

PROCEEDINGS OF THE BOARD OF SUPERVISORS
December 23, 2024

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Chairperson Lori Meacham Ginapp, Vice Chairperson Chris Watts, Supervisor Casey Callanan, and various members of the public.

Chairperson Meacham Ginapp convened the meeting at 10:00 a.m.

Callanan moved with Watts seconding, to approve today's agenda and the minutes for the December 16, 2024 regular session and the December 20, 2024 special session. Motion passed unanimously.

Public comment session was held.

Callanan moved with Watts seconding, to approve claims. Motion passed unanimously.

Watts moved with Callanan seconding, to approve the payroll register for period ending 12/14/2024. Motion passed unanimously.

Watts moved with Callanan seconding, to authorize the Chair to sign Service Agreement with Absolute Waste Removal. Motion passed unanimously.

Watts moved with Callanan seconding, to approve reports from the Environmental Health Service Manager concerning Manure Management Plan Update for Christensen Farms Site F-40 (site #59320) and forward to the DNR. Motion passed unanimously.

County Engineer Billings provided an update.

The Board went into recess at 10:04 a.m.

Chairperson Ginapp reconvened the meeting at 10:15 a.m.

Chairperson Ginapp opened the public hearing on Proposed Ordinance 69 – An Ordinance Amending Cerro Gordo County Ordinance No. 15 to Regulate Zoning Districts' Permitted Land Uses Relating to Industrial or Utility-Scale Electricity Generation and Storage Installations and Systems in Cerro Gordo County, Iowa at 10:15 a.m.

Callanan moved with Watts seconding, to close the public hearing on Proposed Ordinance 69 – An Ordinance Amending Cerro Gordo County Ordinance No. 15 to Regulate Zoning Districts' Permitted Land Uses Relating to Industrial or Utility-Scale Electricity Generation and Storage Installations and Systems in Cerro Gordo County, Iowa. Motion passed unanimously.

Callanan moved with Watts seconding, to adopt Ordinance No. 69, AN ORDINANCE AMENDING CERRO GORDO COUNTY ORDINANCE NO. 15 TO REGULATE ZONING DISTRICTS' PERMITTED LAND USES RELATING TO INDUSTRIAL OR UTILITY-SCALE ELECTRICITY GENERATION AND STORAGE INSTALLATIONS AND SYSTEMS IN CERRO GORDO, COUNTY, IOWA

WHEREAS, Cerro Gordo County, Iowa (the "County"), recently studied and adopted a new comprehensive plan, which was adopted on April 15, 2024, by the Board of Supervisors; and WHEREAS, the County has some of the most productive and highest quality soil in the United States of America and the world; and WHEREAS, the County faces unique drainage challenges due to its topography and soil, which has resulted in a complex system of public and private drainage infrastructure, oversight, and management, much of which covers agricultural land in the county; and WHEREAS, maintaining livability for residents and comity among landowners is an important policy objective for the County, particularly due to a growth in absentee land ownership in the County; and WHEREAS, after to the Comprehensive Plan update, the Board of Supervisors referred any updates to the County's zoning code for large-scale non agricultural projects using substantial acres of agricultural land resources to the Cerro Gordo County Planning and Zoning Commission (the "Commission"); and WHEREAS, the Commission undertook a detailed study of the potential use of the County's land for large-scale non agricultural projects, including industrial, utility-scale wind energy conversion systems, solar installations, and battery storage systems; and WHEREAS, the Commission's study involved

researching industrial, utility-scale wind energy conversion systems, solar installations, and battery storage systems, reviewing and applying relevant law and the County's recently updated comprehensive plan, as well as five public meetings attended by more than 300 individuals to gather input from residents, developers, and other interested parties, and landowners in the County, over several months; and WHEREAS, the Commission ultimately recommended that industrial, utility-scale wind energy-conversion systems, solar installations, and battery storage systems not be an appropriate use of agricultural land in the County; and WHEREAS, the Cerro Gordo County Board of Supervisors (the "Board") has received and considered the Commission's report and recommendations concerning the County's regulations of industrial, utility-scale wind energy conversion systems, solar installations, and battery storage systems within the County; and WHEREAS, the Board has considered relevant law, the County's comprehensive plan, and the objectives set forth in Iowa Code section 335.5; and WHEREAS, the Board finds that zoning regulations of industrial, utility-scale wind energy conversion systems, solar installations, and battery storage systems are necessary to balance interests favoring clean, renewable energy generation and distribution and the necessity to protect the public health, safety, and welfare; to protect public infrastructure, including drainage infrastructure; and to ensure proper land use within the County that is consistent with the County's planning objectives; and WHEREAS, pursuant to Iowa Code section 335.6, the Board scheduled a public hearing on this ordinance and caused notice of said hearing to be published in accordance with Iowa Code section 331.305; and WHEREAS, for the reasons expressed in the Planning and Zoning Commission's report, public input at the County's comprehensive plan meetings, and public hearings on the adoption of this Ordinance, the Board finds it is now appropriate to enact the following Ordinance to preserve the remaining agricultural land in the County for agricultural purposes and protect the health, safety, and welfare of Cerro Gordo County, Iowa, which prohibits new, future construction and operation of industrial, utility-scale wind energy conversion systems, solar energy systems, and battery storage systems on land zoned A-1 or A-2 within the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CERRO GORDO COUNTY, IOWA, THAT:

