.

5. Communication towers.

6. Explosives manufacture or storage.

7. Fertilizer manufacture.

8. Smelting of tin, copper, zinc, or iron ores.

9. Solid waste transfer station or sanitary landfill.

10. Stockyards or slaughter of animals.

11. Animal Shelters subject to Article XXI.

12. Quarry and Extraction Uses subject to Article X.

13. Utility Scale Solar Energy Systems (SECS) according to Article XVI.

14. Those uses which in the opinion of the Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.

C. Permitted Accessory Buildings or Uses:

1. Private garages.

2. Storage sheds.

3. Non-utility scale solar.

D. Special Permitted Uses: The following special use may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Communication towers subject to Article XIV.

2. Wind Energy Conversion System (single unit) subject to Article XV.

E. District Regulations: The bulk regulations established for all I2 – Heavy Industrial Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

F. Additional Yard Requirements: Where a lot is located next to an R District, the front, side or rear yard of the permitted use in the Industrial property that abuts the R District shall be 100 feet. In addition, proper buffering (as defined in Article III, SECTION 2. Q. Buffer Area and FF. Earthen Berm) shall be made to mitigate negative impacts between uses.

G. Off-Street Parking: See Article XXII Off-Street Parking Requirements.

H. Sign Regulations: See Article XX Sign Requirements.

I. Accessory Use Requirements: See Article XIII Accessory Use Requirements.

J. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 9. P – PUBLIC

A. Intent: It is intended that the Public District provide reference on the zoning map to public uses of land. Thus land owned by the United States Federal Government, the State of Iowa, Jones County, Cities, or Public School Districts will be designated Public Use.

B. Principal Permitted Uses: Premises in each P District shall be used for any use of land, buildings or structures of the aforementioned governments and political subdivisions thereof.

C. Permitted Accessory Buildings or Uses:

1. Private garages.

2. Storage sheds.

3. Non-utility scale solar.

D. District Regulations: The bulk regulations established for all P - Public Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

E. Accessory Use Requirements: See Article XIII Accessory use Requirements.

F. Additional Yard Requirements: Where a lot is located next to a district with different setback requirements, the deepest setback required shall apply.

G. Lighting Requirements: See Article XIX Lighting Requirements.

SECTION 10. CRAO – CRITICAL RESOURCE AREA OVERLAY

A. Findings: Jones County finds that the rivers and streams designated on the official Jones County Zoning Map are a unique and valuable local resource. The prevention and mitigation of irreversible damage to these valuable resources and the preservation and enhancement of their natural, aesthetic, and recreational values are in furtherance of the health, safety, and general welfare of the County.

B. Intent: The intent of this Section is to promote orderly development of residential and recreational uses within the designated corridors located in the County. In addition, it is the County's intent to conserve the natural and scenic beauty of the designated corridors as well as to conserve the natural resources of the designated corridors. Also, it is the intent to provide for the compatibility of different land uses and the most appropriate use of land throughout the Critical Resource Areas.

C. Establishment of the Critical Resource Area Overlay District: A Critical Resource Area Overlay District with its attendant regulations is hereby established as a part of the Jones County Zoning Ordinance. This District shall overlay the zoning districts presently in existence, or as amended, so that any parcel of land lying in the Overlay District shall also lay in one or more of the underlying established zoning districts. Land within the Overlay District shall be subject to the requirements established in this Ordinance as well as restrictions and the requirements established by other applicable ordinances. Within the Overlay District, all uses shall be permitted in accordance with the regulations for the underlying zoning district or districts; provided, however, that such uses shall have first satisfied the additional requirements established in this Section.

D. Land to Which Regulations Apply: This Chapter shall apply to public and private lands within the Critical Resource Area corridors as designated on the Official Jones County Zoning Map. At the time of adoption, that includes abutting property along the following rivers and streams:

1. Maquoketa River
2. North Fork Maquoketa River
3. Silver Creek
4. Mineral Creek
5. Buffalo Creek
6. Little Bear Creek
7. Bear Creek
8. Wapsipinicon River
9. Walnut Creek
10. South Fork Walnut Creek

11. White Oak Creek

12. Whitewater Creek

13. Muskrat Slough

14. Kitty Creek

15. Dutch Creek

E. Principal Permitted Uses: Uses permitted in the underlying district will be permitted in the Critical Resource Area Overlay District.

F. Permitted Accessory Buildings or Uses: Accessory uses permitted in the underlying district will be permitted in the Critical Resource Area Overlay District.

G. Special Permitted Uses: Permitted subject to regulations contained in the underlying district.

H. District Regulations: All bulk regulations are the same as those permitted in the underlying district unless noted here. The following bulk regulations are established for all CRAO – Critical Resource Area Overlay Districts. If the regulation in the underlying district is more restrictive, the more restrictive standard will apply (example: if the underlying district is R5, which requires five (5) acres, the R5 requirement is more restrictive, therefore the lot size shall be five (5) acres.) All regulations are minimum standards unless otherwise noted.

1. Lot Size: Three (3) acres for all uses other than wind turbines and communication towers as established in the underlying district.

2. Setbacks:

   a. There shall be a 100-foot minimum between any building or structure and a right-of-way along a designated river or stream corridor.

   b. Side yard setbacks shall be 50-foot minimum between any building or structure and the lot line.

   c. All other setbacks shall be the same as permitted in the underlying zoning district.

   d. Exceptions to setback requirements shall include public safety facilities, public bridges and approaches, public roadways serving water-related uses, public recreational facilities, scenic overlooks, regional and local trails, docks and boat launching facilities, and historical sites designated in National and State Registers of Historical Places.

3. Placement of Structures: No land with slopes, before alteration, in excess of 20 percent will be developed for use by any structure except for the construction of erosion control devices. Development on land with a slope, before alteration, in excess of 12 percent but less than 20 percent

will be permitted, providing the applicant can ensure the project meets the following conditions:

a. The foundation and underlying material of any structure, including roads, shall be adequate for the slope condition and soil type.

b. The developer can demonstrate that development during and after construction can be accomplished without increasing erosion and there is a proper utilization of controls to reduce runoff to nondestructive levels.

c. The proposed development presents no danger of falling rock, mud, uprooted trees, and other material to structures, recreational facilities, public lands, and public waters downhill.

4. Line of Sight: Development of new expansion of existing structures shall be placed so that the development is consistent with the reasonable preservation of the view of the Critical Resource Area Corridor from other properties on both sides of the corridor and by the public.

a. Existing and planned vegetation shall be considered in structure siting and design.

b. The development of new and reconstruction of existing structures shall be accomplished so as to minimize the need for tree and other vegetation removal.

SECTION 11. PD - PLANNED DEVELOPMENT

A. Intent: To provide flexibility in mixed-use site development in exchange for long term community benefits where traffic and utilities are adequate, where the use is compatible with adjacent development and where the proposed development does not impinge on existing agricultural operations or neighboring properties.

B. Principal Permitted Uses: Property and buildings in the Planned Development District may be used for the following purposes of which are generally allowable uses that are compatible with adjacent properties:

1. Single Family Residential.

    a. Patio homes

2. Zero lot-line Residential.

    a. Duplexes, Triplexes, Quadraplexes

    b. Townhouses

    c. Condominiums

3. Multiple Family Residential.

4. Neighborhood Commercial.

5. Residential over Commercial.

6. Commercial: offices, professional services, urgent care, restaurants, branch banks, and similar facilities.

7. Nursing/Care facilities.

8. Retirement communities (over 55) and congregate housing.

9. Golf courses.

10. Light industry/manufacturing, larger than home based industry less than 10,000 square feet.

11. Parks, recreation and libraries.

12. Utility Scale Solar Energy Systems (SECS) according to Article XVI.

C. Permitted Accessory Buildings or Uses:

1. Private garages.

3. Storage sheds.

3. Non-utility scale solar.

D. General Requirements: The densities for residential, commercial and light manufacturing shall be established at the time of review and approval with special considerations for:

1. The intensity and potential conflicts with adjacent development.

2. The amenities and services provided for the residents.

3. The demand for non-residential development proposed.

4. The mix of other residential and non-residential development in the vicinity.

5. The adequacy of adjacent traffic and transportation facilities.

6. The adequacy of utilities and public services.

E. District Size: A minimum of five (5) acres shall be required for the establishment of a planned development district. Access to the district shall be from a paved public road.

F. District Regulations: The bulk regulations established for the PD – Planned Development District are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

G. Application – In addition to the regular Subdivision application requirements, the developer shall submit:

1. Legal Description of the property.

2. Ten (10) copies of a site plan containing the existing topography, 2 foot contours, existing structures, and fences.

3. Site plan of the proposed development showing all buildings, streets, and parking areas.

4. Buffers and Landscaping.

5. Water service.

    a. Single lot wells.

    b. Shared wells, with agreements.

    c. Community wells, with agreements.

6. Waste Water Services

    a. On-site septic systems.

    b. Shared septic systems with approval from the Board of Heath and recorded agreements.

c. Community wastewater disposal systems with agreements.

7. Lighting Requirements: See Article XIX

8. Sign Requirements: See Article XX

9. Parking Requirements: See Article XXII

10. Written description of the project, including:

a. How the proposed development meets the requirements of the current Jones County Comprehensive Plan.

b. How the proposed development offers more benefits to the general public than a development that would be allowed from any district alone.

c. How the general public will benefit by the proposal because of increased accommodations and aesthetic amenities.

d. That the design is in accord with generally accepted principles of architecture, landscape architecture, engineering and related fields.

11. The applicable fee.

H. Procedure to review plats

1. Application submission: Upon receipt of a completed application, the Land Use Administrator shall place the request on the agenda of the next scheduled Planning & Zoning Commission meeting.

2. Public notice: The Land Use Administrator will provide for a proper notice. Proper notice shall consist of a publication of the request along with the time and place for the hearing at least five (5) days prior to the hearing, but no longer than twenty (20) days prior to the hearing in all of the officially designated newspapers of the County. In addition, certified mailings shall be sent to all adjoining property owners with the time and place for the hearing. This notice will combine both the zoning map amendment and subdivision plat design.

3. Report by Land Use Administrator: In consultation with other county and state departments, the Land Use Administrator will prepare a written analysis of the proposal.

4. Review by the Planning & Zoning Commission: The Planning and Zoning Commission shall conduct the necessary hearing and make a recommendation to the Board of Supervisors to approve, approve with conditions or reject the proposal for specific reasons. The recommendation shall be forwarded to the Board of Supervisors for public hearing(s) and action.

I. Special Requirements:

1. Development Standards: Planned Developments shall comply with the standards of the Zoning Ordinance and Subdivision Regulations except where the County finds that public and private amenities exceed the minimum standards.

2. Community amenities: Deviations from the regulations established in the Ordinances may be recommended by the Planning & Zoning Commission and the Board of Supervisors subject to:

    a. Transportation amenities including trails, transit orient improvements such as bike lanes, bus shelters;

    b. All roads and parking areas shall be paved hard surfaces;

    c. Dedication of public lands;

    d. Open space for agricultural land preservation;

    e. Community facilities for provision of public services beyond those required for the Plan;

    f. Housing that is reserved for affordable to low and very low income households pursuant to HUD definitions and regulations;

    g. Other provisions in excess of minimum standards that benefits are found to offset the deviations from the strict development standards.

3. Contractual Agreements:

    a. The Developer shall enter into an agreement with the County upon approval acknowledging that the approval allows development and use of the parcel under certain specific conditions;

    b. A seller of a property that is in the PD-Planned Development District shall apprise any buyer(s) of the terms and conditions of the approval;

    c. The Developer releases the County from any liability for misrepresentation or violation of the terms and conditions of the approval; and,

    d. The Developer shall set forth the conditions of approval within the covenants. Such covenants shall be filed with the final approved plan and plat.

4. Conformance with Subdivision Review: Subdivision review shall conform to the current Subdivision Regulations.

5. Conformance with Subdivision requirements: The site plan shall satisfy the requirements of the subdivision regulations for preliminary and final plats.

6. Transfer of Ownership: No person shall sell, convey or transfer ownership of any property or portion thereof within a PD-Planned Development district until such time as the buyer(s) have been informed of the properties exact status and conditions of approval.

7. Planned Development Designation: The Land Use Administrator shall designate each PD-Planned Development on the Official Zoning Map.

J. Amendments: Proposed Amendments to the Plan shall be subject to all regulations and procedures. The Land Use Administrator shall determine if the amendments requested are minor modifications or significant alterations requiring additional public hearings, such as a zoning amendment, increased density, increased intensity, boundary and setback alterations, reduction in amenities and similar changes.

ARTICLE VI NON-CONFORMING USES

SECTION 1. NON-CONFORMING USE PROVISIONS

This Ordinance recognizes non-conforming uses of the land which were established and lawful prior to the adoption of this Ordinance. Said non-conforming uses are permitted to continue until their removal or abandonment. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building, which was lawfully under construction at the effective date of adoption of this Ordinance.

SECTION 2. CHANGES IN NON-CONFORMING USE

The following instances shall constitute a change in a non-conforming use that will require consideration by the Board of Adjustment and the issuance of a variance permit under Article XXV of this Ordinance:

A. The enlargement or extension of a non-conforming use of land to occupy additional lots or parcels beyond the lot or parcel occupied by the use at the time of adoption of this Ordinance.

B. A re-establishment of a use after more than one year has passed from the date the non-conforming use of the land has ceased or been discontinued, or the establishment of any new use.

C. A non-conforming use with any loss due to an act of God may be re-established within one year of the loss without a variance. The re-established use shall not be enlarged or extended beyond the original scope before the loss.

These changes in land use must be approved by the Board of Adjustment under Article XXIV of this Ordinance, unless such use is a principal permitted use of the applicable District.

ARTICLE VII HOME-BASED INDUSTRY

SECTION 1. INTENT

It is the intent of this Article to allow for limited commercial activity as a Special Permitted Use in certain districts. A Home-Based Industry proposal will be reviewed by the Board of Adjustment. A Home-Based Industry will be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

A. A Home-Based Industry is allowable only on a parcel of land which contains an occupied residence.

B. A Home-Based Industry is an activity which is confined totally within the residential structure or existing buildings.

C. A Home-Based Industry should meet, at a minimum, the following standards:

1. It may be service and/or product oriented;

2. It shall not occupy more than 20% of the floor area of one floor of the dwelling;

3. It shall not be objectionable to its surroundings due to nuisance factors such as exterior appearance, the emission of odor, gas, dust, smoke, noise, or in any other way;

4. Not more than one (1) person who is not a member of the family thereby residing shall be regularly employed on the premises in addition to the proprietor;

5. No outside storage or display or products shall be allowed except in the case of roadside stands in which products produced on the respective property are offered for sale.

6. It shall not create traffic or delivery concerns in the immediate area; and,

7. There shall not be created diminishment or impairment of established property values to adjoining or surrounding property.

ARTICLE VIII BED AND BREAKFAST INNS

SECTION 1. INTENT

It is the intent of this Article to allow for Bed and Breakfast Inns as a Special Permitted Use in certain districts. A Bed and Breakfast Inn proposal will be reviewed by the Board of Adjustment. A Bed and Breakfast Inn will be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

A. Accommodations must be in the family home in which the host/hostess resides.

B. There shall be no separate or additional kitchen facility for the guests.

C. A guest register shall be maintained of all guests, their length of stay, and their place of residence.

D. One (1) person not a member of the family thereby residing may be regularly employed on the premises in addition to the proprietor.

E. Limited services to the public such as receptions, private parties, meetings and similar events may be provided by appointment only. Meals shall be served only to residents and overnight guests. All parking for such events shall be restricted to approved, designated, off street parking spaces.

F. It shall not be objectionable to its surroundings due to nuisance factors such as exterior appearance, the emission of odor, gas, dust, smoke, and noise or in any other way.

G. It shall not create traffic or delivery concerns in the immediate area.

H. There shall not be created diminishment or impairment of established property values to adjoining or surrounding property.

ARTICLE IX COMMERCIAL RECREATION USES

SECTION 1. INTENT

The purpose of this section is to allow certain permanent and temporary recreational uses in an Agricultural District. A commercial recreational use proposal will be reviewed by the Board of Adjustment and will be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

A. Description of proposed Commercial Recreation Activity.

B. Impact on Prime Agricultural Land (including Corn Suitability Rating (CSR) of Proposed Soils), and livestock.

C. Anticipated Traffic Volumes (impact on local roads, adjacency to hard surface roads).

D. Availability of Emergency Services.

E. Noise impact on surrounding property owners, residents, and livestock.

F. Safety features of the proposed commercial recreation use (protective fencing, berms, barriers, etc).

G. Sanitary Services (permanent and temporary waste disposal plans).

SECTION 2. APPLICATION REQUIREMENTS

The applicant for a Special Use Permit for construction of a commercial recreation use shall file an application with the County Land Use Administrator accompanied by a fee which will be established by resolution of the Board of Supervisors. The application shall include the following:

A. A description of the proposed activity.

B. A site plan, drawn to scale, identifying the site boundary; location of proposed tracks, trails, or other physical features of the proposed activity; existing and proposed structures, including accessory structures; parking, fences and landscape plan; and existing uses on abutting parcels.

