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Prepared by Jerry Moore, Story County Planning & Development, 900 6th St., Nevada, Iowa 50201
Return to Story County Planning and Development

ORDINANCE NO. 266

AN ORDINANCE AMENDING THE FOLLOWING CHAPTERS IN THE STORY COUNTY LAND DEVELOPMENT REGULATIONS RELATING TO PROCESS SUBMITTAL AND REVIEW PROCEDURES FOR SUBDIVISION PLATS, CONDITIONAL USE PERMIT APPLICATIONS, AND VARIANCE APPEALS, AMENDING CHAPTER 85 LAND DEVELOPMENT REGULATIONS DEFINITIONS ADDING A DEFINITION FOR SUBSTANTIAL ACTION, AMENDING CHAPTER 87 LAND DEVELOPMENT REGULATIONS LAND DIVISION REQUIREMENTS ADDING AN APPLICATION SUBMITTAL AND REVIEW PROCESS FOR SUBDIVISION PLATS, ENCOURAGING DIVISIONS ON PLAT OF SURVEYS TO OCCUR ALONG NATURAL CONTOURS, CLARIFYING THE SITUATIONS WHERE AGRICULTURAL SUBDIVISIONS MAY BE SUBMITTED, ADDING A REVIEW PROCESS AND COMMUNICATION REQUIREMENTS FOR VACATION OF OFFICIAL PLATS, AMENDING CHAPTER 90 LAND DEVELOPMENT REGULATIONS CONDITIONAL USES ADDING AN APPLICATION SUBMITTAL AND REVIEW PROCESS FOR CONDITIONAL USE PERMIT APPLICATIONS AND LASTLY AMENDING CHAPTER 92 LAND DEVELOPMENT REGULATIONS ADMINISTRATION ADDING AN APPLICATION SUBMITTAL AND REVIEW PROCESS FOR VARIANCES AND CLARIFICATION ON HOW THE EFFECTIVE DATE IS DETERMINED FOR APPROVED VARIANCES AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

WHEREAS; the Story County Planning and Zoning Commission at their meeting on October 4, 2017, recommended approval (vote 5-0) of the amendments as proposed and referenced in the Story County Land Development Regulations and chapters identified in this ordinance, except for the proposed amendment to 87.02 (2) that generally states where practical divisions should follow natural contours; and

WHEREAS; the amendments are created in the Story County Code of Ordinances in the Story County Land Development Regulations in the chapters referenced in this ordinance and as shown in Attachment A; and

WHEREAS; all other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict; and

WHEREAS; this ordinance is in full force and effect from and after its adoption and publication as provided by law.

THEREFORE HEREBY BE IT ORDAINED, that the Story County Board of Supervisors approves Ordinance No. 266 as amended and referenced in this ordinance with the exception identified above.

Action upon FIRST Consideration: Approval
DATE: October 17, 2017

Moved by: Chitty
Seconded by: Olson
Voting Aye: Chitty, Olson, Sanders
Voting Nay: None
Not Voting: None
Absent: None

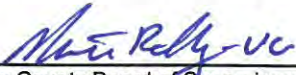
Action upon SECOND Consideration: Approval
DATE: October 24, 2017

Moved by: Olson
Seconded by: Sanders
Voting Aye: Olson, Sanders
Voting Nay: None
Not Voting: None
Absent: Marty Chitty

Action upon THIRD Consideration: Approval
DATE: October 31, 2017

Moved by: Olson
Seconded by: Chitty
Voting Aye: Olson, Chitty
Voting Nay: None
Not Voting: None
Absent: Rick Sanders

ADOPTED THIS 31st day of October, 2017.



Story County Board of Supervisors



ATTEST: County Auditor

ATTACHMENT A

CHAPTER 85

LAND DEVELOPMENT REGULATIONS GENERAL PROVISIONS/DEFINITIONS

210. "Street, private" means a street that has not been accepted by the County, serving four or fewer lots, parcels, or tracts in subdivisions of four or fewer.

(Ordinance No. 192)

211. "Structural alteration" means any increase, change or alteration in the size or height of the building or structure.