SECTION 1. Cerro Gordo County Ordinance No. 15, Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by repealing and replacing Article 4, Definitions, as follows:

Article 4: Definitions

For the purpose of this Ordinance, all words shall carry their customary meanings except those specifically defined herein. Words used in present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory and not directory.

ACCESS:

A way of approaching or entering a property.

ACCESSORY BUILDING OR USE:

A building or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and (4) is located on the same zoning lot as the principal building or principal use.

AGRICULTURE:

The science or art of cultivating the soil, producing crops, and raising livestock.

ALLEY:

A thoroughfare through the middle of a block giving access to the rear of a building or premise.

APARTMENT:

A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

ASPHALT PLANT, HOT-MIX, PERMANENT:

A plant or facility that is more elaborate than the cold mix plant, used for the heating, drying, proportioning and blending of high type hot-mixes in accordance with specification requirements.

ASPHALT PLANT, HOT-MIX, TEMPORARY:

Same as permanent hot-mix asphalt plants with the exception that the finished mix or product is to be limited to specific contractual projects of one construction period and a Zoning Permit is obtained, in contrast to public commercial sales.

AUTOMOBILE SALVAGE YARD:

(See "Junk Yard")

AUTOMOBILE SERVICE STATION:

A retail place of business having pumps and/or storage tanks from which liquid, fuel, and/or lubricants are dispensed directly into a motor vehicle. Sales and installation of auto accessories, washing, polishing, inspecting, cleaning and auto "tune-up" may be carried on incidental to the sale of such fuel and lubricants; however not permitted are steam cleaning and body and fender work.

AWNING:

Roof-like cover entirely supported by and extending from a building for the purpose of protecting openings therein from the elements.

BASE FLOOD:

The flood having one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE):

The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

BASEMENT:

Any enclosed area of a building which has its floor or lowest level below ground level (sub-grade) on all sides. A basement is counted as a story for the purpose of height regulation. See also "Lowest Floor".

BED AND BREAKFAST INN:

A residential building containing a specified number of guest rooms occupied by a specific number of persons, which provides living units and limited refreshments for transient guests, and which is managed and occupied by the owner of the property.

BEGINNING OF CONSTRUCTION:

Excavation and/or the incorporation of labor and materials within the walls of the building or buildings.

BILLBOARD:

(See "Outdoor Advertising Device")

BLOCK:

A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open space, and not traversed by a through street.

BOARD OF ADJUSTMENT:

The Board of Supervisors shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Chapter 335 (or as amended), Code of Iowa, shall provide that the said Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general or specific rules therein contained, and provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition the Board of Adjustment direct to modify regulations and restrictions as applied to such property owners.

BOARDING HOUSE:

A building, other than a hotel, where for compensation, meals or lodging and meals are provided for three (3) or more persons.

BOAT HOIST:

A structure placed in the water or below the ordinary high-water mark of Clear Lake for boat or watercraft storage, including platforms for storage of personal watercrafts.

BOAT HOIST STORAGE FACILITY:

Any land or building used for the purpose of storing boat hoists or watercraft for any period of time for lease, profit, or any commercial purpose. Any property storing more than six (6) boat hoists or watercraft for any purpose shall be considered a boat hoist storage facility for the purpose of this Ordinance.

BUFFER ZONE (BUFFER STRIP):

A strip of land established to protect one type of land use from another incompatible use.

BUILDABLE AREA:

The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

BUILDING:

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

BUILDING HEIGHT OF:

The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE:

An imaginary line, usually parallel to the front and side lot lines, beyond which a building cannot lawfully extend.

BUILDING PERMIT:

(See "Zoning Permit")

BULK STATIONS:

Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

CANOPY:

(See "Awning")

CELLAR:

That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

CHILDCARE CENTER OR EARLY CHILDHOOD

EDUCATIONAL CENTER:

Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for four (4) or more nonresident children of preschool age, for compensation.

CHURCH:

Any building or site whose primary use is public religious worship.

COLD-MIX PLANT, PERMENENT:

A plant or facility for the proportioning and blending of cold mixed asphalt or Portland cement concrete in accordance with specification requirements.