C. A current map showing locations of surrounding properties and soil types including corn suitability ratings for the soils to be used in conjunction with the Commercial Recreation Use.

D. If applicant is other than the site owner, written authorization from the site owner for the application:

   1. Identification of the owners/partners of the proposed Commercial Recreation Activity to be located at the site.

   2. Additional information as required to determine that all applicable conditions of this ordinance have been met.

E. Describe anticipated traffic volumes that will be generated by the proposed activity. Any traffic control proposals including dust control and parking provisions.

F. Provision of emergency services in the event of accident or injury.

G. Describe the impact of noise on surrounding property owners and provisions to minimize the noise impact.

H. Describe safety features proposed to protect the public from accident or injury such as fences, berms and other protective measures.

I. Describe sanitary services to be available to the public for proper disposal of waste products and wastewater.

SECTION 3. ABANDONMENT

In the event the use of the Commercial Recreation Use has been discontinued for a period of 275 consecutive days, the use shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the County Land Use Administrator. Upon such abandonment, the property owner shall have an additional 180 days within which to (1) reactivate the Commercial Recreation Use, or (2) dismantle and remove any structures associated with the use. If the structure(s) is not dismantled and removed as required, the County may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

ARTICLE X QUARRY and EXTRACTION USES

SECTION 1. INTENT
The purpose of this article is to regulate the location and operations of quarries and sandpits within unincorporated Jones County. This shall include excavation, extraction, recycling of materials such as concrete, asphalt, crushed stone, bricks, blocks, minerals, gravel, mines, open pits and impoundment of waters. Quarries and sandpits are a necessary natural resource for road building and maintenance, crop production, and general construction.

SECTION 2. GENERAL REQUIREMENTS
The establishment or expansion of any such use within the Agricultural and Industrial Districts shall be reviewed by the Board of Adjustment. New quarries shall not be permitted in Residential and Commercial zones. The proposal shall be permitted only when it conforms to the following and is subject to any additional conditions deemed appropriate by the Board of Adjustment.

SECTION 3. QUARRY DEFINITIONS

A. Buffering: A technique to create a space between two different types of properties with an interest of minimizing disturbances between potentially incompatible land uses.

B. Cessation: Failure of an Operator or Owner to maintain a Mine License and Bonding as required by IDALS.

C. Dewatering: The extraction of surface and groundwater from a mine, open pit or impoundment to allow extraction of natural resources.

D. FEMA: Federal Emergency Management Agency

E. IDALS: Iowa Department of Agriculture and Land Stewardship

F. IDNR: Iowa Department of Natural Resources

G. Impoundment: A body of water confined within an enclosure.

H. MSHA: Mine Safety and Health Administration

I. Quarry, Mining and other Extractive Uses: A place where sand, gravel, soil, rock, ore, stone, shale and similar materials are excavated and processed for sale or other off-premises uses. The recycling of asphalt and concrete products shall be included in this use designation.

J. Reclamation Plan: A plan which describes the manner in which an excavation site will be restructured, reshaped, re-vegetated, and otherwise restored that conforms to IDNR and IDALS requirements.

K. Site Plan: A site plan that shows existing contours, building and improvement locations and dimensions, existing and proposed roadways including ingress and egress to public roads, parking,

utilities, drainage facilities, sanitary sewer lines, water lines, trails, lighting, and landscaping.

L. USEPA: United States Environmental Protection Agency

SECTION 4: APPLICATION REQUIREMENTS

A. Application requirements: As part of the application for a Special Permitted Use, a site plan of the property shall be prepared by a licensed engineer, land surveyor, or qualified representative of the Owner/Operator and filed with the application showing the boundary limits of proposed excavations or mine. All quarries, mining, and other excavation uses shall comply with the IDALS reclamation standards, which include yearly reporting, annual bond reviews, and inspections from the state minerals inspector.

B. Setbacks: The following setbacks shall apply:

1. No stockpile, waste piles or processing equipment shall be closer than fifty (50) feet from a property line.

2. No part of the quarry pit, entrance to quarry, truck parking area, or scales shall be closer than fifty (50) feet from a property line.

3. The operator shall be permitted to construct berms for visual screening within the setback areas.

4. Setbacks for sand extraction and sandpits shall conform to IDALS requirements.

C. Required conditions: No Special Permitted Use shall be issued unless, at a minimum, provisions for the following conditions are included on the site plan and/or in a written attachment to the application. All design, construction, installation, blasting and operations shall comply with Chapter 60 – Minerals Program, Chapter 101A – Explosive Material and Chapter 208 – Mines of the Iowa Code. In addition, other conditions, as prescribed by the Board of Adjustment, may be warranted to mitigate any deleterious effects of the proposed use.

1. A fee shall be paid by the applicant at the time the application is submitted. The amount of the fee shall be set by the County by resolution.

2. A site plan which has been prepared and approved by a licensed engineer, land surveyor or qualified representative of the Owner/Operator that shows the following:

a. Fencing of the operation which includes the type and location of fencing and gates around the perimeter of the active operations.

b. Buffering features, including but not limited to berms and landscaping, for visual, noise, fugitive dust and odor control.

c. Location of the scale, scale house and any other structures used for on-site accessory operations for cutting, polishing, engraving, concrete mixing, asphalt batching and other similar operations issued by temporary permit.

d. Water impoundments, storm water control features, dewatering sumps, and setbacks to streams and rivers.

e. Access, routes, signage and drainage plans shall be approved by the County Engineer.

f. Any lighting or signage for the property must conform to Article XIX Lighting Requirements and Article XX Sign Requirements.

g. Listing of days and hours of operation (daylight hours, unless prior approval is granted for temporary uses related to municipal, county, state and federal construction projects).

h. A reclamation plan conforming to IDALS specifications and regulations.

i. The site plan shall be approved by the Jones County Flood Plain Coordinator.

D. Buffering: The use of buffers shall be required between quarries and commercial and residential zoning districts and land uses. The following provisions apply:

1. All buffer areas shall be landscaped or fenced (6 ft. high minimum) to provide a visual screen. Buffering may include any of the following:

a. Fencing.

b. Landscaping: Landscaping shall consist of native plant and tree species. A hedge along a fence line is acceptable.

c. Storm water management: Buffer areas may include drainage swales, storm water detention or infiltration areas only if landscaping requirements can still be met.

d. Dense landscaping is preferred over berms or in combination with berms. Erosion control shall be provided for all soil stockpiles including berms.

2. Maintenance: All buffer areas shall be kept free of litter, debris, noxious weeds, and species of plants identified by the IDNR as exotic or invasive.

SECTION 5: EXCEPTIONS

Agricultural operations, farm ponds, recreation or decorative ponds less than two (2) acres, drainage or detention ponds, open excavations less than one (1) acre with no product sales or the operation is for on-site use only.

SECTION 6: RECLAMATION PLAN

The Owner/Operator shall be required to notify the Land Use Administrator of its intent of closing a mining operation at least one year prior to completion of the mine or sandpit operations. Reclamation shall be completed within two years after closure of operations. Reclamation is encouraged as part of the active mine expansion. Proof of IDALS shall be provided to the Jones County Land Use Administrator.

SECTION 7: NON-CONFORMING USES

Non-conforming quarries and mines shall be governed by Article VI Non-Conforming Uses. Cessation of mining operations in conjunction with an owner/operator's failure to maintain a mine license and bonding on an annual basis per IDALS regulations shall cause a non-conforming mine or sandpit to comply with this Article and shall be cause for application and review by the Board of Adjustment and subject to these Special Permitted Use requirements.

ARTICLE XI SEASONAL DWELLING UNITS

SECTION 1. SEASONAL DWELLING UNITS

Seasonal Dwelling Units are permitted in the A districts. To qualify, a seasonal dwelling unit can be a building which is temporarily rented or leased and not for year-round occupancy. A seasonal dwelling unit is separate and clearly accessory and incidental to the principal dwelling unit on the same property. Seasonal dwelling units shall be approved by the Board of Adjustment and are subject to the following supplemental conditions and any other conditions as may be warranted by the Board of Adjustment to mitigate any deleterious effects of the proposed use and to promote the public health, safety and general welfare.

A. At least 10 acres is required to have one seasonal dwelling. For each additional seasonal dwelling on the same property, an additional acre is required.

B. Each seasonal dwelling unit shall be adequately served by water and septic systems approved by the County Health Department.

C. An applicant shall submit a site plan for any proposed seasonal dwelling units showing the location of the unit(s), the size of the property, the proposed utilities and other infrastructure, including roads.

D. A seasonal dwelling unit is for temporary dwelling only and not for year-round occupancy.

ARTICLE XII ADULT ENTERTAINMENT USES

SECTION 1. PURPOSE AND GENERAL INTENT

The purpose of this Article is to regulate the use of adult entertainment establishments within Jones County. Adult entertainment establishments may be allowed as a special permitted use within any C2 or I1 districts providing they meet the following regulations:

A. Any adult entertainment establishment must be located at least 2,640 feet (1/2 mile) from any residential dwelling, church, park or daycare within Jones County.

B. Adult entertainment uses may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use and to promote the public health, safety and general welfare of the residents of Jones County.

ARTICLE XIII ACCESSORY BUILDING AND USE REQUIREMENTS

SECTION 1. ACCESSORY BUILDINGS AND USES

The following requirements shall be provided for within each Zoning District excepting the RMH (Residential Manufactured Housing).

A. Accessory buildings and uses shall be incidental to the principal use.

B. Accessory buildings and uses shall take up no more than thirty (30) percent of the yard it occupies.

C. Accessory buildings and uses shall not be used for dwelling purposes.

D. Accessory buildings and uses shall not be located in any front yard.

ARTICLE XIV COMMUNICATION TOWER REQUIREMENTS

SECTION 1. COMMUNICATION TOWERS

Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that Jones County regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers which are able to transmit their signals at much greater distances.

In recognition of the requirements of the Federal Telecommunications Act of 1996, this ordinance is designed and intended to balance the interests of the residents of Jones County, Iowa, telecommunications providers, and telecommunication customers in the siting of telecommunication facilities within Jones County, so as to ensure coordinated development of communications infrastructure while preserving the health, safety and welfare of the County and its residents. More specifically this Article has been developed in order to:

A. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the county;

B. Encourage providers to co-locate their facilities on a single tower;

C. Minimize the location of facilities in visually sensitive areas;

D. Encourage creative design measures to camouflage facilities;

E. Protect historic and residential areas from potential adverse impacts of communication towers;

F. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

SECTION 2. COMMUNICATION TOWER DEFINITIONS

A. Antenna: A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

B Co-Location: Locating wireless communication facilities from more than one provider on a single site.

C. Height of Tower: The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

D. Tower: A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include:

1. Self-supporting lattice,

2. Guyed,

3. Monopole.

E. Wireless Telecommunication Services: Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

F. Wireless Telecommunication Facilities: A facility operated by a licensed wireless telecommunication service provider which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

SECTION 3. COMMUNICATION TOWER EXEMPTIONS

A. No regulation or restriction adopted under the provisions of this Article shall be construed to control the type or location of distributing equipment and structures of utility companies, including but not limited to poles, towers, wires, or any other similar distributing or operating equipment of a telephone, power, gas, and railroad company which are subject to the regulation of the Iowa Commerce Commission.

B. This Article shall not govern any tower, or the installation of any antenna, that is under one hundred (100) feet in height and is owned and operated by a federally licensed amateur radio station operator or used exclusively for receive only antennas.

C. Wireless Telecommunications Facilities shall not be considered infrastructure, essential services, or public utilities. Siting for telecommunications facilities is a use of land and subject to Jones County's applicable ordinances and regulations.

SECTION 4. COMMUNICATION TOWER LOCATIONS

A. To minimize the overall number of towers in Jones County, providers will be required to participate in co-location agreements or provide an engineered certificate indicating why co-location is not possible in the location.

B. To ensure that new towers will be safe and blend into their environment, providers will propose designs consistent with site characteristics.

C. To minimize placement of wireless equipment in populated areas, new towers shall be located only in A, A2, C1, C2, I1 and I2 Districts.

SECTION 5. COMMUNICATION TOWER BULK REQUIREMENTS

A. Lot Size. Wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than 20,000 square feet in area.

B. Height. The maximum height of a tower proposed under this regulation shall be 350 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

C. Setbacks. All freestanding monopole towers shall comply with the following minimum property line setbacks:

1. Front Yard or Side Yard along a Street: A distance equal to 3/4 the height of the tower.

2. Side or Rear Yards: 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.

3. All other towers: shall be located a minimum distance from any property line of at least 100 feet or a distance equal to the height of the tower, whichever is greater.

4. All lots housing equipment buildings/boxes or equipment areas shall have a minimum of 150 feet of frontage width and a minimum of 150 feet in depth. No structure shall be closer than 30 feet from any property line.

SECTION 6. COMMUNICATION TOWER GENERAL REQUIREMENTS

A. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence/inhabited structure.

B. Towers in Jones County requiring lighting, shall be painted aviation orange and white according to FAA specifications and be equipped with only red night time beacon lighting system.

C. Towers may not be used to exhibit any signage or other advertising.

D. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

E . All applications for wireless telecommunication sites within the Flood Plain area shall comply with the Jones County Flood Plain Management Ordinance.

F. All applications for wireless telecommunication sites shall be reviewed by the Jones County Historic Preservation Commission.

SECTION 7. COMMUNICATION TOWER SITE PLAN REQUIREMENTS
Providers wishing to site a new tower within Jones County must provide an application and Site Plan with the following:

A. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

B. Details of all proposed antenna and mounting equipment including size and color.

C. Elevations of all proposed shielding and details of materials including color.

D. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.

E. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

F. A determination from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements.

G. A map depicting the extent of the provider's planned coverage within Jones County and the service area of the proposed wireless telecommunication site.

H. A map indicating the search radius for the proposed wireless telecommunication site.

SECTION 8. COMMUNICATION TOWER ABANDONMENT

A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area.

SECTION 9. COMMUNICATION TOWER EXPIRATION OF PERMIT

The approval of an application for any permit shall be void and of no effect unless construction of the project commences within one year.

SECTION 10. COMMUNICATION TOWER REGISTRATION

Applicants shall provide written data regarding ownership of the tower, operating engineer or service technician including FCC Antenna Structure Registration Number management of the tower (which shall include three contacts), and the name of the lessor and lessee.

ARTICLE XV WIND ENERGY CONVERSION SYSTEMS

SECTION 1. INTENT
The purpose of this Article is to regulate the siting, construction and operation of Wind Energy Conversion Systems (WECS) to protect the health, safety and welfare of non-participating neighboring property owners and the general public. Wind energy is an abundant, renewable and non-polluting energy resource.

SECTION 2. PURPOSE
The purpose of this Article is to provide the requirements necessary for the siting, construction and operation of both large and small wind energy conversion facilities in Jones County and subject to reasonable restrictions which will preserve the public health, safety and welfare.

SECTION 3. WECS DEFINITIONS
As used in this Article, the following terms are hereby defined, in addition to those found in Article III Definitions:

A. Components: All of the physical facilities comprising a WECS; including turbines (i.e. – the tower, nacelle, hub, motor, and blades), turbine foundations, transformers, crane pads, feeder lines, and any accessory buildings and equipment. Components shall include any substations that are constructed in conjunction with a Commercial WECS Project.

B. Decommissioning: The process of use termination and removal of all or part of a large wind energy facility by the owner or assigns of the large wind energy facility.

C. Feeder line: Any above or below-ground line that carries electrical power from one or more turbines.

D. FAA: The Federal Aviation Administration

E. Facility Owner: The participating entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

F. Hub Height: When referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.

G. MET Tower: A meteorological tower used for the measurement of wind speed and direction plus atmospheric conditions.

H. Occupied non-residential structure: Any building (other than a residence) that is regularly occupied by humans, and that is open to the public, sells goods or services, or a public, religious, or other non-profit institution, such as schools, hospitals, libraries, office buildings, manufacturing buildings, retail buildings, offices, churches, etc.

I. Occupied residence: A building designed for, and actually occupied on a permanent basis as, a dwelling, including single and multiple family dwelling units.

J. Project Area: The geographic area encompassing all components of a Commercial WECS project.

K. Property line: The legal boundary between separately-owned real estate parcels, and between privately-owned parcels and publicly-owned land or public right-of- way.