212. "Structure" means a combination of materials to form construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. *(Ordinance No. 184)*

213. "Structure, temporary" means a structure used temporarily without any foundation or footings used for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction, and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

(Ordinance No. 192)

214. "Substantial action" shall mean the near completion of work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.

(Ordinance No. 266)

215. ~~214.~~ "Subdivision" means a lot, parcel, or tract of land divided into three or more lots. The division of land into aliquot parts not involving any new road, street, easement or other dedication, is not considered a subdivision as defined above and shall not be further divided without meeting all of the requirements of the Ordinance.

(Ordinance No. 192)

216. ~~215.~~ "Substations" means any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35KV) for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.

(Ordinance No. 152)

217. ~~216.~~ "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542.B, *Code of Iowa*, as amended.

(Ordinance No. 192)

218. ~~217.~~ "Total height (WECS)" means the highest point, above ground level, reached by a rotor tip or any other part of the WECS. (See Figure 11)

(Ordinance No. 152)

219. ~~218.~~ "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers and all communication towers, alternative tower structures, and the like. (See Figure 10)

(Ordinance No. 184)

CHAPTER 87

LAND DEVELOPMENT REGULATIONS: LAND DIVISION REQUIREMENTS

87.01 Subdivision Plat Required
87.02 Plat of Survey Required
87.03 Plat Review and Approval by Governing Bodies
87.04 Auditor's Plats
87.05 Recording of Plats

87.06 ~~Residential Parcel~~ Agricultural Subdivision Plats
87.07 ~~Agricultural~~ Residential Parcel Subdivision Plats
87.08 Minor Subdivision Plats
87.09 Major Subdivision Plats
87.10 Vacation of Official Plat

87.01 SUBDIVISION PLAT REQUIRED.

1. A subdivision plat shall be made when land is subdivided by repeated divisions or simultaneous divisions into three or more parcels. Repeated divisions mean those that are done at intervals of time on or after July 1, 1990. Simultaneous divisions mean those which are done at any one time on or after July 1, 1990. A subdivision plat shall contain all of the divisions in the tracts being divided.
2. The following exceptions to this section are hereby established.
 - A. A subdivision plat shall not be required when land is divided by conveyance to a governmental agency for public improvements.
 - B. Aliquot Parts and Government Lots. Divisions along established aliquot part lines shall be permitted without requiring a subdivision plat. Divisions along established government lots lines shall be permitted without requiring a subdivision plat.
 - C. Any acquisition plat of land divided for right-of-way purposes.
 - D. Any conveyance of an easement.
 - E. Parcel Line Adjustment. A change in an existing boundary line between two parcels of land wherein the new parcel is not meant for independent development and is only meant to enhance the size and/or shape of the neighboring parcel shall not require a subdivision plat. The following are procedural steps for a parcel line adjustment:
 - (1) The enlarged parcel must be surveyed, and the new survey assigns a new parcel letter designation to the new parcel, rather than calling it by the same letter designation as amended. The Auditor's Office shall be responsible for assigning parcel letter designations.
 - (2) The following note shall be placed on the face of the survey: *This plat of survey incorporates and is amended for the Plat of Survey recorded in the office of the Story County Recorder on _____ and recorded in Book/Slide_____, Page _____. New deed for new parcel must be recorded with survey.*
 - (3) A new deed for the new, entire parcel shall be recorded along with the survey. There cannot be two separate ownership instruments on record for the enlarged parcel. **(Ordinance No. 160)**
3. For lots platted as part of a subdivision as established after December 31, 2006, any further division shall require a subdivision as defined in Section 87.06, 87.07, 87.08, or 87.09 of this chapter. **(Ordinance No. 160)**

4. For lots platted as a part of a subdivision as established prior to December 31, 2006, each lot may be further divided one time through the Plat of Survey process, provided, however, that the original approval of the subdivision by the Board of Supervisors permitted further division of land. If such permission was not granted, the only means to further divide these lots is through the subdivision process as defined in Section 87.06, 87.07, 87.08, or 87.09 of this chapter. All lot divisions must be in conformance with the minimum lot requirements of the applicable zoning districts and all setbacks must be achieved. (Ordinance No. 160)

87.02 PLAT OF SURVEY REQUIRED.

1. Where a lot, parcel, or tract has not been divided on or after July 1, 1990, the grantor of land that has been divided using a metes and bounds description or a specific quantity description shall have a plat of survey made of the division. The grantor or the surveyor shall contact the Story County Auditor, who shall determine whether the survey shall include only the parcel being conveyed or both the parcel being conveyed and the remaining parcel. Said determination by the Auditor is to be based upon the accuracy of the existing parcel description for assessment and taxation purposes. The plat of survey shall conform to Sections 354.4 and 355 of the *Code of Iowa*, as amended.