COLD-MIX PLANT, TEMPORARY:

Same as permanent cold-mix plants with the exception that the finished mix or product is to be limited to specific contractual projects of one construction period and a Zoning Permit is obtained, in contrast to public commercial sales.

COMMERCIAL FEEDLOT:

A feedlot, as defined herein, where the livestock feed is not grown on the premises.

COMMISSION:

(See "Zoning Commission")

CONTROLLED ACCESS:

(See "Access")

CURB LEVEL:

The level of the established curb in front of the building measured at the center of such front.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and the placement of mobile homes.

DISTRICT:

A section or sections of the county within which the regulations governing the use of buildings and premises, or the height and area of buildings and premises are uniform.

DUMP:

A premises for the disposal of "clean" type of fill material or refuse such as dirt, rocks, cans, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.

DWELLING:

Any building or portion thereof which is designed or used exclusively for residential purposes but not including a garage, tent, cabin, trailer, travel trailer, motor home or bus.

DWELLING, SINGLE FAMILY:

A building designed for or occupied exclusively for residential purposes by one (1) family or housekeeping unit. A factory built structure can be a single family dwelling if it meets all of the following conditions: (1) It has received a HUD certificate in accordance with 42 U.S.C. Section 5415; (2) It is not constructed or equipped with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site which does not have wheels or axles permanently attached to its frame or body; (3) It does not have a vehicular certificate of registration; and (4) It is taxed as real property by the assessor.

DWELLING, TWO-FAMILY (DUPLEX):

A building designed for or occupied exclusively by two (2) families or housekeeping units, living independently of each other.

DWELLING, MULTI-FAMILY:

A building designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

EARTH SHELTERED HOME:

A building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth as a

completed residential dwelling, as opposed to a basement with a temporary roof.

ENCLOSED AREA BELOW LOWEST FLOOR:

The floor of the lowest enclosed area in a building when all the following criteria are met:

- The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Article 21.5(B)(3)(a) of this Ordinance, and
- The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
- The enclosed area is not a "basement" as defined in this section.

EXISTING CONSTRUCTION:

The use of a lot or structure at the time of the enactment of the Zoning Ordinance. For the purpose of flood plain management requirements, "Existing Construction" is defined as any structure for which the "Start of Construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "Existing Structure."

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION:

A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Zoning Ordinance and the flood plain management regulations adopted by the County.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION:

The preparation of additional sites by the construction of facilities for servicing the lots on which the factory built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

FACTORY-BUILT HOME:

Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) days.

FACTORY-BUILT HOME PARK OR SUBDIVISION:

A parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.

FACTORY-BUILT HOME PARK OR SUBDIVISION, EXISTING:

(See "Existing Factory-Built Home Park or Subdivision")

FACTORY-BUILT HOME PARK OR SUBDIVISION, EXPANSION OF:

(See "Expansion of Existing Factory-Built Home Park or Subdivision")

FACTORY-BUILT HOME PARK OR SUBDIVISION, NEW:

(See "New Factory-Built Home Park or Subdivision")

FAMILY:

An individual or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit – also any foster children, wards or resident employees who live or sleep in the same dwelling unit. A group of not more than five (5) persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

FAMILY, IMMEDIATE:

Father, mother, brother, sister, son, daughter – related by blood or marriage or adoption.

FARM:

An area comprising ten (10) acres or more which is primarily adapted, by reason of nature, for use for agricultural purposes.

FEEDLOT:

A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

FILLING STATION:

(See "Automobile Service Station")

FIVE HUNDRED (500) YEAR FLOOD:

A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

FLOOD:

A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD INSURANCE RATE MAP:

The official map prepared as a part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY:

A study initiated, funded, and published by the Federal Insurance Administration 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 management program; and establishing actuarial flood insurance rates.

FLOODPLAIN:

Any land area susceptible to being inundated by water as a result of a flood.

FLOOD PLAIN MANAGEMENT:

An overall program or corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOODPROOFING:

Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOODWAY:

The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood water or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

FLOODWAY FRINGE:

Those portions of the Special Flood Hazard Area outside the floodway.

FRONTAGE:

All the property on one side of a street between (two) intersecting streets (crossing or terminating) measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

FULL-TIME FARM EMPLOYEE:

One who receives more than eighty percent (80%) of the family income for services and work performed on the farm which the employee and/or his family reside.

GARAGE, PRIVATE:

An accessory building, or portion of the principal building, in which one (1) or more motor vehicles are housed by the family and/or families resident upon the premises.

GARAGE, PUBLIC:

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

GARAGE, STORAGE:

Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

GAS STATION:

(See "Automobile Service Station")

GRADE:

For buildings having walls adjoining one (1) street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.

For buildings having walls adjoining more than one (1) street, the average of the elevation of the regularly established sidewalk grades at the center of all walls adjoining the streets.