L. Public Conservation Areas: Land owned by County, State or Federal agencies and managed for conservation/preservation purposes, including but not limited to Wildlife Management Areas, Conservation Areas, Parks, Preserves, Wildlife Refuges, and Waterfowl Production Areas. For purposes of this regulation, Public Conservation Areas also include land owned by non-profit conservation organizations and other privately owned lands upon which permanent conservation easements have been granted to public agencies or non-profit conservation organizations. Public Conservation Areas do not include land enrolled in the Conservation Reserve Program (CRP).

M. Rotor Diameter: The diameter of the circle described by the turbine's moving rotor blade tips.

N. Site: The parcel(s) of land where a wind energy facility is to be placed. The site can be publicly or privately owned by an individual or group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership or control, the combined lots shall be considered as one for purposes of applying setback requirements.

O. Total Height: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

P. Use Termination: The point in time at which a wind energy facility owner provides notice to Jones County that the wind energy facility or individual wind turbines are no longer used to produce electricity unless due to a temporary shutdown for repairs. Such notice of use termination shall occur no less than 30 days after actual use termination.

Q. Tower: shall mean the vertical structure that supports the electrical generator, rotor blades, or meteorological equipment. Reinforced concrete Towers shall not be permitted in Jones County.

R. Tower height: The highest point above ground level reached by a rotor tip or any other part of a turbine.

S. Wind Energy Conversion System (WECS), Large/Industrial: A facility that generates electricity or performs other work consisting of one or more wind turbines not falling under the definition of a small wind energy facility under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers, or any facility not falling under the definition of a small wind energy facility. **Multiple units are allowed within the A2-Agricultural District. Single units allowed within I2-Heavy Industry District.**

T. Wind Energy Conversion System (WECS), Small: A single wind energy system that generates electricity or performs other work, has a total height of one hundred twenty (120) feet or less or is affixed to an existing structure, has a power output rated capacity of 100 kilowatts or less, and is intended to primarily reduce the on-site consumption of electricity. Any wind energy facilities not falling under this definition shall be deemed a large wind energy facility. **Allowed within the A-**

Agricultural, R-Residential, C1-Commercial, C2-Highway Commercial, and I1-Industry Districts.

U. Wind Farm: Two or more wind turbines under common ownership or control not falling under the definition of a small wind energy facility.

V. Wind Turbine: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base, and pad.

SECTION 4. WIND ENERGY CONVERSION SYSTEM EXEMPTIONS

A. This Article shall not govern any wind turbine that produces 10 kilowatts or less.

B. No regulation or restriction adopted under the provision of this Article shall be construed to apply to a parcel to be used strictly for farm or farming purposes as defined in Article III, Section 2 HH.

SECTION 5. MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE

A. Roads: Applicants shall identify all roads to be used for the purpose of transporting WECS, substation parts, concrete, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the Jones County Engineer prior to construction.

B. Existing Road Conditions: Applicant shall conduct a pre-construction baseline survey, in coordination with the impacted local road authorities to determine existing road conditions for assessing potential future damage. The survey shall include photographs or video and a written documentation of the condition of the public road. The applicant is responsible for on-going road maintenance and dust control measures identified by the Jones County Engineer during all phases of construction. The applicant is responsible for any costs required to repair roads to pre-construction baseline conditions. Jones County reserves the right to halt operations if road conditions deteriorate to a point that creates a hazard to the public. The Jones County Engineer will conduct a post construction survey with the applicant.

C. Drainage System: The Applicant shall be responsible for immediate repair for damage to public drainage systems stemming from construction, operation or maintenance of the WECS. All bridge and culvert crossings must be pre-approved by the Jones County Engineer.

D. Post Completion Survey: The Applicant and the Jones County Engineer will meet upon the completion of the project and agree as to the necessary action needed to return roads to the existing road conditions as identified in the paragraphs above.

E. Performance Bond or Equivalent Financial Instrument: The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authorities sufficient to restore the road and bridges and culverts to pre-construction conditions. A performance bond or equivalent financial instrument, approved by the Jones County Attorney's Office, shall be submitted, upon the commencement of construction, covering 130% of the costs of all required improvements. This requirement may be waived by the Board of Supervisors' written recommendation from the Jones County Engineer.

SECTION 6. APPLICATION AND REVIEW

Applicants wishing to site a new Wind Energy Conversion System (WECS) within Jones County must provide an application and site plan. Each project shall require a separate application. The application will depend on the size of the project. Large WECS will use the Rezoning application to the A2- Agricultural District under the procedures established in Article XXVII Amendments of this Ordinance. Small WECS will use the Special Permitted Use application under the appropriate district. The application shall contain the following:

A. The name, address, EIN of the Applicant, as well as the proposed owners or operators of the Project, including the contact information (name, address, telephone and email) of their authorized representatives. The Application shall designate the entity who will be the permit holder of the WECS Construction Permit.

B. A list of the names and addresses of all property owners:

    1. Located within the Project Area, and,

    2. Located within 1 mile (5,280 feet) of any Turbine in the Project Area.

C. A Development Plan ("Plan") for the Project, which Plan shall contain aerial photographs of the entire proposed Project Area, showing the approximate proposed location of the Turbines, private access roads, feeder lines, substations and all other components of the project. The plan shall show property lines and setback distances, as well as all public roads and public drainage district facilities (i.e. – ditches and underground tiles) in the project area. The plan shall also identify any other turbines, communication antennae, and airports (including private airstrips) located within five (5) miles of the project area; and all lakes, permanent water courses and Public Conservation Areas within three (3) miles of the project area boundaries. In providing the above information, the plan shall use a GPS coordinate system that is compatible with the County's geographical information and data systems. The plan shall also include a mailing address for the owner of each communication antennae identified.

D. Project details, including the name of the project, and the anticipated number, type, generating capacity, tower height, and rotor diameter of the turbines. The final number, type, generating capacity, tower height, and rotor diameter(s) must be provided in the final development plan.

E. Documentation of Applicant's legal control over the private property necessary for the Project, signed by the property owner. Such legal control must vest in the permit holder of the WECS Permit at the time of its issuance.

F. A description of the public roads anticipated to be used during all phases of construction, as well as for access to material storage sites and staging areas. Before construction commences on a project, all public road and

public drainage district crossings must be provided to the County Engineer, and approved for compliance with the County's Road Use and Public Drainage System Protection Agreements.

G. The applicable fee.

H. Any FAA, FCC, or other state or federal permits or approvals that are necessary for the project. Applicant shall submit a copy of the actual permit application, or proof that the permit has been filed with the appropriate agency.

I. Evidence in the form of a report prepared by a qualified third-party, acceptable to the Board, that the project will not materially interfere with any existing commercial and/or public safety communication systems including radio, telephone, internet, GPS, microwave, or television signals.

J. A report prepared by a qualified third-party analyzing the noise profile of the project area and the ability of the project to meet the 60 dB limits at non-participating owners' property lines.

K. A report prepared by a qualified third-party using the most current modeling software available establishing that no occupied residence will experience more than thirty (30) hours per year, or more than thirty (30) minutes per day, of shadow flicker from the centroid of the occupied residence based on a "real world" or "adjusted case" assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all occupied residences as a result of the individual turbines in the project. The owner of an occupied residence may waive the shadow flicker limits established above, which waiver must be in a written instrument signed by all owners and included with the application.

L. A "Decommissioning Plan" pursuant to Section 8 below.

M. Large WECS, provide a certificate of comprehensive liability and casualty insurance with a minimum of $2,000,000 liability coverage per incidence, per occurrence shall be required for the life of the facility with a renewal certificate provided to the Land Use Administrator annually; or an instrument indemnifying and holding Jones County harmless from any actions, accidents, damages or other liabilities arising out of the construction, operation or maintenance of the Project.

N. Such additional information as the County may request due to the unique circumstances with the Project. Applicants are encouraged to have on-going discussions with the Land Use Administrator and County Engineer during preparation of the Application. The Applicant may request a Pre-Application and Coordination Conference with affected agencies prior to submittal.

SECTION 7. GENERAL SITING AND DESIGN REQUIREMENTS

The requirements of this Ordinance shall apply to all WECS proposed after the effective date of this Ordinance. WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such pre-existing WECS, which are deemed a discontinued use shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing WECS shall be allowed without full compliance with this Ordinance.

General Design Requirements:

A. Color and Finish: Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

B. Configuration: All wind turbines, which are part of a WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.

C. Lighting: WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. **Only FAA approved red lighting for night-time** is allowed to reduce impacts on migrating birds. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

D. Signage: All signage on site shall comply with Article XX Sign Requirements. The manufactures or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the WECS sites.

E. Feeder Lines: All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried.

F. Waste Disposal: Solid and hazardous wastes, including but not limited to crates, packing materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Jones County Health Department and disposed of in accordance with all applicable local, state and federal regulations.

G. Minimum Ground Clearance: The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than fifty (50) feet.

H. Signal Interference: The applicant shall minimize and mitigate any interference with electromagnetic communications existing on the date of the approval of the p, such as radio, telephone or television signals cause by any WECS.

I. Shadow Flicker: Wind energy facilities shall attempt to avoid shadow flicker in any offsite residences. The wind energy facility owner

and/or operator shall make reasonable efforts to minimize or mitigate shadow flicker to any off-site residence to the satisfaction (determination) of the Land Use Administrator. Any off-site residence owner or wind energy facility owner may appeal the determination of the Land Use Administrator to the Board of Adjustment.

J. Ice Shedding: The wind energy facility owner and/or operator shall ensure that ice from the wind turbine blades does not impact any off-site property.

K. Federal Aviation Administration: All WECS shall comply with FAA standards and permits.

L. Electrical Codes and Standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

M. Setbacks: The setbacks and separation requirements listed in Appendix A shall apply to all wind turbines and meteorological towers in relation to all structures, property lines, public right-of-way, and communication and electrical lines as described herein existing on the date of approval of the permit. However, to the extent that a written minor modification is permitted, the Board of Adjustment may reduce the standard setbacks and separation requirements, if the intent of this Ordinance would be better served thereby; and, if the participating or adjoining property owner affected by the reduced setback or separation completes a written agreement. All setbacks shall be measured from the center point of the base of the wind turbine tower or the meteorological tower, as applicable.

N. Noise: Audible noise caused by WECS site operations, not including existing ambient noise, shall not exceed sixty (60) dB for more than 5 minutes within an hour, when measured at the exterior of any residence, school, hospital, church, or public library existing on the date of approval of the permit.

1. In the event audible noise due to WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in sub paragraph a of this subsection shall be reduced by five (5) dB.

2. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dB, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

a. In the event the noise levels resulting from the WECS exceed the criteria listed above, a waiver to said levels

may be granted by the Board of Adjustment provided that the following has been accomplished:

i. Written waiver from the affected property owners has been obtained stating that they are aware of the WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,

ii. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Jones County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that the noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

O. Safety:

1. All wiring between wind turbines and the WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of land owners for this line, such option may be approved by the Planning & Zoning Commission or the Board of Adjustment.

2. Wind turbines and meteorological towers shall not be climbable up to 20 feet above ground level.

3. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.

4. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and WECS entrances.

5. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

6. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Planning & Zoning Commission or Board of Adjustment.

SECTION 8. DISCONTINUANCE, DECOMMISSIONING AND ABANDONMENT

A WECS shall be considered a discontinued use or abandoned after one (1) year without energy production, unless a plan is developed and submitted to the Jones County Land Use Administrator outlining the steps and schedule for returning the WECS to service.

A. Within thirty (30) days of discontinuance or abandonment the Owner shall notify the County Land Use Administrator in writing of the proposed continuance, decommissioning or sale of the facilities.

B. All WECS and accessory facilities shall be removed to a depth of four (4) feet including footing and foundations within one hundred eighty (180) days of the discontinuation of use or abandonment.

1. Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life (20 – 30 years typically) or upon becoming a discontinued use or abandonment.

2. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.

3. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

4. Jones County will require financial security in the form of a cash escrow, irrevocable letter of credit or a performance bond to ensure that decommissioning of Commercial WECS is completed as required.

5. Comprehensive Liability insurance shall remain in force until the decommissioning and restoration work is completed.

SECTION 9. VIOLATION AND PERMIT REVOCATION

A. All wind energy facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a wind energy facility become inoperable, or should any part of the wind energy facility be damaged, or should a wind energy facility violate a permit condition, the owner/operator shall remedy the situation within three (3) months after written notice from the Land Use Administrator. Upon request of the owner or assigns, and for good cause, the Land Use Administrator may grant a reasonable extension of time.

B. Notwithstanding any other abatement provision, if the wind energy facility is not repaired or made operational or brought into compliance after said notice, the Board of Supervisors may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a specified timeframe, or (2) order revocation of the permit and require the removal of the wind energy facility within three (3) months. For large wind energy facilities not removed within the specified time period, Jones County shall have the right to use the irrevocable letter of credit, bond, or cash escrow to cover the costs associated with removal of the large wind energy facility.

C. Any wind energy facility that does not meet the requirements of this Ordinance, including, but not limited to those dealing with noise, height, setback, or visual appearance, or does not meet any conditions

attached to approval of the wind energy facility, shall be deemed an unlawful structure and shall provide grounds for the revocation of the permit.

SECTION 10. FEES
The fee for this application shall accompany the submittal. The fee shall be established by the Board of Supervisors by resolution from time-to-time.

SECTION 11. CONSTRUCTION AND POST CONSTRUCTION

A. All WECS projects shall commence construction within one (1) year of the date of approval or the permit shall expire. The permit may be renewed within one (1) year of the date of expiration and may require a new application and fee.

B. A Professional Engineer shall certify the construction and installation meets or exceeds the Manufacturer's standards and all applicable code requirements.

C. An "As-constructed" map of the location of installed production units shall be submitted, including:

1. Towers, location, longitude and latitude
2. Foundation drawings
3. Accessory structures and purpose
4. Access roads
5. Feeder lines
6. Easements
7. Substations
8. Other appurtenant features

SECTION 12. TRANSFERABILITY
The permit is not transferable or assignable without the corresponding transfer of operational, financial and other obligations required, and as approved by the Board of Supervisors.

ARTICLE XVI SOLAR ENERGY CONVERSION SYSTEMS

SECTION 1. INTENT
The intent of this Article is to promote and regulate the design, siting, construction, operation, maintenance and decommissioning of Solar Energy Conversion Systems (SECS) and to protect the health, safety and welfare of neighbors and the public.

The county encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the standards cannot be met without diminishing the minimum reasonable performance of the solar energy system, a Variance may be sought from the Board of Adjustment.

SECTION 2. PURPOSE
The purpose of this Article is to provide the requirements necessary to obtain a permit to install and operate an active solar energy conversions system in Jones County. Passive solar energy systems, building-integrated systems and roof mounted systems do not require a permit, but shall meet all other applicable codes. The requirements shall be consistent with Iowa State Code 476 and 476.48.

SECTION 3. DEFINITIONS

A. Active Solar Energy System - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

B. Building-integrated Solar Energy Systems - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

C. Concentrating solar power (also called concentrated solar power, concentrated solar thermal, and CSP) - Generate power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. Electricity is generated when the concentrated light is converted to heat, which drives a heat engine (usually a steam turbine) connected to an electrical power generator or powers a thermochemical reaction.

D. Grid-intertie Solar Energy System - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

E. Ground-mount – A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

F. Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

G. Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

H. Photovoltaic System - An active solar energy system that converts solar energy directly into electricity.

I. Renewable Energy Easement, Solar Energy Easement - An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

J. Renewable Energy System - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

K. Roof-mount – A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

L. Roof Pitch - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

M. Solar Access - Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

N. Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

O. Solar Garden – A commercial solar-electric (photovoltaic) array that provides electric power to a cluster of households (such as a subdivision) or businesses residing or located offsite from the location of the solar energy system.

P. Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

Q. Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

R. Solar Collector Surface - Any part of a solar collector that absorbs solar energy for use in the collector’s energy transformation process.

Collector surface does not include frames, supports and mounting hardware.

S. Solar Daylighting - A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

T. Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

U. Solar Energy System - A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

V. Solar Heat Exchanger - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

W. Solar Hot Air System (also referred to as Solar Air Heat or Solar Furnace) – An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

X. Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Y. Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Z. Solar Storage Unit - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SECTION 4. Non-Utility Scale Solar Installations
Non-Utility scale solar systems may be installed in all zoning districts.

A. Permitted Accessory Use. Active solar energy systems shall be allowed as an accessory use in all zoning classifications subject to certain requirements as set forth below. Solar energy systems that do not meet the standards below will require a Variance permit.

1. Height: Active solar energy systems must meet the following height requirements:

a. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building integrated shall be given an equivalent exception to height standards as building mechanical devices or equipment.

b. Ground or pole mounted solar energy systems shall not exceed 20 feet in the height when oriented at maximum tilt.