For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is considered as adjoining the street.

HABITABLE FLOOR:

Any floor used for living, which includes working, eating, sleeping, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor."

HALF-STORY:

A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.

HEALTH CARE:

Convalescent Home or Care Center: A building or structure containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

Developmental Disability or Developmentally Disabled: A disability of a person which has continued or can be expected to continue indefinitely, and which is one of the following: (1) Attributable to mental retardation, cerebral palsy, epilepsy, or autism; (2) Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or requires treatment and services similar to those required for the persons; (3) Attributable to dyslexia resulting from a disability described in either subparagraph 1 or 2; or (4) Attributable to a mental or nervous disorder.

Family Home: A community-based residential home which is licensed as a residential care facility under Chapter 135C (Code of Iowa) or as a child foster care facility under Chapter 237 (Code of Iowa) to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237 (Code of Iowa).

Group Home: (See "Family Home")

Sanitarium: A private hospital or inpatient/outpatient care facility.

HISTORIC STRUCTURE:

Any structure that is: (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior or; (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either an approved state program as determined by the Secretary of the Interior or Directly by the Secretary of the Interior in states without approved programs.

HIGHEST ADJACENT GRADE:

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HOME OCCUPATION:

An incidental and secondary use of a dwelling or accessory structure involving any occupation or profession for financial gain, conducted solely by resident occupants and, to the extent it is conducted on the premises, conducted entirely within their dwelling or accessory structure.

HOTEL:

A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding or lodging house.

INDUSTRIAL OR UTILITY SCALE:

Battery Energy Storage System: One or more devices, assembled together, capable of storing energy in order to supply electric energy for the primary purpose of wholesale or retail sales of generated electricity, and which is proposed either as part of a commercial solar energy system or wind energy conversion system or that is proposed as a standalone project. This includes all accessory equipment necessary for energy storage, including but not limited to, inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, other power interconnection facilities, and/or a project substation.

Solar Energy System: A solar energy system that generates electricity from solar energy primarily for off-site use and/or wholesale or retail sale, including all panels, support structures, and accessory structures. This does not include a solar energy system which is

intended primarily for on-site use as an accessory use to a permitted principal use.

Wind Energy Conversion System: An electrical generating project that operates by converting the kinetic energy of wind into electrical energy for sale to a rate regulated or nonregulated utility, or for use off site. This does not include a wind energy system, as herein separately defined, which is intended to primarily serve an on-site electrical power load.

INOPERABLE VEHICLE:

Shall mean any motor vehicle which lacks a current registration or two (2) or more wheels or any other component parts, the absence of which renders the vehicle illegal for use on highways.

JUNK:

Shall mean all scrap copper, brass, lead, or any other nonferrous metal; rope, rags, batteries, paper, trash, rubber debris, waste, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other scrap ferrous material; discarded glass, tinware, plastic, or discarded household goods or hardware; used lumber, salvaged wood or other building materials, scrap contractor's equipment, or any other kind of scrap or waste material.

JUNK YARD:

Any place not fully enclosed in a building and which encompasses an area of 200 square feet or more, used in whole or in part for the storage, salvage or deposit of junk or used lumber whether in connection with a business or not, or any place where more than two (2) inoperable motor vehicles, or used parts and materials thereof which exceed 240 cubic feet, are stored or deposited. For other purposes of this Ordinance, junk yard shall include salvage yard, wrecking yard, used lumber yard and places for storage of salvaged wood.

KENNEL:

The keeping of four (4) or more dogs or small animals whose ages are six (6) months or older for any purpose.

KITCHEN:

Any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

LAGOON:

Facultative: In wastewater treatment, a shallow artificial pond where sunlight, bacterial action and oxygen interact to restore wastewater to a standardized state of purity.

Storage: In confinement/feedlot operations, an earthen basin used solely for the storage of organic waste.

Anaerobic: In confinement/feedlot operations, an impoundment, the primary function of which is to store and stabilize organic waste. The impoundment is designed to receive wastes on a regular basis and the design waste loading rates are such that the predominant biological activity in the impoundment will be anaerobic.

LIVESTOCK:

Cattle, sheep, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

LOADING SPACE:

Any off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than twenty-four [24] hours) of a commercial vehicle while loading or unloading merchandise or materials.

LOT:

A parcel of land or two (2) or more contiguous parcels to be used as a unit under the provisions of this Ordinance, and having its principal frontage on a dedicated street and may consist of any one of the following: (1) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; (2) A parcel of land described by metes and bounds; described by bearings, curves and distances; or described by sections and/or parts of a section. However, in no case of division or combination shall any residential lot or parcel be created which does not meet the requirement of this Ordinance; or (3) A single lot of record.

LOT LINES:

Front: The front property line of a lot shall be determined as follows: The front property line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.