2. Setbacks: Active solar energy systems must meet the accessory structure setback for the zoning district on which the system is located.

   a. Roof mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

   b. Ground mounted solar energy system. Ground mounted solar energy systems may not extend into the side or rear yard setback when oriented at minimum design tilt.

3. Location:

   a. Building Integrated Photovoltaic Systems. Building integrated or roof mounted photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks in the district in which the building is located.

   b. Solar Energy Systems using ground mounts shall be located in the side or rear yard in the Residential, Commercial or Industrial Districts.

4. Coverage: Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access to the south facing or flat roof upon which the panels are mounted.

5. Historic Building: Solar energy systems on building within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require a Variance.

6. Approved Solar Components: Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

7. Approval Required: All solar energy systems shall require administrative plan approval by the Jones

County Zoning Administrator. Application shall include:

a. Site plan that indicates the location of the system on the building or on the property for a ground mounted system, including setbacks from property lines.

b. The applicable fee.

c. An application that meets the setback requirements for this ordinance shall be granted an administrative approval by the zoning official.

8. Must comply with all other federal, state and local codes.

SECTION 5. SOLAR GARDENS OR UTILITY SCALE SOLAR INSTALLATIONS

Solar Gardens or Utility scale solar installations may be allowed in A2, I1, I2 and PD Districts.

A. Concentrating solar power (CSP) systems shall be prohibited.

B. A site plan shall be submitted and reviewed prior to the approval of the solar garden or utility scale solar installation and shall require a Special Use Permit.

C. The application for a solar garden or utility scale solar installation shall include the following information on the site plan or in narrative form, supplied by the solar garden or utility scale solar installation owner, operator or contractor installing the structure(s):

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 and interested stakeholders in the community.

4. Interconnection agreement.

5. Decommissioning plan.

6. The applicable fee.

D. Site and Structure Setback Requirements

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

2. Utility Connections – Reasonable efforts shall be made to place all utility connections from the solar installations underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.

3. Grading plan – A grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, drainage, tree removal, etc.)

4. Glare minimization - All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.

5. Aviation Protection – For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Project on Federally Obligated Airports, or most recent version adopted by the FAA.

6. All Solar Gardens and Utility scale solar installations shall comply with local, state and federal regulations.

7. All appurtenant structures shall be subject to bulk and height regulations in the underlying zoning district.

8. Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the flood plain district regulations.

9. Screening – A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of the 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.

10. Signage - Warning signs, or manufacturer's, operator's or installer's identification signage may be displayed.

11. Fencing/security - A security fence must be installed along all exterior sides of the utility scale solar installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.

SECTION 6. SOLAR ACCESS

Jones County allows for solar resources to be protected consistent with Iowa State statutes.

A. Solar Easements Allowed – Jones County allows solar easements to be filed, consistent with Iowa State Code 564A.7. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access. In situations where the easements are not voluntarily agreed to, the solar access regulator board may determine whether or not granting an easement is appropriate, consistent with Iowa State Code 564A.3.

B. Easements within Subdivision Process - Jones County requires new major subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a Planned Development, Subdivision, Special Use, or other permit.

SECTION 7. DECOMMISSIONING AND SITE RECLAMATION PLAN

The application must include a decommissioning plan that describes the anticipated life of the utility scale solar installation and the manner in which the project will be decommissioned; the site restoration actions; the estimated costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.

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 installation. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the County when the project is discontinued.

ARTICLE XVII HAZARDOUS LIQUID PIPELINES

Section 1. Purposes

This Article prescribes and imposes the appropriate conditions and setbacks when using land in this County for purposes of a Hazardous Liquid Pipeline. The purposes of the regulations provided in this Article are:

A. To lawfully regulate and restrict the use of land in the County for the transport of Hazardous Liquid through a Hazardous Liquid pipeline in a manner that is in accordance with the County's current comprehensive plan and that is designed to
   1. secure safety from fire, flood, panic, and other dangers;
   2. protect health and general welfare; and
   3. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

B. To implement subsection A(1) with regard to the community planning and land use goals of the County, including cities, as contemplated in the County's Comprehensive Plan and as provided in Iowa Code chapter 335. In particular, the purpose of this Article is to further the following specific goals of the County to:
   1. "Ensure the maintenance and improvement of the environmental quality of the soil, air, water, and land for all residents, present and future, living in the county;"
   2. "Protect the present and future soil quality from wind and water erosion;"
   3. "Minimize to the greatest possible extent the number of injuries and/or loss of life associated with all identified hazards;"
   4. "Reduce or eliminate property damage due to the occurrence of disasters;"
   5. "Return the community to either pre-disaster or improved conditions in a timely manner in the wake of a disaster;"
   6. "Develop strategies that can be used to reduce the community's overall risk to the negative effects of natural, technological, and man- made disasters;"
   7. "Ensure the protection and conservation of land and other natural, human, and economic resources in Jones County including energy, that are the basis of the rural community, economy, and lifestyle;"
   8. "Continue to provide and support strong public services;"
   9. "Support diversity in the type and density of housing in Jones County, while protecting prime agricultural lands, environmentally sensitive areas, public health, safety, and quality of life;"
   10. ~~4~~ "Maintain the protection of agricultural operations and the preservation of the productivity, availability, and use of agricultural lands; thus assuring the maintenance of agriculture as a major sector in the county's economy;"
   11. ~~4~~ "Encourage coordination and cooperation between Jones County and the incorporated cities within the county, especially within the two-mile radius around each city where powers and responsibilities are shared through 28E agreements;" and
   12. "Only agricultural uses or those uses incidental to agriculture shall be allowed on prime agricultural land."

C. To implement subsection A(1) with regard to the County's legal obligation to engage in emergency response and hazard mitigation planning, including furthering the comprehensive plan's goals and objectives for hazards, emergencies, and disasters and including the need to protect the health and welfare of both residents and emergency response personnel.

D. To implement subsection A(1) in a manner that is not inconsistent with or preempted by federal or state law, Including the United States Constitution, the federal Pipeline Safety Act at 49 U.S. C. § 60101 et seq., the Iowa Constitution, and Iowa Code chapters 29C, 479B, 331, and 335.

E. To implement subsection A(1) in a manner that treats all Hazardous Liquid Pipelines in a similar manner, to the extent they are similarly situated, and to utilize to the greatest extent feasible the land use and zoning regulations and processes already utilized in the County.

F. To implement subsection A(1) in a manner
   1. that facilitates the approval of a permit by the Iowa Utilities Board, in whole or in part upon terms, conditions, and restrictions, as to location and route that are "just and proper",
   2. that creates a process that allows a Hazardous Liquid Pipeline operator to work with local county officials to obtain all local permits or approvals prior to the construction of the pipeline.

Section 2. Definitions
For purposes of this Article, unless the context otherwise requires:

A. Affected Person: The same as defined in Iowa Administrative Code [199] 13.1(3) and, unless otherwise defined in that rule, means any person with a legal right or interest in the property, including but not limited to a landowner, a contract purchaser of record, a Person possessing the property under a lease, a record lienholder, and a record encumbrancer of the property.

B. Applicant: A Pipeline Company or a Property Owner who applies for a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Section.

C. Application: The documents and information an Applicant submits to the County for purposes of obtaining a Conditional Use Permit as well as the related process and procedures for considering the application pursuant to this Section.

D. Blast Zone: The geographic area in the County that would be subject to a shock wave from rupture of a Hazardous Liquid Pipeline, including of a Carbon Dioxide Pipeline, that could harm or kill persons or animals due solely to physical trauma, for example from flying debris or the physical impact of a pressure wave resulting from a rupture.

E. Board of Adjustment: The Jones County Board of Adjustment established

pursuant to Iowa Code chapter 335 and ARTICLE XXIV of this Jones County Zoning Ordinance.

F. Carbon Dioxide Pipeline: A Hazardous Liquid Pipeline intended to transport liquified carbon dioxide and includes a Pipeline of 4 inches or more in diameter to transport liquid or supercritical fluid comprised of 50 percent or more of carbon dioxide (CO2).

G. Conditional Use Permit: A special exception, conditional use, use exception, or use limitation authorized and approved by the Board of Adjustment in the manner and according to the standards provided in ARTICLE XXV of this Zoning Ordinance.

H. Confidential Information: Information or records allowed to be treated confidentially and withheld from public examination or disclosure pursuant to Iowa Code chapter 22 or other applicable law.

I. Conservation Area: A County park, natural resource area, wildlife area, or similar areas established or designated for such purposes by the County prior to the effective date of this Section.

J. County: or the County: Jones County, Iowa.

K. Emergency: The same as defined in Iowa Administrative Code [199] ~~rule~~ 9.1(2) and, unless otherwise defined in that rule, means a condition involving clear and immediate danger to life, health, or essential services, or a risk of potentially significant loss of property.

L. Facility: Is any structure incidental or related to the Hazardous Liquid Pipeline and any space, resource, or equipment necessary for the transport, conveyance, or pumping of a Hazardous Liquid through a Hazardous Liquid Pipeline located in the County, including all related substations and emergency shut off valves.

M. Fatality Zone: The geographic area in the County in which residents of the County would face a significant risk of loss of life due to a rupture of a Hazardous Liquid Pipeline, taking into consideration, in the case of a Carbon Dioxide Pipeline, the dispersion of CO2 from a rupture, taking into consideration CO2 concentration and duration of exposure.

N. Hazard Zone: In the case of a Carbon Dioxide Pipeline, the geographic area in the County in which residents of the County would likely become intoxicated or otherwise suffer significant adverse health impacts due to a rupture of a Carbon Dioxide Pipeline, taking into consideration the dispersion of CO2 from a rupture, and taking into consideration CO2 concentration and the duration of the exposure.

O. Hazardous Liquid: The same as defined in Iowa Code § 479B.2 and, unless otherwise defined there, means crude oil, refined petroleum products, liquified petroleum gases, anhydrous ammonia, liquid fertilizers, liquified carbon dioxide, alcohols, and coal slurries.

P. Hazardous Liquid Pipeline: A Pipeline intended to transport Hazardous Liquids, and also includes Class 3, Class 6, Class 8, or Class 9 hazardous materials, as defined by 49 C.F.R. § 173.120. et seq., with

any portion proposed to be located within the County.

Q. In-service date: Is the date any Hazardous Liquid is first transported through any portion of a Pipeline located in the County.

R. Independent Agreement: Alternative provisions regarding land restoration or Line Location contained in agreements independently executed by a Pipeline Company and a Landowner or a Property Owner as described in Iowa Code § 479B.20(10).

S. IUB: The Iowa Utilities Board created within the Iowa Department of Commerce pursuant to Iowa Code chapter 474.

T. Landowner: The same as defined in Iowa Code §§ 479B.4(4) and 479B.30(7), and, unless otherwise defined there, means a Person listed on the tax assessment rolls as responsible for the payment of real estate taxes imposed on the property and includes a farm tenant.

U. Line Location: The location or proposed location or route of a Pipeline on a Landowner's property.

V. Occupied Structure: A Building or Structure that has been inhabited or used for residential, commercial, industrial, or agricultural purposes at any time during the twelve (12) months preceding an application for a Conditional Use Permit pursuant to this Article.

W. PHMSA: Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation.

X. Person: The same as defined in Iowa Administrative Code [199] 13.1(3) and, unless otherwise defined in that rule, means an individual, a corporation, a limited liability company, a government or governmental subdivision or agency, a business trust, an estate, a trust, a partnership or association, or any other legal entity as defined in Iowa Code § 4.1(20).

Y. Pipeline: The same as defined in Iowa Code § 479B.2 and, unless otherwise defined there, means an interstate pipe or pipeline and necessary appurtenances used for the transportation or transmission of hazardous liquids.

Z. Pipeline Company: The same as defined in Iowa Code § 479B.2 and, unless otherwise defined in that rule, means any Person engaged in or organized for the purpose of owning, operating, or controlling Pipelines for the transportation or transmission of any Hazardous Liquid or underground storage facilities for the underground storage of any Hazardous Liquid.

AA. Pipeline Construction: The same as defined in Iowa Administrative Code [199] 9.1(2) and, unless otherwise defined in that rule, means activity associated with installation, relocation, replacement, removal, or operation or maintenance of a pipeline that disturbs agricultural land, but shall not include work performed during an emergency, tree clearing, or topsoil surveying completed on land under easement with written approval from the landowner.

BB. Property Owner: The owner or owners, together with his, her, its or their heirs, successors and/or assigns, of the land or property over, under, on, or through which, a Pipeline, or any part of it, including any related facilities, may be located and which is subject to the regulations and restrictions of this Zoning Ordinance. Property Owner includes a Landowner and also includes a Person with whom a Pipeline Company negotiates or offers to execute an Independent Agreement with respect to a Pipeline.

CC. Reclamation: The restoration and repair of damaged real property, personal property, land or other areas, through which a Pipeline is constructed or from where it is removed as close as reasonably practicable to the condition, contour, and vegetation that existed prior to the construction or prior to the removal or the Pipeline, as applicable.

DD. Reclamation Cost: The cost of Reclamation and includes the cost to restore or repair roads, bridges, or county property as well as the cost to restore or repair all real and personal property of Property Owners and Affected Persons.

EE. Sensitive Area: Any area designated for inclusion in Jones County's Flood Plain Management Ordinance, Chapter 1 of Title VI – Property & Land Use.

FF. Zoning Ordinance or the Zoning Ordinance: The collection of land use and zoning regulations known as the Jones County, Iowa, Zoning Ordinance, Chapter 3 of Title VI – Property & Land Use as provided and made effective in the Jones County, Iowa, Code of Ordinances.

Section 3: Conditional Use Class Created and Use Limitations Imposed on Hazardous Liquid Pipelines

A. All land in the County must be used in accordance with the Jones County Zoning Ordinance. Pursuant to Iowa Code chapter 335, the County may establish a use or class of uses that have conditions or use limitations, and the Board of Adjustment may authorize a use exception or permit various uses upon conditions or other use limitations as may be initiated, considered, and approved pursuant to ARTICLE XXV of this Zoning Ordinance. Such conditions or use limitations are established in order to protect the health, safety, and welfare of the public and to preserve property values.

B. The County hereby establishes a class of use for Hazardous Liquid Pipelines, and no land or property interest in this County, regardless of the zone or area, shall be used for purposes of a Hazardous Liquid Pipeline except in conformity with this Article.

Section 4: Conditional Use Permits Required

A. A Pipeline Company that has filed a verified petition with the IUB asking for a permit to construct, maintain, and operate a new Pipeline along, over, or across land in this County shall submit an Application to the County Zoning Administrator for a Conditional Use Permit. The Pipeline Company shall submit the application for a Conditional Use Permit within seven (7) days of filing the petition

with the IUB, unless the petition was filed with the IUB prior to the effective date of this Article in which case the Pipeline Company shall submit an application for a Conditional Use Permit under this Article within seven (7) days of the effective date of this Article. The Zoning Administrator may extend the time for filing the Application for good cause shown. However, any extension of more than 30 days must be approved by the Board of Adjustment.

B. A Property Owner that intends to negotiate, convey, or sell an easement to a Pipeline Company by means of an Independent Agreement shall submit an application to the County Zoning Administrator for a Conditional Use Permit before executing the Independent Agreement with the Pipeline Company. If a Property Owner executes an Independent Agreement with a Pipeline Company after the effective date of this Article without obtaining a Conditional Use Permit, the County may exercise all lawful remedies, including the remedies provided elsewhere in this Zoning Ordinance.

C. Upon receiving an Application for a Conditional Use Permit from a Pipeline Company or from a Property Owner, the County Zoning Administrator and the Board of Adjustment shall consider the Application according to the process and standards set forth in this Article.

Section 5: Separation Requirements

The use of land for purposes of transporting Hazardous Liquids through Pipelines poses a threat to the public health and welfare, to the productivity of agricultural lands, and to the property values of residential, commercial, and industrial Property Owners in the County. The separation requirements of this Article ~~Section~~ are designed to further the goals and objectives of the County's comprehensive zoning plan, including to protect public health and welfare, to preserve existing infrastructure and future development, and to maintain property values.

A Hazardous liquid Pipeline shall not be constructed, used, sited, or located, in violation of the separation requirements listed below. In addition, the terms of an Independent Agreement regarding a Line Location shall conform to the separation requirements listed below. All distances shall be measured from centerline of the proposed Hazardous Liquid Pipeline to the portion of the existing use nearest the centerline of the proposed Hazardous Liquid Pipeline.

The minimum separation distances for a Hazardous Liquid Pipeline are:

A. From the city limits of an incorporated city, not less than 2 miles.

B. From a church, school, nursing home, long-term care facility, or hospital, not less than 2460 feet.

C. From a public park, Conservation Area, Sensitive Area, or public recreation area, not less than 2460 feet.

D. From any Occupied Structure, not less than 1000 feet.

E. From any animal feeding operation or facility, not less than 1000 feet.

F. From an electric power generating facility with a nameplate capacity of 5MW or more, an electric transmission substation, a public drinking water treatment plant, or a public wastewater treatment plant, not less than 1000 feet.