Interior Lot: The front property line of an interior lot shall be the line bounding the street frontage.

Through Lot: (See "Double Frontage Lot" under "Lot Types"). The front property line of a through lot, also referred to herein as double frontage lot, shall be that line which obviously is the front by reason of the prevailing custom of other buildings on the block. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line. Such a lot over three hundred (300) feet deep shall be considered for the purpose of this definition as two (2) lots, each with its own frontage.

Lake Lot: The front property line of a lake lot shall be the line bounding the street frontage.

Rear: The rear property line of a lot is that lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to the front property line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

LOT MEASUREMENTS:

Area: The gross area exclusive of streets or other public right-of-way within the boundary lines of a lot.

Depth: The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the main front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.

Width: The horizontal distance between the side lot lines as measured perpendicular to the line representing the lot depth at its point of intersection with the required minimum front setback. Where the lot is decreasing from front to rear, the horizontal distance between the side lot lines as described above, shall be measured at its point of intersection with the required minimum rear setback.

LOTS OF RECORD:

A lot or parcel of land, the deed of which has been recorded in Cerro Gordo County, Iowa.

LOT TYPES:

Corner Lot: A lot located at the intersection of two (2) or more streets and having the street right-of-way abut the front and one (1) or more side lines of the lot.

Double Frontage: A lot other than a corner lot with frontages on more than one (1) street or public thoroughfare which do not intersect one another.

Interior Lot: A lot other than a corner lot having frontage on one (1) street or public thoroughfare.

Key Lot: An interior lot, one side of which is contiguous to the rear line of a corner lot.

Lake Lot: A lot having the rear line abut the lake shore.

LOWEST FLOOR:

The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

LUMBER YARD:

A premises on which new lumber and related new building materials are sold.

MAN-MADE:

Anything manufactured, created or constructed by man.

MAXIMUM DAMAGE POTENTIAL:

Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

MINERAL EXTRACTION:

Mineral extraction means the extraction of coal, gypsum, clay, stone, sand, gravel or other ores or mineral solids for sale, borrow or for processing or consumption in the regular operation of a business by removing any earth overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed, or by mining directly from deposits lying exposed in their natural state. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, so long as no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business or agency.

MINOR PROJECTS:

Small development activities (except for filling, grading and excavating) valued at less than \$500.

MOBILE HOME:

Any factory-built structure without motive power so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways.

MOBILE HOME PARK:

Any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored for use as single-family detached one-story residences, either free of charge or for revenue purposes.

MODULE:

Popularly called a building block or stack box. It is a self-contained house section built on an assembly line. Two (2) or more sections joined on a foundation form a modular building.

MOTEL, AUTO COURT:

A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with garage attached or parking facilities conveniently located to each unit.

NEW CONSTRUCTION (NEW BUILDINGS, NEW

FACTORY-BUILT HOME PARKS):

Those structures or development for which the start of construction commenced on or after the effective date of this ordinance. For the purpose of flood plain management regulations, "New Construction" shall be defined as those structures for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

NEW FACTORY-BUILT HOME PARK OR

SUBDIVISION:

A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or flood plain management regulations adopted by the County.

NONCONFORMING USE:

The lawful use of any building or land that was established prior to or at the time of passage of this ordinance, or amendments thereto, which does not conform to the regulations or requirements of the zoning district in which it is located.

NURSERY:

An area where trees, shrubs or plants are grown for transplanting.

ONLINE PORTAL:

A website or online hub designed for the electronic submission and processing or zoning applications, requests, and associated or incidental processes authorized under this Ordinance.

OUTDOOR ADVERTISING DEVICE:

Any structure or portion of a building used for the display of advertising.

PARKING AREA OR LOT:

An open area which is used for the temporary parking of more than four (4) motor vehicles and is available for public use.

PARKING SPACE – MOTOR VEHICLE:

An area other than a street or alley reserved for the parking of a motor vehicle—such space having a dimension not less than ten (10) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress-egress. Where four (4) or more motor vehicle parking spaces are to be grouped as a common facility meeting a requirement of this Ordinance, the individual spaces, plus the area necessary for driveways, shall total not less than 315 square feet per vehicle space.

PLANNED AREA DEVELOPMENT:

A tract of land which contains or will contain development which is controlled or owned by a single person or group. The development of which tends to be a more innovative approach to the development of land by flexibility and design, placement of buildings and use of open spaces, which at the same time retaining substantially the same use of open spaces, and retaining substantially the same population density and area coverage permitted in the district in which the project is located.

PREMISES:

A lot or tract of land and any structure located thereon.

PRINCIPAL USE:

The main use of land or structures as distinguished from an accessory use.

PUBLIC NOTICE:

Publication of the time and place of a public hearing as provided in Chapter 358A of the Code of Iowa, or its successor provisions.