G. From any public water system or any nonpublic water supply well subject to the rules of the Iowa Department of Natural Resources pursuant to 567 IAC chapter 43 or 567 IAC chapter 49, not less than 200 feet. Private water supply wells, not less than 200 feet.

Section 6: Permit Application Requirements for Pipeline Companies
A Pipeline Company applying for a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Article shall submit the following documents and information to the County Zoning Administrator.

A. The information required for a Conditional Use Permit as described in this Article of the Zoning Ordinance, including all required forms prescribed by the County Zoning Administrator.

B. A complete copy of the application for a permit filed with the IUB pursuant to Iowa Code chapter 479B. This requirement is an ongoing requirement, and as the application for the IUB permit is amended or changed, the Pipeline Company shall provide updated information and documents to the County.

C. A map identifying each proposed crossing of a County road or other County property and a map identifying each crossing of Conservation Areas or Sensitive Areas.

D. A map and a list containing the names and addresses of all Affected Persons in the County. The map and list shall include all Property Owners who have executed an Independent Agreement or who have been or will be contacted about the execution of an Independent Agreement.

E. A set of plans and specifications showing the dimensions and locations of the Pipeline, including plans and specifications for all related facilities and above-ground structures, such as pumps, lift- stations, or substations.

F. A copy of the standard or template Independent Agreement the Pipeline Company proposes to execute with property Owners in the County. The standard or template for the Independent Agreement shall include terms and conditions that comply with the Abandonment, Discontinuance, and Removal requirements of this Article.

G. The emergency response and hazard mitigation information, as required pursuant to Subsection L of this Article.

H. All applicable fees required pursuant to this Article.

I. A statement identifying any Confidential Information in the Application and a request, if any, to withhold such information from public examination or disclosure as provided in, and to the extent permitted by, Iowa Code chapter 22. A failure to identify Confidential Information in the Application may result in the County treating such information as public record.

Section 7: Permit Application Requirements for Property Owners

A Property Owner applying for a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Article shall submit the following documents and information to the County Zoning Administrator:

A. The information required for a Conditional Use Permit as described in ARTICLE XXV of this Zoning Ordinance, including all required forms prescribed by the County Zoning Administrator.

B. A copy of the Independent Agreement the Property Owner proposes to execute with the Pipeline Company, including a map and a legal description of the proposed Line Location and a statement of verification of compliance with the separation requirements of this Section.

C. All applicable fees required pursuant to this Article.

Section 8: Fees

The following fees and charges apply to a Conditional Use Permit for a Hazardous Liquid Pipeline pursuant to this Article:

A. A Pipeline Company seeking a Conditional Use Permit shall pay the following fees and assessments:

1. An application fee in the amount of $100 for each Affected Person identified in the Application.

2. An annual fee in the amount of $116.92 per mile of Pipeline proposed to be constructed, operated, and maintained in the County, or an amount equal to the most current user fee assessed to the operators of Hazardous Liquid Pipelines by PHMSA, whichever is greater. This fee shall be due each year on the anniversary of the Pipeline's In-Service Date, and the County shall apply this fee towards its emergency planning and hazard mitigation costs, including expenses for law enforcement and emergency response personnel.

3. All other applicable user or permit fees required for crossing County roads or using the public right-of-way in the County.

Section 9: Public Hearing Requirements and Permit Approval

A. Upon receipt of an application for a Conditional Use Permit by a Pipeline Company, the County Zoning Administrator shall verify that the Pipeline Company permit application requirements of this Article are met and shall make a report to the Board of Adjustment recommending approval, denial, or modification of the Application. Upon the verification and report of the County Zoning Administrator, the Board of Adjustment shall set the date of one or more public hearings in the County on the question of granting a Conditional Use Permit to the Pipeline Company. Once the public hearing dates have been set, the Board of Adjustment shall publish a notice in the local newspaper(s) pursuant to Iowa Code § 331.305, and the Pipeline

Company shall send notice of each scheduled public hearing to each Affected Person identified in the Application by United States Mail. Copies of the proof mailing to each Affected Person shall be provided to the County Zoning Administrator not later than five days prior to the scheduled public hearing.

B. A public hearing shall not be required in the case of Property Owner applying for a Conditional Use Permit. Upon receipt of an application for a Conditional Use Permit from a Property Owner, the County Zoning Administrator shall make a report to the Board of Adjustment recommending approval, denial, or modification of the Application. Upon the verification and report of the County Zoning Administrator, the Board of Adjustment shall consider the application at a regular meeting of the Board of Adjustment.

C. Once the application, public hearing, and other requirements of this Article are met, the Board of Adjustment shall consider each application for a Conditional Use Permit according to the standards set forth in ARTICLES XXIV and XXV of this Zoning Ordinance regarding the powers of the Board of Adjustment and the standards and findings required for use exceptions. The Board of Adjustment shall issue a permit if the Board of Adjustment finds all applicable standards are met. The burden of establishing that all applicable standards are met shall be on the Applicant for the Conditional Use Permit.

D. A Conditional Use Permit granted to a Pipeline Company pursuant to this Article is not transferrable to any Person or Entity. A Pipeline Company, or its successors in interest, shall apply for a new Conditional Use Permit whenever the Hazardous Pipeline is transferred or its use is materially or substantially changed or altered, including any changes or alteration in the route of the Pipeline.

Section 10: Appeals and Variances

A Pipeline Company or Property Owner may appeal an adverse determination on a Conditional Use Permit, or may seek special exception or variance from the Board of Adjustment, as provided in ARTICLES XXIV and XXV of this Zoning Ordinance.

Section 11: Applicability and Compliance

A. The permit requirement in Subsection D and the separation requirements of Subsection E of this Article shall not apply to

1. a Hazardous Liquid Pipeline that is already permitted, constructed, and placed in-service on or before the effective date of this Article; however, a Pipeline Company shall comply with the abandonment, Reclamation, and decommissioning requirements for a Pipeline that is decommissioned on or after the effective date of this Article~~.~~

2. a Pipeline owned and operated by a Public Utility that is furnishing service to or supplying customers in the County; or

3. a Property Owner that has already executed an Independent Agreement with a Pipeline Company prior to the effective date of

this Article.

B. If a Owner has executed an Independent Agreement prior to the effective date of this Article and the Independent Agreement does not meet the separation requirements of this Article, then notwithstanding the Independent Agreement, the Pipeline Company shall comply with the separation requirements of this Article.

C. If a Property Owner has executed an Independent Agreement prior to the effective date of this Article and the Independent Agreement provides for separation requirements that are greater than the separation requirements in this Article, then the Pipeline Company shall comply with the terms of the Independent Agreement with the Property Owner.

Section 12: Emergency Response and Hazard Mitigation Plans for Hazardous Liquid Pipelines

This section is intended to implement local zoning regulations in a manner designed to facilitate the comprehensive plan's goals and objectives for assessing ongoing mitigation, evaluating mitigation alternatives, and ensuring there is a strategy for implementation. This goal is consistent with the County's legal obligation under Iowa Code chapter 29C to engage in emergency response and hazard mitigation planning and with the need to protect the health and welfare of both residents and emergency response personnel. For these reasons, the County requires Hazardous Liquid Pipelines to provide information to assist the County in its emergency response and hazard mitigation planning as required by Iowa code chapter 29C. The requirement to provide emergency response and hazard mitigation information pursuant to this section is not intended to constitute a safety standard and is not intended to conflict with any PHMSA safety standards applicable to a Pipeline Company which regulate the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities.

A. If an Applicant for a permit pursuant to this Article is a Pipeline Company and if the proposed pipeline is a Carbon Dioxide Pipeline, then the Applicant shall provide the following information to the County for purposes of assisting the County with its emergency response and hazard mitigation planning efforts:

1. A map and legal description of the proposed route for a Carbon Dioxide Pipeline showing all human occupied structures and animal husbandry facilities, by type, within two miles of the centerline of the proposed route including addresses.

2. A description of the health risks resulting from exposure of humans and animals to carbon dioxide released from a pipeline, considering the concentrations of carbon dioxide in the air near to a rupture, the duration in the time of exposure, and the presence of other harmful substances released from a rupture. The description shall identify the exposure level and duration of time that may cause a fatality of persons or animals, and the exposure level and duration that may cause intoxication or other significant adverse health effects.

3. An estimate of the worst-case discharge of carbon dioxide

released in metric tons and standard cubic feet from a rupture of a pipeline considering the interior volume of the pipeline, the location of emergency valves that limit release of carbon dioxide, the location of crack arrestors, operating pressure, operating temperatures, and other relevant factors.

4. A rupture dispersion modeling report containing the results of computational fluid dynamic computer model estimates of the maximum geographic ranges of the Fatality Zone and Hazard Zone for the Carbon Dioxide Pipeline in the event of its rupture in a range of weather conditions and representative topography in the County, as well as in low elevation areas of the County where released carbon dioxide may settle.

5. A computer model report showing the Blast Zone for the Carbon Dioxide Pipeline in its proposed location.

6. A list of structures and facilities within the Hazard Zone, Fatality Zone, and Blast Zone for the proposed route of a Carbon Dioxide Pipeline that in the preceding year have contained humans or livestock, and an estimate of the number of persons and livestock in each structure and facility.

7. A list of High Consequence Areas. A High Consequence Area is any area within the Hazard Zone, the Fatality Zone, or the Blast Zone where a single rupture would have the potential to adversely affect 10 or more persons or a facility with livestock.

8. A description of the potential adverse impacts of a rupture of a Carbon Dioxide Pipeline on the humans, livestock, and other real and personal property within the Hazard Zone, the Fatality Zone, and the Blast Zone for the route of the Carbon Dioxide Pipeline.

9. Identification of alternative routes through the County designed to minimize risks to humans and animals from a rupture of the Carbon Dioxide Pipeline within the County, and an analysis of the risks of these alternative routes relative to the proposed route.

10. All information needed by County first responders, emergency response personnel, and law enforcement personnel in order to engage in local emergency management and hazard mitigation planning, equipment, and training needs. Such information includes but is not limited to:

    a. A Material Safety Data Sheet/Safety Data Sheet for the materials transported in the Carbon Dioxide Pipeline;

    b. Agency specific response plans for law enforcement, emergency medical responders, and other response agencies;

    c. Carbon dioxide detectors and evacuation plans for each Affected Person and human occupied structure;

d. Response equipment needs for emergency response personnel, such as carbon dioxide and other chemical detectors, closed circuit self-contained breathing apparatus, personal protective equipment; communications equipment' road barriers and traffic warning signs; and non-internal combustion engine evacuation vehicles;

e. A Carbon Dioxide Pipeline rupture emergency response training program to ensure safe and effective response by County and municipal law enforcement, emergency medical services, and other responders during the operational life of the Carbon Dioxide Pipeline.

f. A map and list showing the location of all Pipeline facilities located in the County, including emergency valves.

11. Identification of residential and business emergency response needs, including but not limited to:

a. A Mass Notification and Emergency Response Messaging System;
b. Evacuation plans;
c. Evaluation equipment needs especially for mobility impaired individuals;
d. carbon dioxide detectors, and self-contained breathing apparatus.

B. If an Applicant for a permit pursuant to this Article is a Pipeline Company and if the proposed pipeline is a type other than a Carbon Dioxide Pipeline, then the Applicant shall provide (1) a draft emergency response plan or facility response plan for the proposed pipeline; and (2) a detailed description of how the Pipeline Company will work with the County's law enforcement, emergency management personnel, and first responders in the event of a spill, lead, rupture, or other emergency or disaster related to pipeline.

C. The Board of Adjustment may include a condition in a Conditional Use Permit granted pursuant to this Article that requires an applicant to reimburse the County for all costs and expenses incurred for purposes of emergency response or hazard mitigation planning, equipment acquisition or repair, training, and communications if such costs and expenses are reasonably related to the Pipeline.

Section 13: Abandonment, Discontinuance, and Removal of Hazardous Liquid Pipelines

In addition to the requirements set by Iowa Code § 479B.32, a Hazardous Liquids Pipeline in the County that is abandoned shall comply with the requirements of this section. A Hazardous Liquid Pipeline shall be deemed abandoned for purposes of this section whenever the use of the Hazardous Liquid Pipeline has been discontinued such that there is no longer regulatory oversight of the Pipeline by PHMSA.

For purposes of the land restoration standards of Iowa Code § 479B.20, the term "construction" includes the removal of a previously constructed pipeline,

and the County will treat the removal of a pipeline in the same manner as the Pipeline's original construction for purposes of the County's obligations under Iowa Code chapter 479B.

A. A Pipeline Company granted a Conditional Use Permit pursuant to this Article shall by certified mail notify the County and all Affected Person in the County of the Pipeline Company's intent to discontinue the use of the Pipeline. The notification shall state the proposed date of the discontinuance of use.

B. Upon abandonment or discontinuance of use, the Pipeline Owner shall offer to each Property Owner the option to have the Pipeline and all related facilities physically dismantled and removed, including both the below and above ground facilities. The removal of the Pipeline and the related Reclamation and Reclamation Costs shall be the Pipeline Company's responsibility and shall be completed within one-hundred eighty (180) days from the date of abandonment or discontinuation of use unless a Property Owner agrees to extend the date of removal. Such an extension must be by written agreement between the Pipeline Company and the Property Owner, and the agreement shall be filed at the Jones County Recorder's office and a copy delivered to the County by the Pipeline Owner.

C. A Property Owner shall not be required to have the Pipeline removed, but if the Property Owner agrees to the removal and Reclamation, the Property Owner shall allow the Pipeline Company reasonable access to the property.

D. Upon removal of the Pipeline and the Reclamation, the Pipeline Owner shall restore the land according to the requirements of Iowa Code § 479B.20 and the rules adopted thereunder at Iowa Administrative Code [199]-9.1(479,479B). including all amendments thereto.

SECTION 4. REPEALER. All Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

ARTICLE XVIII CRYPTOCURRENCY AND DATA CENTERS

SECTION 1. INTENT
The intent of this Article is to promote and regulate the design, siting, construction, operation, maintenance and decommissioning of cryptocurrency facilities and data centers and to protect the health, safety and welfare of neighbors and the public, and to avoid unintended impacts on resources and adjacent uses.

SECTION 2. PURPOSE
The purpose of this Article is to provide the requirements necessary to obtain a permit to install and operate an active cryptocurrency facility or data center in Jones County.

SECTION 3. DEFINITIONS
As used in this Article, the following terms are hereby defined, in addition to those found in Article III Definitions:

Clean Agent Fire Suppression system: A system that uses electrically non-conductive gaseous agents that do not leave residue upon evaporation to extinguish fires.

Closed-loop cooling system: A sealed system where a coolant circulates continuously, absorbing heat from a source, and then transferring that heat to a heat exchanger for removal, without the coolant ever being exposed to the environment.

Commercial cryptocurrency mining: The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and the means through which new units of cryptocurrencies are released through the use of server farms. Any equipment requiring a high-density load service, for the purposes of operating a cryptocurrency mining server farm, will constitute a commercial cryptocurrency mining operation.

Cryptocurrency: A digital currency in which encryption techniques are used to regulate the generation of units of currency and to verify the transfer of funds while operating independently of a central bank.

Cryptocurrency data center: Leased or owned boundaries of floor space devoted to the operating data processing equipment for commercial cryptocurrency mining: excludes spaces for data centers not otherwise engaged in commercial cryptocurrency mining, commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.

Cryptocurrency server farm: Three or more interconnected computers housed together in a single facility either air-cooled or water cooled, whose primary function is to perform cryptocurrency mining or associated data processing.

Data mining: The commercial process by which volumes of data are analyzed to find patterns, discover trends, and gain insight into how the data can be used will constitute a commercial data mining operation.

High-density load service: Any individual service at or above 660 amps in which the energy use intensity (EUI) is calculated as greater than 250 kWh/Feet2/year in total for all operating square footage.

Liquid Cooling System: A method of cooling electronic components or other devices by circulating liquid coolant through them, to cool and absorb heat from components and then dissipate heat through a radiator.

SECTION 4: DATA CENTER AND CRYPTOCURRENCY OPERATIONS

Data Centers and cryptocurrency operations are allowed in the A2-Agricultural, C1-Commercial, C2-Highway Commercial, I-Industry and the I2-Heavy Industry districts.

A. A site plan shall be submitted and reviewed prior to the approval of the data center or cryptocurrency facility installation and shall require a special use permit.