RECREATIONAL VEHICLE:

A vehicle which is: (1) Built on a single chassis; (2) Four hundred (400) square feet or less when measured at the largest horizontal projection; (3) Designed to be self-

propelled or permanently towable by a light duty truck; and (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. See also "Travel Trailer".

RESIDENTIAL PURPOSES:

The intent to use and/or the use of a room or group of rooms for the living, sleeping and housekeeping activities for persons on a permanent or semi-permanent basis of an intended tenure of more than fourteen (14) days.

RESTAURANT:

An establishment other than a boarding house where meals which are prepared therein may be secured by the public.

RIGHT-OF-WAY:

A tract or strip of land which has been dedicated to the County of Cerro Gordo, State of Iowa, or the United States, and is to be used by the public for circulation and services.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES:

Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SANITARY LANDFILL:

A sanitary disposal project where solid waste is buried between layers of earth.

SECTIONAL:

A house built in halves in a factory and erected on a foundation, usually as a one-story single-family unit.

SERVICER:

A firm, company, or corporation providing services for a specific purpose.

SEWAGE TREATMENT FACILITY:

Man-made devices installed for the purpose of treating, stabilizing, storing or disposing of sewage, industrial waste or other wastes or a commercial composting operation.

SHOPPING CENTER:

A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SOLID WASTE:

Garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste does not include hazardous waste as defined in Section 455B of the Code of Iowa or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

SPECIAL EVENT:

Activity that includes music festivals, concerts, theatrical exhibitions, entertainment, commercial exhibitions, carnivals, speeches, or other activity where a large number of people attend. A temporary activity may include a single event or similar events that are repeated no more than six (6) times taking place outdoors, in a tent, or in a temporary structure in a given calendar year.

SPECIAL EXCEPTION:

A minor modification or variation of a setback, frontage, height, or bulk requirement or other allowance provided specifically by a provision of this ordinance as applied to a specific lot, as distinct from a variance (See also "Special Use").

SPECIAL FLOOD HAZARD AREA:

The land within a community subject to the "base flood".

This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

SPECIAL USE:

A type of special exception for uses or structures to which specific conditions, limitations, or restrictions apply and which is subject to review by the issuing department and Board of Adjustment, as applicable.

SPECIAL USE PERMIT:

A permit issued for the location of a special use which sets forth specified conditions and safeguards.

STABLE, PRIVATE:

A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

STABLE, PUBLIC AND RIDING ACADEMY:

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

STABLE, RIDING CLUB:

A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

START OF CONSTRUCTION:

Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 120 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms. For a substantial improvement, the actual state of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STORY:

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

STREET OR ROAD LINE:

A dividing line between a lot, tract or parcel of land and a contiguous street or road.

STREET, PRIVATE:

A non-dedicated, non-public passageway 20 feet or more in width which affords a principal means of access to abutting property.

STREET OR ROAD, PUBLIC:

Any thoroughfare or public way which has been dedicated to the public or deeded to the County and accepted for street or road purposes.

STRUCTURAL ALTERATIONS:

Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders beyond ordinary repairs and maintenance.

STRUCTURE:

Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, walls, fences, decks, signs, light standards, towers, storage tanks, grain storage facilities, and/or other similar uses.

SUBDIVISION:

A division of a lot, tract or parcel of land into three (3) or more lots, plats, or sites for the purpose, whether immediate or future, of sale, lease, conveyance or transfer with the appurtenant streets, alleys and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or owners within the tract subdivided. If a new street is involved, any division of a parcel of land or the division into two (2) or more parts of any residential lot shall also be deemed a subdivision. Each residential lot shall also be deemed a subdivision. Each subdivision shall comply with the provisions of the Cerro Gordo County Subdivision Ordinance.

SUBSTANTIAL DAMAGE:

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:

Any improvement to a structure which satisfies either of the following criteria: (1) Any repair reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this

definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or Local Health, Sanitary, Building, or Safety Codes or Regulations as well as structures listed on National or State Registers of Historic Places; (2) Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after March 13, 1990, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

TEMPORARY USE PERMIT:

Also referred to as a Zoning Permit for Temporary Use. A written authorization by Cerro Gordo County for a specific use of land, building, or structure for a specified period of time, consistent with the terms of the Cerro Gordo County Zoning Ordinance.

TOURIST COTTAGE:

A single-family dwelling used as one of the units of a tourist park.

TOURIST HOME:

A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for travelers.

TOURIST PARK:

Any lot or plot of real property upon which three (3) or more single-family camp cottages, or two (2) or more travel trailers or tents, or any combination of tourist cottages or tourist home or travel trailers and/or tents are located and maintained for the accommodation of transients.