B. Applicants wishing to site a new data center or cryptocurrency mining facility within Jones County must provide an application and site plan. Each project shall require a separate application. Data Centers or cryptocurrency mining facilities will use the Special Permitted Use application under the appropriate district. The application for a data center or cryptocurrency facility installation shall include the following information on the site plan or in narrative form, supplied by the data center or cryptocurrency installation owner.

    1. The name, address, EIN of Applicant, as well as the proposed property owners, including contact information (name, address, telephone and email) of the authorized representative.

    2. Project development timeline which indicates how the applicant will inform adjacent property owners and interested stakeholders in the community.

    3. Project development plan for the project, which plan shall contain aerial photographs of the entire proposed project area, showing the proposed location for the facility. The plan shall show property lines and setback distances.

    4. Documentation of Applicant’s legal control over the private property necessary for the project, signed by the property owner.

    5. The applicable fee.

    6. A report prepared by a qualified third-party analyzing the noise profile of the project area and the ability of the project to demonstrate compliance. The expense for testing and reporting the results, in written format to the County will be the responsibility of the applicant.

    7. Ice mitigation report for public right of ways and neighboring properties approved by the Jones County Engineer and adjacent landowners.

    8. Emergency Operations Procedures. A copy of the approved Emergency Operations Procedures shall be given to the system owner, the local fire department, the Sheriff, and Jones County Emergency Management. A permanent copy shall also be placed in an approved location to be accessible to facility personnel and emergency responders.

    9. Decommissioning plan.

SECTION 5: PUBLIC NOTICE

Upon receipt of all applications and filing fees, the Land Use Administrator shall place on the appropriate Board or Commission’s agenda for the next regular meeting and see that proper notice is provided. Proper notice shall consist of

publication of the request along with the time and place for the hearing at least five (5) days prior to the hearing, but no longer than twenty (20) days prior to the hearing in all the officially designated newspapers of the County. In addition, certified mailings shall be sent to all property owners within a one (1) mile radius with the time and place for the hearing.

SECTION 6: GENERAL SITING AND DESIGN REQUIREMENTS

A. Lot Size: Minimum lot size shall adhere to the minimum standards for the zoning district where the project is located. See Appendix A

B. Setbacks: Structures must adhere to the minimum accessory structure setback standards for the zoning district where the project is located; greater setbacks may be recommended. See Appendix A

C. Utility Connections: Reasonable efforts shall be made to place all utility connections from data or cryptocurrencies facilities underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.

D. Regulations: All structures shall be subject to bulk and height regulations in the underlying zoning district.

E. Screening: A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of the 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.

F. Signage: Each cryptocurrency mining and data mining operation shall provide 24- hour emergency contact signage visible at the access entrance. Signs shall include company name, owner/representative name, telephone number, and corresponding local power company and telephone number. All additional signage must adhere to the Jones County Sign ordinance, see Article XX.

G. Lighting: See Article XIX in the Jones County Zoning Ordinance.

H. Noise: Audible noise caused by data centers and cryptocurrency mining operations, not including existing ambient noise, shall not exceed sixty (60) dB continuously during daytime hours or a nighttime continuous sound level of fifty (50) dB.

   1. In the event audible noise due to data centers and cryptocurrency mining operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth shall be reduced by five (5) dB.

   2. Audible noise caused by data centers or cryptocurrency mining facilities shall not exceed sixty (60) dB for more than 5 minutes within an hour, when measured at the exterior of any residence, school, hospital, church, or public library existing on the date of approval of the permit.

   3. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dB, which is

exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of generated noise at the microphone.

a. In the event the noise levels resulting from data centers and cryptocurrency facilities exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished.

i. Written waiver from the affected property owners has been obtained stating that they are aware of the data center or cryptocurrency facility and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,

ii. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Jones County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that the noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

I. STRUCTURE: All structures shall have concrete foundations

1. Shall not be defective, decayed, or corroded.

2. The use of cargo containers, railroad cars, semi-truck trailers, and other similar storage containers for any component of the operation are prohibited.

3. A clean agent fire protection system must be provided and maintained in good working order within any structure which contains a server farm. High sensitivity smoke detectors shall be installed and operational in order to activate the clean agent fire suppression system.

J. ZONING: Data centers and cryptocurrency mining facilities will only be located in the A2-Agricultural, C1-Commercial, C2-Highway Commercial, I-Industry, I2-Heavy Industrial zoning districts.

K. COOLING SYSTEM: Data centers and cryptocurrency mining facilities shall be required to have a liquid cooling system.

1. A closed loop cooling system will be required.

2. The application shall include an estimate of annual water consumption for the site.
3. The intended source of water for the development, and documentation from the Iowa Department of Natural Resources along with Jones County Environmental Health affirming sufficient water resources exist to serve the site.

4. All necessary permits must be obtained from Jones County Environmental Health and the Iowa Department of Natural Resources.

L. EQUIPMENT: All servers, computers, processers, materials, and equipment must be enclosed within buildings.

M. ELECTRICAL POWER: Prior to issuance of a permit, the applicant shall provide written verification from the power provider that the applicant has calculated the maximum potential electrical consumption of the proposed use and has verified the utility supply equipment and related electrical infrastructure is sufficiently sized and can safely accommodate the proposed use during the power provider's peak consumption hours.

N. Ice Mitigation Report: Any data center or cryptocurrency facility shall insure that the amount of heat that is dissipated by the mining activity shall be monitored when the average daily temperature is 40 degrees Fahrenheit or less to ensure that there is no buildup of ice on neighboring properties and roadways.

1. In the instance that condensation and ice occur, there shall be an agreement between the facility's operational contact, owners of neighboring properties, and the County Engineer to mitigate ice on public right of way.

SECTION 7: DISCONTINUANCE, DECOMMISSIONING AND ABANDONMENT

The application must include a decommissioning plan that describes the anticipated life of the facility and the manner in which the project will be decommissioned; the site restoration actions; removal of equipment, the estimated costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.

Following a continuous one-year period in which no mining is generated, or if substantial action on the project is discontinued for a period of one year, the permit holder or successor and interest, will have one year to complete decommissioning of the data or cryptocurrency facility. Decommissioning shall be completed in accordance with the approved decommissioning plan. The landowner or tenant must notify the County when the project is discontinued.

ARTICLE XIX LIGHTING REQUIREMENTS

SECTION 1. INTENT

The purpose of this Section is to preserve the rural atmosphere of Jones County. Increasing light pollution and glare from inappropriate lighting degrades the rural character. This Section is intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting to reduce glare, minimize light trespass, and reduce the cost and waste of unnecessary energy consumption.

SECTION 2. LIGHTING REQUIREMENTS

When a lot is located in a RMH, C1, C2, I1 or I2 District, and for any use permitted by this Ordinance within any district, excepting single-family residential and agricultural uses (as defined herein), the following protective lighting measures shall be provided for:

A. All lighting (including street lights, parking lot lights, spot or flood lights illuminating buildings or structures, advertising signs or billboards, or other outdoor fixtures) shall be of a type, design and placement that is directed away from, and shielded in a manner to minimize impact on, neighboring property and the night sky. Lighting shall be of a type indicated in the IDA (International Dark-Sky Association) examples of acceptable lighting. (See Appendix B.)

B. When any development plan proposes installed street, common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of this Article and associated regulations shall be adhered to.

C. This paragraph shall not apply to temporary decorative lighting, such as holiday lighting.

ARTICLE XX SIGN REQUIREMENTS

SECTION 1. PURPOSE AND GENERAL INTENT

The purpose of this Article is to permit outdoor advertising signs in such a manner that will not confuse or mislead the traveling public, nor obstruct the vision necessary for traffic safety, and to permit and regulate signs in order to support and compliment land use objectives set forth in the Land Use Plan for Jones County. Further, it is the intent of this Article to permit and regulate signs in compliance with Chapter 306C, Code of Iowa, and such administrative rules governing outdoor advertising. A written permit shall be obtained from the Administrative Officer before erecting, constructing, reconstructing, enlarging, or moving any sign as defined below.

It is the intent of the County not to unduly restrict signs and billboards in the rural area. However, placement and construction of signs and billboards should be compatible with surrounding land uses and preserve property values of surrounding properties; should protect existing businesses which are adequately identified and advertised from a proliferation of signs which reduce the effectiveness of individual signs; should not disrupt agricultural operations or take agricultural operations out of production; should not distract adjoining residences; and should not distract nor reduce visibility for vehicular traffic.

SECTION 2. DEFINITIONS

A. Advertising: Any sign that, by way of its message, content, or usage, calls to the public's attention products or services that may be bought, sold, or rented either on or off the premises on which the sign is located.

B. Balloon sign: An inflatable bag filled with gas and displayed as to draw attention to its advertising content.

C. Billboards: Billboards as used in this chapter shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

D. Building sign: A sign which is supported by a building or wall and includes the terms: wall sign, facia sign, awning sign, marquee sign, and roof sign.

E. Directional signs, public: Signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomenon, historic, cultural, scientific, educational, and religious sites; areas of natural scenic beauty or naturally suited for outdoor recreation.

F. Freestanding sign: A permanent sign which is supported by one or more up-rights or braces in or upon the ground and not attached to any building or wall, and includes the terms billboard, banjo sign, and monument sign.

G. Official signs: Signs and notices erected and maintained by public officers and public agencies within their territorial or zoning

jurisdictions, and pursuant to and in accordance with direction or authorization contained in federal, state, or local law, for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or non-profit historical societies may be considered official signs.

H. Off-premise sign: Any advertising sign which is not an on-premise sign.

I. On-premise sign: Any sign that, by way of its message, content or use, identifies or directs attention to the principal profession, business, service, activity, product, campaign, or attraction manufactured, sold, conducted, or offered on the property upon which such signage is located. On-premise shall not be construed to mean property which cannot reasonably be used as an integral part of the advertised activity.

J. Sign or signage: Any structure visible from the public right-of-way, including, but not limited to any device, display, figure, pointing, drawing, message, placard, poster, billboard, or any other device designed, intended, or used for visual communication with the traveling public.

K. Sign area: That area of a sign determined by using actual dimensions where applicable, or approximate dimensions where irregularity of sign shape warrants. Such area shall include the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign or of the display. The area of the sign composed of characters or words attached directly to a building wall surface shall be the smallest trapezoid or hexagon which encloses the whole group of characters and/or words.

L. Special event sign: Signs to be used on a temporary basis for a community event, new business grand openings, events of public interest, events of non-profit organizations and similar events with a duration no longer than seven (7) concurrent calendar days.

M. Wall Sign: A sign which is attached to any building or wall of a structure.

SECTION 3. GENERAL PROVISIONS FOR SIGN REGULATIONS

A. Signs prohibited in all districts:

1. No sign shall be erected which by way of its size, shape, placement, content, or illumination:

a. Obscures or physically interferes with an official traffic sign, signal or device.

b. Impairs the vision of drivers in a manner that can be constituted as a traffic hazard, or that otherwise interferes with the safe movement of traffic.

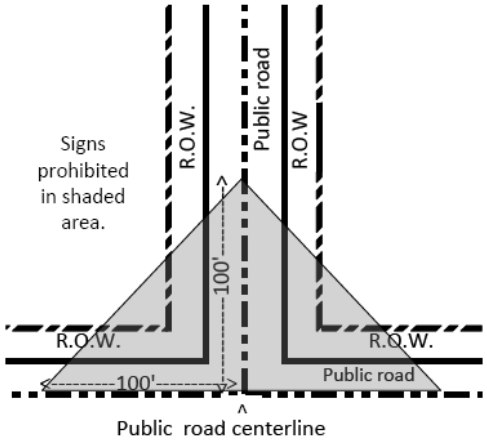
c. Imitates or resembles an official sign, signal, or device, or is otherwise confusing or misleading to the public.

2. No sign shall be constructed or reconstructed in the right-of-way of any interstate highway, state highway, or county road, except those official, directional, and public utility signs and devices authorized by law.

3. No sign shall be constructed or reconstructed within the triangular area formed by connecting the centerlines of the intersecting roads at points which are one hundred (100) feet from their point of intersection. (see Figure 1.1):

Figure 1.1

Sight distance at intersections



4. No sign shall be illuminated by flashing, intermittent, or animated light or lights except those giving such public service information as the time, date, temperature, weather and those advertising goods and services sold on the premises. Digital and video signs are prohibited in the Agricultural, Residential, and C1-Commercial Districts.

5. No sign, except for a balloon sign, shall be constructed or reconstructed in a manner by which all or part of the sign swings, dangles or in any other way moves or can be moved.

6. No sign shall be affixed or painted on rocks, trees or other natural features.

7. No sign shall be erected or maintained which is structurally unsound, or in substantial disrepair.

8. No portable/temporary sign shall be erected, placed or in any way displayed or maintained except as otherwise specifically provided for in this chapter. Portable signs shall include but not be limited to signs:

   a. With wheels or wheels removed,

   b. With chassis or support constructed without wheels,

   c. Designed to be transported by trailer or wheels,

   d. Converted to A or T frame signs,

e. Attached temporarily or permanently to the ground, structure or other signs,

f. With strings, pennants and balloons, and

g. Menu and sandwich board signs.

B. Signs permitted in all districts. The following signs shall be permitted in all districts without a permit:

1. Public directional signs and official signs.

2. Signs advertising the on-premise sale of agricultural products and produce.

3. Temporary real estate signs advertising the sale, rental, or lease of property upon which they are located. Such signage shall not exceed thirty-two (32) square feet in area and shall be removed from the property when all lots in the subdivision have been sold.

4. Temporary construction signs identifying the architects, engineers, contractors, or other individuals involved in the construction of a building on property upon which such sign is located. Such signage shall not exceed thirty-two (32) square feet in area per sign face and shall not exceed ten (10) feet above ground level and shall be removed six (6) months after the neighborhood identification sign is erected.

5. Political yard signs announcing candidates seeking public office, a political issue, or a yard sign containing other election information.

6. Special event signs to be used on a temporary basis advertising for a community event, new business grand openings, events of public interest, events of non-profit organizations and similar events with a duration no longer than seven (7) concurrent calendar days.

7. One name plate per residence shall be allowed provided that the same is non-illuminated and does not exceed ten square feet in area.

8. Except where expressly prohibited, signs may be internally or externally illuminated with a non-flashing light source.

C. Sign regulations by district (requiring a permit).

1. All A - Agricultural Districts: In addition to the general provisions of this Ordinance, the following regulations shall apply to signage in all A - Agricultural Districts:

a. One on-premise sign for any permitted use or special permitted use in the A - Agricultural District attached to the building. Such sign shall be limited to a combined total sign area not to exceed twenty-five (25) percent of the area of the front wall of the principal building. No building sign shall exceed a height of fifteen (15) feet above the actual building height.

b. One on-premise sign for any permitted use in the A – Agricultural District. Such signs shall not exceed thirty-two (32) square feet in area on each side, shall not exceed six (6) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

c. Home businesses may erect a sign not to exceed thirty-two (32) square feet and shall not exceed six (6) feet in the height of the sign, or from the closest roadway surface elevation, whichever is greater.

d. No use shall have more than one (1) type of sign permitted.

e. Property with frontage to primary Highway 151 shall be allowed a sign not to exceed forty (40) square feet in area on each side, and not to exceed twelve (12) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

2. All R - Residential Districts: In addition to the general provisions of this Ordinance, the following regulations shall apply to signage in all R and RMH - Residential Districts:

a. One on-premise sign for any permitted use or special permitted use in the R and RMH District attached to the building. Such sign shall be limited to a combined total sign area not to exceed twenty-five (25) percent of the area of the front wall of the principal building. No building sign shall exceed the height of the actual building height.

b. One on-premise sign for any permitted use in any R and RMH District. Such signs shall not exceed twenty-four (24) square feet in area on each side, shall not exceed six (6) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

c. Home businesses may erect a sign not to exceed twenty-four (24) square feet and shall not exceed six (6) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

d. A residential neighborhood is permitted to have one Neighborhood Identification Sign for each entrance. Such signs shall not extend into any public right-of-way. The sign shall not exceed one hundred (100) square feet. The height of the sign shall not exceed seven (7) feet above the uniform finished grade. The neighborhood identification sign may be externally illuminated with a non-flashing light source.

3. All C1 - Commercial Districts: In addition to the general provisions of this Ordinance, the following regulations shall apply to signage in all C1 - Commercial Districts:

a. Two types of on-premise signs are allowed for any permitted use in the C1 - Commercial District:

i. Wall signs attached to the building. Such signs shall be limited to a combined total sign area not to exceed twenty-five (25) percent of the area of the front wall of the principal building occupied by the business and not to exceed two hundred (200) square feet in area. No building sign shall exceed a height of fifteen (15) feet above the actual building height.

ii. One on-premise (Freestanding) sign. Such sign shall not exceed one hundred (100) square feet in area on each side, shall not exceed twenty-five (25) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

iii. The cumulative total area of the above signs shall not exceed two hundred (200) square feet.

b. Multiple buildings on a single parcel shall be allowed walls signs to have a cumulative total area not to exceed two hundred (200) square feet.

c. Building identification and directional signs shall be limited to four (4) square feet and not to exceed (4) feet high. Low level entrance and exit signs are allowed. The area of these signs are not included in the cumulative maximum.