TRAILER:

A vehicle without motive power designed for carrying persons or property on its own structural frame and which is designed to be drawn by a motor vehicle. For the purposes of this ordinance, the terms "trailer", "travel trailer", and "mobile home", which are each separately defined terms within this Article, are mutually exclusive terms.

TRAILER CAMP:

(See "Travel Trailer Park")

TRAILER HOUSE:

(See "Mobile Home")

TRAILER PARK:

(See "Travel Trailer Park")

TRAVEL TRAILER:

A vehicle without motive power, designed for human habitation on a temporary basis, such vehicle shall not exceed eight (8) feet in width, and shall not exceed thirty-two (32) feet in length exclusive of separate town unit. Such vehicles shall be customarily and ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. For the purposes of this ordinance, the terms "travel trailer," "trailer," and "mobile home," which are separately defined terms within this Article, mutually exclusive terms.

TRAVEL TRAILER PARK:

Any lot, tract or parcel of land licensed and 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.

TRUCK STOP:

An area of not less than five (5) acres in which service stations, hotels and/or motels and restaurants are permitted uses. Also permitted are customary uses incidental to the permitted uses. Customary facilities and services in conjunction with the permitted uses may be provided for trucks and truck drivers at Truck Stops.

USE:

The specific purpose for which land, a structure or premises is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE:

A device which grants a property owner relief from certain provisions of a zoning ordinance when because of unusual topography or other extenuating circumstances, compliance would result in a particular hardship upon the owner.

VEHICLE:

A conveyance, either with or without motive power, in or on which persons and/or goods are transported on the surface of the ground, including automobiles, motor homes, motor trucks, motor house, travel trailers, tractors, earth moving equipment and other such conveyances.

VIOLATION:

The failure of a structure or other development to be fully compliant with the provisions of this Ordinance. For the

purposes of flood plain management, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

WASTE STABILIZATION LAGOON:

(See "Lagoon")

WATERCRAFT:

Any vessel which though the buoyant force of water floats upon the water and is capable of carrying one or more persons.

WHOLESALE:

The business of selling goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

WIND ENERGY SYSTEM:

A wind-to-energy conversion system that is incidental, subordinate, and accessory to the principal use of the lot or parcel or designed to service electrical load on an adjacent parcel, consisting of but not limited to a wind turbine, tower, blades, supports and guy wires and anchors, and associated control or conversion electronics, which is intended to primarily serve on-site electrical power load.

YARD:

An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of the zoning ordinance.

YARD, FRONT:

A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof other than the projection of the usual steps. In measuring a yard for the purpose of determining the depth of a front yard, the least distance between the lot line and the main building shall be used. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

YARD, REAR:

A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps. On both corner lots and interior lots, and opposite end of the lot from the front yard. In measuring a yard for the purpose of determining the depth of the rear yard, the least distance between the lot line and the main building shall be used.

YARD, SIDE:

A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

ZONING ADMINISTRATOR:

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

ZONING COMMISSION:

The Cerro Gordo County Zoning Commission. A commission appointed by the Cerro Gordo County Board of Supervisors, a majority of whose members shall reside within the county but outside the corporate limits of any city, to be known as the County Zoning Commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such Commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report, and the Board of Supervisors shall not hold its public hearing or take action until it has received the final report of such Commission. After the adoption of such regulations, restrictions, and boundaries of the districts, the Zoning Commission may, from time to time, recommend to the Board of Supervisors' amendments, supplements, changes or modifications. The Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commission, the Iowa Department of Economic Development, or the Federal Government, for local planning assistance.

ZONING DISTRICT:

(See "District")

ZONING PERMIT:

Written statement issued by Cerro Gordo County authorizing the construction and use of land, buildings, or structures, consistent with the terms of the Cerro Gordo County Zoning Ordinance.

SECTION 2. Cerro Gordo County Ordinance No. 15, Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by adding a new Section 7.7, Prohibited Uses, as follows:

7.7 PROHIBITED USES

The following uses are not considered farm uses and therefore, county land zoned A-1 shall not be used for

the following purposes, unless otherwise expressly permitted by state or federal law:

- A. Industrial or Utility-Scale Solar Energy Systems;
- B. Industrial or Utility-Scale Wind Energy Conversion Systems; or
- C. Industrial or Utility-Scale Battery Energy Storage Systems

SECTION 3. Cerro Gordo County Ordinance No. 15, Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by adding a new Section 8.7, Prohibited Uses, as follows:

8.7 PROHIBITED USES

The following uses are not considered farm uses and therefore, county land zoned A-2 shall not be used for the following purposes, unless otherwise expressly permitted by state or federal law:

- A. Industrial or Utility-Scale Solar Energy Systems
- B. Industrial or Utility-Scale Wind Energy Conversion Systems; or
- C. Industrial or Utility-Scale Battery Energy Storage Systems

SECTION 4: Cerro Gordo County Ordinance No. 15, Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by repealing and replacing Section 20.2(J), as follows:

20.2 SPECIAL USES

J. Commercial microwave, radio and television towers, public utility structures and accessory equipment, including their transmitting stations and towers, and wireless telecommunications facilities. Unless otherwise prohibited herein, any district except residential provided the following requirements are met:

1. Application. In making application for a Special Use Permit, the applicant shall file the following in addition to the standard application for Special Use Permit:
 - a. A site plan, drawn to scale, identifying the site boundary; tower or facility location; height of structure(s); guy wires and anchors; and existing and proposed structures including accessory structures.
 - b. If the applicant is not the site owner, written authorization from the site owner.
 - c. The applicant shall provide evidence that available public or private sites are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A new tower shall not be permitted if co-location can be found upon an existing or alternative tower structure that meets engineering requirements of an applicant's wireless network within a one (1) mile radius of the proposed new tower site. Cost shall not be used as a reason against co-locating of antennas.
 - d. Evidence that all permits required by any other governmental entity have been obtained, or, if all such permits cannot practicably be obtained prior to the public hearing, the written acknowledgement by the applicant that any special use permit granted will be contingent upon the applicant obtaining all such permits and providing conclusive evidence thereof to the Administrative Officer, as the latter may require.
2. Conditions. Any applicant shall provide documentation that all of the following applicable conditions will be met for all towers:
 - a. The tower shall be constructed or easily modifiable, within thirty (30) days, to support the equipment of at least three (3) communications companies.
 - b. Towers and telecommunications facilities shall be of camouflage design, if possible. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, communications and telecommunications towers designed to blend into the surrounding environment or to look like an object other than a tower. Where camouflage design is impossible or impractical, the tower shall be built of materials that make it nearly invisible. Lighting on the tower shall be of the least conspicuous type and exist only to satisfy

- Federal Aviation Administration (FAA) requirements.
- c. The tower owner and the tower operator shall provide proof of adequate liability insurance in writing, to the Administrative Officer of Cerro Gordo County Planning and Zoning, under such further conditions and in such amounts as the Board of Adjustment or the Administrative Officer may direct, but in no event shall such proof be required more often than annually.
 - d. The base of the tower shall be at least the height of the tower from any public right-of-way and any existing principal or accessory structure, other than the base station. Guy wires, guy anchors, and base station structures shall comply with all setbacks for the zoning district in which they are located. No guy anchors, towers, or base station structures shall be located in an easement located on the property except that held by the applicant.
 - e. Any signal interference complaints associated with the tower or related equipment shall be addressed within thirty (30) days in accordance with Federal Communications Commission (FCC) rules and procedures.
 - f. The tower and all appurtenances shall be removed upon the end of its useful life and the site restored to its condition prior to tower placement within one hundred eighty (180) days.
 - g. Access from any public road shall be subject to the standards of the County Engineer. An access permit shall be obtained from the County Engineer prior to construction.
 - h. A zoning permit shall be applied for and approved, subject to Article 22 of the Zoning Ordinance, prior to any construction.
 - i. A sign shall be placed on the base station structure or at the base of the tower that identifies a name and phone number of whom to contact in case of emergency. No advertising device is permitted anywhere on the facility except as permitted by this Ordinance.
3. Exceptions. The Special Use Permit procedure shall not apply where:
 - a. An applicant proposes to add an antenna to an existing tower and the addition of such antenna will not increase the total height of the tower. In such cases, the applicant shall file an Application for Zoning Certificate for review by the Zoning Administrator, along with evidence that the required FAA and FCC permits have been obtained.
 4. Transmission lines. The routing of transmission lines shall be restricted to locations that minimize the disruption of agricultural activity and developed residential areas.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 6. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. Effective. This ordinance shall be in full force and effect, from and after its passage, adoption, and approval and publication as required by law, unless a subsequent effective date is set out herein above.

This summary of the proposed Ordinance has been timely published in compliance with Iowa Code Section 331.302(6)(a&b). Roll call vote: Watts – Aye; Callanan – Aye; Ginapp – Aye. Motion passed unanimously.

Callanan moved with Watts seconding, to suspend the requirement to consider an Ordinance or Amendment at more than one meeting. Roll call vote: Watts – Aye; Callanan – Aye; Ginapp – Aye. Motion passed unanimously.

Callanan moved with Watts seconding, to approve and adopt Ordinance 69. Roll call vote: Watts – Aye;

Callanan – Aye; Ginapp – Aye. Motion passed unanimously.

Callanan moved with Watts seconding, to adjourn at 12:23 p.m. Motion passed unanimously.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

Chairperson Lori Meacham Ginapp
Board of Supervisors

ATTEST:

Bob Peshak, Deputy Auditor
Cerro Gordo County