4. All C2 - Commercial Districts: In addition to the general provisions of this Ordinance, the following regulations shall apply to signage in all C2 - Commercial Districts:

a. Two types of on-premise signs for any permitted use in the C2 - Commercial District:

i. Wall signs attached to the building shall be limited to a combined total sign area not to exceed twenty-five (25) percent of the area of the front wall of the principal building occupied by the business and shall not exceed two hundred (200) square feet in area. No building sign shall exceed a height of fifteen (15) feet above the actual building height.

ii. One on-premise (Freestanding) sign. Such sign shall not exceed one hundred (100) square feet in area on each side, shall not exceed twenty-five (25) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

iii. The cumulative total area of the above signs shall not exceed three hundred (300) square feet.

b. One freestanding sign (off-premise) shall be limited to a maximum sign area of three hundred (300) square feet per side with no more than two faces mounted on a common structure and the combined sign area per structure shall not exceed six hundred (600) square feet. The maximum height shall not exceed thirty (30) feet above the higher or highest established grade of any public road or roads either abutting or serving the property.

i. No off-premise freestanding sign shall be allowed within one thousand (1,000) feet of another off-premise freestanding sign.

c. Multiple buildings on a single parcel shall be allowed walls signs to have a cumulative total area not to exceed two hundred (200) square feet.

d. Building identification and directional signs shall be limited to four (4) square feet and not to exceed (4) feet high. Low level entrance and exit signs are allowed. The area of these signs are not included in the cumulative maximum.

5. All Industrial Districts: In addition to the general provisions of this Ordinance, the following regulations shall apply to signage in all I1 and I2 - Industrial Districts:

a. Two types of on-premise signs for any permitted use in the I1 and I2 – Industrial Districts:

i. Wall signs attached to the building. Such signs shall be limited to a combined total sign area not to exceed twenty-five (25) percent of the area of the front wall of the principal building occupied by the business shall not exceed two hundred (200) square feet. No building sign shall exceed a height of fifteen (15) feet above the actual building height.

ii. One on-premise (Freestanding) sign. Such signs shall not exceed one hundred (100) square feet in area on each side, shall not exceed twenty-five (25) feet in the height of the sign or from the closest roadway surface elevation, whichever is greater.

iii. The cumulative total area of the above signs shall not exceed three hundred (300) square feet.

b. One freestanding sign (off-premise) shall be limited to a maximum sign area of three hundred (300) square feet per side with no more than two faces mounted on a common structure and the combined sign area per structure shall not exceed six hundred (600) square feet. The maximum height shall not exceed thirty (30)

feet above the higher or highest established grade of any public road or roads either abutting or serving the property.

i. No off-premise freestanding sign shall be allowed within one thousand (1,000) feet of another off-premise freestanding sign.

c. Multiple buildings on a single parcel shall be allowed walls signs to have a cumulative total area not to exceed three hundred (300) square feet.

d. Building identification an directional signs shall be limited to four (4) square feet and not to exceed (4) feet high. Low level entrance and exit signs are allowed. The area of these signs are not included in the cumulative maximum.

6. Other sign provisions: All signs located on Interstate or primary highways will be required to comply with Chapter 306C, Code of Iowa, and obtain approval from the Iowa Department of Transportation, in addition to meeting the requirements established by this Article.

SECTION 4. NON-CONFORMING SIGNS

This Article is intended to encourage the eventual elimination of signs which do not comply with the ordinance. A sign not complying with this ordinance, but in place on the effective date of this ordinance may be continued if it is maintained in good condition. However, it shall not be replaced by another non-conforming sign or enlarged, reconstructed, altered or moved so as to prolong the life of the sign. It may not be reestablished after damage or destruction if the Administrative Officer determines that the estimated costs of reconstruction exceeds 50% of the estimated replacement costs.

SECTION 5. NUISANCE

An unsafe or abandoned sign may be declared a nuisance which shall be abated by the owner within sixty (60) days of receiving notice from the Administrative Officer. After sixty (60) days, the County may cause the sign to be removed with related costs assessed to the owner.

SECTION 6. PERMIT FORM

An application for a permit shall be submitted in such form as the Administrative Officer may prescribe.

A. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.

B. Such application shall contain the full names and addresses of the applicant and of the owner, and if the owner is a corporate body, of its responsible officers.

C. Such application shall describe the proposed work and shall give such additional information as may be required by the Administrative Officer for an intelligent understanding of the proposed work. Additional information may include:

1. Location of the building, structure or parcel where the sign will be located.

2. Position of the sign in relation to nearby buildings, structures, property lines, existing or proposed rights-of-way, and the setbacks of applicable zoning ordinances.

3. Such other information that may be required to show compliance with this Article.

4. A statement that: "Any change in the information in this application, such as change in address or scope of work, shall be submitted to the Administrative Officer within seven (7) days after said change."

ARTICLE XXI KENNEL AND ANIMAL SHELTER REQUIREMENTS

SECTION 1. PURPOSE AND GENERAL INTENT

The purpose of this section is to allow kennels in an Agricultural District if they meet certain criteria. A kennel proposal will be reviewed by the Board of Adjustment and will be permitted only when it conforms to the following and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

A. In order to provide safety, to prevent disturbances and to avoid sanitary or health problems, kennels shall not be located within ½ mile (2,640 feet) of any residence, except for the residence located on the kennel premises.

B. The owner of the kennel shall be responsible for physically inspecting the dogs in the kennel every twelve (12) hours to assure that the dogs have sufficient water, food, shelter, restraint and medical care.

C. Dogs in the kennel shall not be allowed to run loose outside of the kennel's fenced enclosure.

D. Kennels shall be kept in a high state of cleanliness at all times.

E. No more than one dog shall be kept for each seventy-two (72) square feet of kennel ground or floor space.

F. Kennel floors shall be made of concrete or hard-packed gravel or crushed rock. Kennels shall be enclosed with a fence that is at least six (6) feet high. Kennels shall be provided with an overhead tarp or roof to protect the dogs from the sun and elements. Kennels shall be constructed to include insulated housing to protect dogs from severe weather. Kennel housing units shall be no less than twelve (12) square feet per dog. All kennel buildings must be able to be securely locked.

H. All training establishments where dogs are boarded or training occurs must have an external perimeter fence at least six (6) feet high to prevent the escape of the animals. In addition to the external security fence, a six (6) feet high chain mesh fence must enclose the immediate training area.

SECTION 2. ANIMAL SHELTER

The purpose of this section is to allow animal shelters in the respective district if the shelter meets certain criteria. An animal shelter proposal will be reviewed by the Board of Adjustment or Land Use Administrator, as applicable. An animal shelter will be permitted only when it conforms to the following requirements and is subject to any additional conditions as may be warranted to mitigate deleterious effects of the proposed use:

A. Animals housed at the shelter shall remain inside an enclosed building during the hours between 9:00 p.m. and 7:00 a.m.

B. Animals housed at the shelter shall not be allowed to run loose outside of a fenced enclosure.

C. The animal shelter shall be kept in a high state of cleanliness at all times.

D. All requirements of Chapter 67 of [21] of the Iowa Administrative Code (Animal Welfare) and Code of Iowa Chapter 162 shall be met.

ARTICLE XXII OFF-STREET PARKING REQUIREMENTS

SECTION 1. OFF-STREET PARKING REGULATIONS
The following off-street parking places shall be provided:

A. Automobile sales and service garages: 6 spaces for each 1,000 sq. ft. of total floor area.

B. Banks, business and professional offices: 4 spaces for each 1,000 sq. ft. of total floor area.

C. Bowling alleys: 5 spaces for each alley.

D. Churches and schools: 1 space for each 6 seats in a principal auditorium or 1 space for each 17 classroom seats, whichever is greater.

E. Clubs and lodges: 10 spaces for each 1,000 sq. ft. of total floor area.

F. Dance halls, assembly halls: 10 spaces for each 1,000 sq. ft. of total floor area used for dancing or assembly.

G. Dwellings: 1 space for each family or dwelling unit.

H. Funeral homes, mortuaries: 1 space for each 5 seats in the principal auditorium.

I. Furniture and appliance stores, household equipment or furniture repair shops, over 1,000 square feet of floor area: 4 spaces for each 1,000 sq. ft. of total floor area.

J. Hospitals: 1 space for each 6 beds.

K. Hotels: 1.5 spaces for each 1 dwelling unit.

L. Manufacturing plants: 1 space for each 3 employees on the maximum working shift.

M. Restaurants, taverns and night clubs, over 1,000 square feet floor area: 10 spaces for each 1,000 sq. ft. of total floor area.

N. Retail stores, supermarkets, etc., over 2,000 square feet floor area: 6 spaces for each 1,000 sq. ft. of total floor area.

O. Retail stores, shops, etc., under 2,000 square feet floor area: 4 spaces for each 1,000 sq. ft. of total floor area.

P. Sports arenas, auditoriums other than in schools: 1 space for each 6 seats.

Q. Theaters, assembly halls with fixed seats: 1 space for each 4 seats.

R. Wholesale establishments or warehouses: 1 space for each 2 employees.

S. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a

use which is so mentioned and to which said use is similar, shall apply.

ARTICLE XXIII PLANNING AND ZONING COMMISSION

SECTION 1. MEMBERSHIP
The Jones County Planning and Zoning Commission shall have two (2) members shall serve for a term of three (3) years, three (3) members shall serve for a term of two (2) years. New members of this board shall be appointed by the Board of Supervisors, each serving a term of three (3) years. The members shall reside in Jones County, Iowa, and members shall reside outside the corporate limits of any city.

SECTION 2. DUTIES
The Jones County Planning and Zoning Commission shall recommend to the Board of Supervisors amendments, supplements, changes, or modifications to the boundaries of the planning districts, and the regulations and restrictions to be enforced therein.

SECTION 3. FINAL REPORT
The Land Use Plan prepared by the Jones County Planning and Zoning Commission is adopted by the Jones County Board of Supervisors as the Final Report required under 2005 Iowa Code Section 335.8, and said report shall act as a reference point and guide for planning and land use ordinances in Jones County.

ARTICLE XXIV BOARD OF ADJUSTMENT

SECTION 1. INTENT

The County Board of Supervisors shall provide for the appointment of a County Board of Adjustment. Pursuant to the authority of this Article, the County Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, allow special permitted uses and grant variances to the specific terms of this Ordinance. The special exception or variance shall be in harmony with the Ordinance's general purpose and intent and in accordance with general rules contained herein, and provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of this Ordinance may petition the Board of Adjustment directly to modify this Ordinance as applied to such property owners.

SECTION 2. MEMBERSHIP

There is hereby created the Jones County Board of Adjustment. The Board shall consist of five (5) members appointed by the Board of Supervisors. The members shall reside within unincorporated Jones County. Each member shall be appointed for a term of five (5) years, except that with the initial board one (1) member shall be appointed for a term of five (5) years, one (1) member for a term of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year. Members shall be removable for cause by the Board of Supervisors upon written charges and following public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

SECTION 3. RULES

The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. The Board of Adjustment shall select a chairperson to serve for a period of one (1) year. Meetings of the Board shall be held at times to be determined by the Board of Adjustment. Special meetings may also be held from time to time when deemed necessary by the chairperson. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public and the Board of Adjustment shall keep records of its examinations and other official actions. Said records shall be immediately filed in the office of the Board of Adjustment and shall be a public record.

SECTION 4. OFFICE OF BOARD OF ADJUSTMENT

The Jones County Land Use Administrative Office is designated as the office of the Board of Adjustment, and as such shall be responsible for maintaining the records of the Board of Adjustment, and making said records available for the public.

SECTION 5. POWERS OF BOARD

The Board of Adjustment may in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with the rules herein contained. The Board of Adjustment shall have the following specific powers:

A. 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.

B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

C. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public

interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

SECTION 6. VOTE REQUIRED

The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decisions, or determination of the Land Use Administrator, 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 variance of this Ordinance. Three members of the Board of Adjustment must also be present at any meeting to constitute a quorum.

SECTION 7. PETITION TO COURT

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this ordinance, or any taxpayer, or any officer, department, board or bureau of the county, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after filing of the decision in the office of the board.

ARTICLE XXV PROCEDURE TO REQUEST VARIANCE OR EXCEPTION

SECTION 1. INTENT
As set forth in this Article, the Board of Adjustment may, upon the request of an individual, after proper prescribed application of forms, procedures, public notices, and public hearings, grant approval for a variance or exception to this Ordinance.

SECTION 2. PARTIES ALLOWED TO REQUEST VARIANCE
Requests for a variance or exception may be made by any landowner, including a contract purchaser, any potential buyer or developer, or any other person with an ownership interest in the property. Any such party may also appeal any action taken by the Land Use Administrator which adversely affects the use of their land.

SECTION 3. APPLICATION FORM
Requests for a variance or exception to this Ordinance, or appeals of actions of the Land Use Administrator, shall be filed with the Land Use Administrator upon application forms developed by the Land Use Administrator. At a minimum, said forms shall require the following:

A. A description of the nature of the action.

B. A legal description of the real estate upon which the use will be located.

C. The name of the owner and developer of the land.

D. A statement of the intended use.

E. A "sketch" map of proposed site development.

F. The disruption expected to be incurred on the area's present setting.

G. Methods to be implemented to lessen the severity of said disruption.

H. Signature of the owner and developer and the date.

SECTION 4. APPLICATION FEE
A filing fee shall be set by the Board of Supervisors, and said fee shall be collected by the Land Use Administrator upon the filing of the application. The fees shall be payable to Jones County, Iowa, and shall be non-refundable. The Land Use Administrator shall not take any action upon the application until the filing fee has been collected in full.

SECTION 5. PUBLIC NOTICE
Upon receipt of an application and filing fee, the Land Use Administrator shall place the application on the next regular Board of Adjustment meeting agenda, and see that proper notice is provided. Proper notice shall consist of publication of the request along with the time and place for the hearing at least five (5) days prior to the hearing, but no longer than twenty (20) days prior to the hearing in all of the officially designated newspapers of the County. In addition, certified mailings shall be sent to all adjoining property owners with the time and place for the hearing.

SECTION 6. FEES FOR SPECIAL MEETINGS
The applicant shall be assessed a fee set by the Board of Supervisors to hold any special meetings, when the special meeting was called in order to accommodate the schedule and any deadlines of the applicant.

SECTION 7. REPORT BY LAND USE ADMINISTRATOR
The Land Use Administrator, in consultation as necessary, with the Jones County Engineer, Jones County District Soil Conservationist, Jones County Sanitarian, Jones County Flood Plain Coordinator, Jones County 911 Coordinator, Jones County Conservation Director or other state or local agencies, shall prepare a written report addressing the impact which the application will have on the overall land use plan in Jones County, and specifically the impact which the application would have on surrounding property. The Land Use Administrator's report shall be completed and presented to the Board of Adjustment prior to the hearing date. A copy of the report shall be mailed to the applicant prior to the hearing date and copies shall be made available for review by the public.

SECTION 8. REVIEW BY BOARD OF ADJUSTMENT
The application and written report shall be reviewed at the public hearing by the Board of Adjustment. At this hearing the Board of Adjustment shall also receive comments from the applicant and the public at large. The Board of Adjustment shall then render its decision to approve the application in full, approve the application subject to modification, deny the application, or table the application to a later date.

SECTION 9. WRITTEN FINDINGS
The Board of Adjustment shall issue its decision in writing specifying the reasons for its decision. Whenever the Board of Adjustment approves an application in full, or as modified, the decision shall also set out in detail the exact nature of the exception or variance granted and any specific restrictions to be placed on the variance or exception. The Land Use Administrator shall mail a copy of the decision to the applicant.

SECTION 10. VARIANCE PERMIT
The Land Use Administrator shall issue a variance permit to any applicant who is granted an exception or variance by the Board of Adjustment. The permit shall describe the property subject to the exception or variance and shall also specify the exact nature of the exception or variance granted. No development or construction may be initiated on the property until the variance permit is issued. The permit shall become null and void one (1) year after the date on which it is issued unless the approved use is commenced within that same one (1) year time period.

SECTION 11. REVIEW BY BOARD OF SUPERVISORS
The Board of Supervisors may provide for its review of variances granted by the Board of Adjustment before their effective date. The Board of Supervisors may remand a decision to grant a variance to the Board of Adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

SECTION 12. APPEAL TO DISTRICT COURT
Pursuant to 2005 Iowa Code Section 335.18, any landowner, or other person aggrieved by a decision rendered under this Ordinance by the Board of Adjustment may file a petition with the District Court within thirty (30) days after the decision has been issued by the Board of Adjustment.

ARTICLE XXVI ADMINISTRATION AND ENFORCEMENT

SECTION 1. INTENT

It is the purpose of this Article to identify certain officers who will be required to administer and enforce this Ordinance; to define the duties and responsibilities of said individuals and to set forth a procedural system for application of this Ordinance and its enforcement.

SECTION 2. COUNTY LAND USE ADMINISTRATOR

The office of County Land Use Administrator is hereby established. The Board of Supervisors shall appoint a County Land Use Administrator who shall be compensated at a reasonable rate set by the Board of Supervisors. The County Land Use Administrator shall serve at the direction of the Board of Supervisors.

SECTION 3. DUTIES OF LAND USE ADMINISTRATOR

The County Land Use Administrator shall:

A. Conduct inspections, examinations, and research of the use of structures and land to determine compliance with the terms of this Ordinance.

B. Determine and initiate action to correct violations of this Ordinance.

C. Process all applications made to the Planning & Zoning Commission and Board of Adjustment, including but not limited to requests for amendments, special exceptions, variances, and appeals. The County Land Use Administrator shall also maintain records of said applications.

D. Promptly transmit to the Board of Adjustment, at the time of an appeal from any action taken by the County Land Use Administrator, all papers constituting the record of the appealed action.

E. Act as office of the Planning & Zoning Commission and Board of Adjustment and preserve and keep all such documents filed through that office as public records.

F. Ensure that proper procedures are followed for public hearings and that official decisions and minutes are kept of the County Board of Adjustment and Planning and Zoning Commission meetings.

G. Process and issue all required permits within thirty (30) days of receipt of said application and maintain records thereof.

H. At the request of the Board of Adjustment, submit written reports concerning requests for variances and exceptions from this Ordinance.

I. Charge and receive such reasonable fees, as set forth in this Ordinance.

J. Provide and maintain a public information service related to all matters arising under this Ordinance.

K. Perform such other duties as are assigned by this Ordinance.

SECTION 4. ZONING DISTRICT MAP

A map of the County with the land use districts marked has been prepared. The map shall become the official Zoning Map of Jones County and shall be available electronically and in paper format for public inspection in the Land Use Office. The map may be reviewed and revised on an annual basis.

SECTION 5. SIGNS FOR ORDINANCE CHANGES

For every rezoning, variance request, or special permitted use request, a temporary sign, provided by the County, shall be placed by the applicant in a visible location on the property in question. The sign shall clearly state the phone number of the Jones County Land Use Administrator so interested residents may call to establish what is being requested of the property (rezoning, variance, or special permitted use request) and to notify the public of the time, place and date of the public hearing in regards to the rezoning, variance, or special permitted use request. The sign must be returned to the Jones County Land Use Administrator or a fine will be assessed to the property owner. The fine will be established by resolution of the Board of Supervisors.

SECTION 6. PENALTY

This Ordinance is enforceable against titleholders of the property, whether that title is held by deed or contract, and against any other individual in lawful possession of the property.

A violation of this Ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this Ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

In addition to any civil penalty imposed for violating this Ordinance, a court may grant appropriate relief to abate or halt the violation, including all of the options available pursuant to Iowa Code Section 331.307, as now or hereafter amended.

ARTICLE XXVII AMENDMENTS

SECTION 1. GENERAL
This Ordinance may be amended from time to time whenever required by public necessity, general welfare, or good land use practice.

SECTION 2. RECOMMENDATIONS TO AMEND
The Board of Supervisors on its own authority may initiate action to amend this Ordinance, or such action may be initiated by recommendation of a private citizen, or by the Planning and Zoning Commission. Any recommendation shall be in written form specifying in detail the proposed changes to this Ordinance and shall be available to the public in the office of the Land Use Administrator.

SECTION 3. PROCEDURE TO REVIEW REQUESTS FOR AMENDMENT
The following steps shall be followed to review requests for amendments to this Ordinance:

A. Filing Request: A private citizen, or any member of the Planning and Zoning Commission, shall file a written request for amendment with the Land Use Administrator.

B. Notice: The Land Use Administrator shall promptly place such request upon the agenda for the Planning and Zoning Commission, and shall provide for notice of the hearing. The public notice shall state the purpose, time and place of the hearing, and shall be published in all officially designated newspapers of Jones County at least five (5) days prior to the hearing, but no longer than twenty (20) days prior to the hearing.

C. Consideration by Planning and Zoning Commission: The Planning and Zoning Commission shall consider the request at a public hearing, and receive comments and protests upon the amendment by the general public. The Planning and Zoning Commission shall make appropriate amendments, supplements, changes, or modifications to the proposed amendment. Following the hearing, the Planning and Zoning Commission shall submit a written recommendation, and the grounds for such recommendation, to the Board of Supervisors.

D. Placement on Board of Supervisor's Agenda: The Land Use Administrator shall promptly prepare copies of the Planning and Zoning Commission’s written recommendation and submit such copies to the Jones County Auditor. Upon receipt of these copies the Jones County Auditor shall place the matter on the Board of Supervisor's agenda for the next available meeting, and shall provide for public notice as required for all regular Board of Supervisor meetings.

E. Proposed Amendment by Board of Supervisors: A member of the Board of Supervisors, on their own initiative, may also place a proposed amendment upon the Board of Supervisor's agenda by filing the proposal with the Jones County Auditor. The Jones County Auditor shall place the matter on the Board of Supervisor's agenda for the next available meeting, and shall provide for public notice as required for all regular Board of Supervisor meetings.

F. Consideration by Board of Supervisors: The Board of Supervisors shall consider any amendment requests and render its decision to approve, deny, or modify the requested amendment. The Board of Supervisors shall send all approved or modified amendment requests to the Land Use Administrator in their final proposed form, along with written directions for the establishment of public hearings.

G. Public Hearing: The Land Use Administrator shall arrange for the public hearings in accordance with the written directions from the Board of Supervisors. At least one (1) public hearing shall be held. Public notice stating the purpose of the hearing, and the time and place of the hearing shall be published in all officially designated Jones County newspapers at least five (5) days prior to the hearing, and no longer than twenty (20) days prior to the hearing. The notice shall also state the location of any district affected by the proposed amendment by naming the township and section, and the boundaries of any proposed district shall be expressed in terms of streets or roads, if possible. If it is not possible to express the location of any district affected by the proposed amendment in terms of streets or roads, descriptions using fractional parts of sections of land may be used. At the hearing the Board of Supervisors shall consider the comments and protests from the general public.

H. Adoption of Amendment: Following the hearing the Board of Supervisors shall decide whether to adopt the Amendment. If adopted, the Amendment shall not become effective until all required procedures have been completed for the passage of county ordinances under 2005 Iowa Code Chapter 331.

ARTICLE XXVIII MISCELLANEOUS PROVISIONS

SECTION 1. SEVERABILITY
This Ordinance and any amendment hereto and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, it is hereby provided that the application of such portion of the Ordinance to other property, building or structure shall not be affected hereby.

SECTION 2. INTERPRETATION OF STANDARDS
In their interpretations and application, the provisions of this Ordinance shall be held to be minimum requirements.

SECTION 3. RELATIONSHIP TO OTHER LAWS
Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulations, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirement shall govern. Regardless of any other provision of this Ordinance, no land shall be used in violation of any state or federal pollution control or environmental protection law or regulation.

SECTION 4. EFFECTIVE DATE
This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

Passed and approved March 24, 1998
Published April 1, 2, and 3, 1998

Amended April 20, 1999
Published May 5, 6, and 7, 1999

Replaced April 3, 2001
Published April 18, 19, and 20, 2001

Amended April 9, 2002
Published April 24, 25, and 26, 2002

Amended January 7, 2003
Published January 17, 22, and 23, 2003

Amended December 2, 2003
Published December 12, 17, and 18, 2003

Correction to the December 2002 Codification approved February 3, 2004

Replaced April 3, 2007
Published April 18, 19, and 20, 2007

Amended July 28, 2009
Published August 7, 12, and 13, 2009

Amended January 31, 2012
Published February 10, 15, and 16, 2012

Amended April 10, 2012
Published April 20, 25, and 26, 2012

Amended April 8, 2014
Published April 18, 23, and 24, 2014

Amended September 23, 2014
Published October 3, 8, and 23, 2014

Amended July 7, 2015 (2015-05)
Published July 22 and 23, 2015, and November 20, 2015*
**(Midland Times omitted publication in July 2015)*

Amended February 23, 2016 (2016-01)
Published March 4, 9, and 10, 2016

Replaced March 2, 2021
Published March 17 and 18, 2021

Amended September 13, 2022 (2022-01)
Published September 28 and 29, 2022

APPENDIX A

DISTRICT REGULATIONS								
Principal Use	**Zoning District**	**Use Designation**	**Lot area**	**Lot width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
Adult Entertainment Uses	C2-Highway Commercial I1-Industry	Special Permitted	See Article XII.					
Animal shelters	A-Agricultural R-Residential	Special Permitted	5 acres	150	30	50	50	35′ and/or 2 ½ stories
	C1-Commercial C2-Highway Commercial I2-Heavy Industry	Permitted						
Bed and Breakfast Inns	A-Agricultural R-Residential C1-Commercial C2-Highway Commercial	Special Permitted	2 acres	150	30	30	15	35′ and/or 2 ½ stories
Churches or other places of worship	A-Agricultural R-Residential	Special Permitted	2 acres	150	30	30	15	35′ and/or 2 ½ stories
	C1 & C2-Highway Commercial	Permitted						

DISTRICT REGULATIONS								
Principal Use	**Zoning District**	**Use Designation**	**Lot area**	**Lot width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
Communication Towers	A-Agricultural C1-Commercial C2-Highway Commercial I1-Industry I2-Heavy Industry	Special Permitted	See Article XIV.					
Daycare facilities	R-Residential	Special Permitted	1 acre	150	30	30	15	35′ and/or 2 ½ stories
	C-1 Commercial	Permitted						
Farmland split Farmstead split (Residential)	A-Agricultural A2-Agricultural	Permitted	2 acres	150	30	30	10	35′ and/or 2 ½ stories
Home-based Industries	A-Agricultural R-Residential RMH-Residential	Special Permitted	See applicable district	150	30	30	10	35′ and/or 2 ½ stories
Kennels, fox and mink farms	A-Agricultural	Special Permitted	5 acres	150	30	50	50	35′ and/or 2 ½ stories
Manufactured Housing Park	RMH-Residential Manufactured Housing	Permitted	10 acres	300	50	50	50	35′ and/or 2 ½ stories

DISTRICT REGULATIONS								
Principal Use	**Zoning District**	**Use Designation**	**Lot area**	**Lot width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
Multi-Family Dwelling	R-Residential PD-Planned Development	Permitted	1 acre	150	30	30	15	35′ and/or 2 ½ stories
Schools and Educational facilities	R-Residential	Special Permitted	2 acres	150	30	30	20	35′ and/or 2 ½ stories
	C1-Commercial C2-Highway Commercial	Permitted						
Seed, feed, biofuel plants and other direct farm supply businesses	A-Agricultural	Special Permitted	2 acres	150	30	50	50	35′ and/or 2 ½ stories
	C2-Highway Commercial	Permitted						
Single Family Dwelling	R-Residential	Permitted	1 acre	150	30	30	10	35′ and/or 2 ½ stories
Auxiliary Dwelling Unit	A-Agricultural R- Residential	Permitted	See Applicable District	150	30	30	10	35′ and/or 2/12 stories
Stables, private and public, riding academies and clubs, and similar uses	A-Agricultural	Special Permitted	5 acres	150	30	50	50	35′ and/or 2 ½ stories

DISTRICT REGULATIONS				
Principal Use	**Zoning District**	**Use Designation**	**Use of Abutting Property/Zoning**	**Setback Distance from Blasting/Highwall Limits (feet)**
Quarry and Extraction Uses See Article X	A-Agricultural A2-Agricultural I1-Industry	Special Permitted	Agricultural	50
			Residential	500
	I2-Heavy Industry	Permitted	Commercial	150
			Industrial	100
			Public and Utility Right of Way	50
			School, Churches, places, of Assembly, Public Recreational Uses (Parks/Campgrounds)	500
Utility Scale Solar Gardens Solar Energy Conversion Systems (SECS)	A-2 Agricultural	Permitted	See Solar Energy Conversion System Bulk Regulations Article XVI	
	I1-Industry			
	I2-Heavy Industry			
	PD-Planned Development			

DISTRICT REGULATIONS								
Principal Use	**Zoning District**	**Use Designation**	**Lot area**	**Lot width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
Wind Energy Conversion Systems(WECS) - Small	A-Agricultural R- Residential C1-Commercial C2-Highway Commercial I1-Industry	Special Permitted	See Wind Energy Conversion System Bulk Regulations Article XV					
Wind Energy Conversion Systems(WECS) - Large	A2-Agricultural I2-Heavy Industry	Permitted	See Wind Energy Conversion System Bulk Regulations Article XV					
Wineries and other Value Added Agricultural Products	A-Agricultural C1-Commercial C2-Highway Commercial	Special Permitted	2 acres	150	30	30	50	35’ and/or 2 ½ stories

WIND ENERGY CONVERSION SYSTEMS					
BULK REGULATIONS					
Principal Use	**Size**	**Rotor Diameter (feet)**	**Separation**	**Noise**	**Maximum Height (feet)**
Wind Energy Conversion Systems- Small	< 100 kw	70	N/A	< 60 dB	120
Wind Energy Conversion Systems - Large	> 100 kw	150	10 diameter minimum	< 60 dB	600

SETBACKS (in feet)		
	Small WECS	**Large WECS**
Property lines	1000	1600
Occupied Residence	1000	1600
Occupied Non-Residential Structure	1000	1600
Confined Animal Feeding Operation (CAFO)	200	660
Right-of-Way	200	660
Public Areas	1000	1600
Cemeteries	1000	1600
Political Boundaries	1000	5280
Overhead Utility Lines	200	660

DISTRICT REGULATIONS								
Principal Use	**Zoning District**	**Use Designation**	**Lot area**	**Lot width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
Other Permitted Uses	C1-Commercial	Permitted	No requirement	None	30	15	10	35′ and/or 2 ½ stories
Other Permitted Uses	C2-Highway Commercial	Permitted	No requirement	None	30	30	30	35′ and/or 2 ½ stories
Other Permitted Uses	I1-Industry I2- Heavy Industry	Permitted	No requirement	None	50	50	50	90′ and/or 6 stories
Other Permitted Uses	P-Public	Permitted	No requirement	None	10	10	10	35′ and/or 2 ½ stories

Planned Development District	**Max Density**	**Lot Area**	**Lot width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
A-Agricultural	3 dwelling units/40 acres	2 acres	150	30	30	10	35′ and/or 2 ½ stories
R-Residential	1 dwelling unit/acre	1 acre	150	30	30	10	35′ and/or 2 ½ stories
R-Residential Community Sewer	5 dwelling units/acre	12,000 sq. ft.	150	30	30	10	35′ and/or 2 ½ stories
RMF-Residential Multiple Family	4 dwelling units/acre	20,000 sq. ft.	150	30	30	10	35′ and/or 2 ½ stories
C1-Commercial Neighborhood	10,000 sq. ft.**	2 acres	150	30	30	10	35′ and/or 2 ½ stories
I1-Industry	10,000 sq. ft.**	5 acres	150	30	30	10	35′ and/or 2 ½ stories
P-Public*	N/A	N/A	N/A	30	30	10	35′ and/or 2 ½ stories

*Public structures only **Gross Floor Area per building

DISTRICT REGULATIONS						
Accessory Buildings and Uses	**Use Designation**	**Zoning District**	**Lot Area**	**Rear Yard Setback (feet)**	**Side Yard Setback (feet)**	**Maximum Height**
Private garages Storage sheds	Permitted	All Districts	N/A	15	10	25′ and/or 2 stories
Non-utility scale solar	Permitted	All Districts	N/A	10	10	See applicable district
Seasonal dwelling units	Special Permitted	A-Agricultural	10 acres	30	10	35′ and/or 2 ½ stories
Swimming pools	Permitted	A-Agricultural R-Residential RMH-Residential Manufactured Housing	N/A	30	30	N/A
Horticultural plants and gardens *Horticultural plants and garden setbacks shall only be applicable when abutting the boundary of a farm field to minimize spray damage.	Permitted	A-Agricultural R-Residential	N/A	15	15	N/A
Laundry and recreational facilities and management offices	Permitted	RMH-Residential Manufactured Housing	10 acres	15	10	35′ and/or 2 ½ stories

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APPENDIX B

Examples of Acceptable / Unacceptable Lighting Fixtures



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