2. Where practical, divisions should follow natural contours such as creeks, streams, or drainage ways.

3. ~~2.~~ If the proposed division is to create a Residential Parcel Subdivision Plat as defined in Section 85.08, Definitions, the process in Section 87.06~~7~~ herein is applicable.

(Ordinance No. 215)

87.03 PLAT REVIEW AND APPROVAL BY GOVERNING BODIES. A proposed subdivision plat shall be approved by resolution of all governing bodies having review jurisdiction before it can be recorded. If a governing body that has review jurisdiction over a proposed plat chooses to waive its review jurisdiction, a resolution stating such shall be attached to the plat upon recordation. Review jurisdiction shall be as established pursuant to Sections 354.8 and 354.9 of the *Code of Iowa*, as amended.

1. Within sixty days of application for final plat approval, each governing body shall determine whether the plat conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the plat when reviewing the proposed plat and when requiring the installation of public improvements in conjunction with approval of a plat.

2. The governing body shall not issue final approval of a plat unless the plat conforms to Sections 354.6, 354.11, and 355.8, of the *Code of Iowa*, as amended.

87.04 AUDITOR'S PLATS. If a division is done in violation of this chapter or the descriptions within a tract are not sufficiently certain and accurate for the purpose of assessment and taxation, the Auditor shall notify the proprietors and demand that a plat of survey or a subdivision plat be recorded as required by the Ordinance.

1. An Auditor's Plat shall be prepared and approved in accordance with Section 354.13 of the *Code of Iowa*, as amended, and the provisions of the Ordinance in cases where the proprietors fail to meet demand for platting by the Auditor.

87.05 RECORDING OF PLATS. Each plat, with attachments, shall be recorded with the Story County Recorder's Office in accordance with Section 354.18 of the *Code of Iowa*, as amended, by the applicant or his/her designee.

1. The Recorder shall examine each plat to determine whether the plat is clearly legible and whether the approval by the applicable governing body(ies) and other required attachments accompany the plat.
2. The Recorder shall keep a reproducible copy of the plat and may specify the material and size of the plat to be recorded.

87.06 AGRICULTURAL SUBDIVISION PLATS

1. Submittal Process.

A. Formal Application Submitted. An Agricultural Subdivision Plat application is submitted to the Planning and Development Department.

(1) A subdivision may be submitted for review and approval as an Agricultural Subdivision Plat when all of the following are true:

- a. The lots created by the subdivision are intended to be used for agricultural purposes;
- b. The subdivision contains no new development lots;
- c. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property, or public use; and
- d. The subdivision lies wholly within the A-1 or A-2 Districts.

(Ordinance No. 184)

- e. No Residential or Minor Subdivision Plats have been approved for the tract(s) being divided after December 31, 2003. ***(Ordinance No. 160)***

B. Interagency and Staff Review of Subdivision. Following submittal of a completed Agricultural Subdivision Plat application, including applicable filing fee, Planning and Development staff reviews submitted materials for compliance with the requirements of section 87.06, as applicable and other requirements of the Land Development Regulations. The application also undergoes review by members of the Interagency Review Team.

C. Meeting Notice for Board of Supervisors.

- (1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.
- (2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.
- (3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.

D. Discussion, consideration, and action by the Board of Supervisors. Following completion of interagency and staff review, the Agricultural Subdivision Plat application, subdivision plat drawing, and other applicable documents, as well as a resolution prepared

by Planning and Development staff, is placed on the Board of Supervisors agenda for consideration and action. A staff report setting forth findings concerning the conformance of the application to this chapter and other requirements of the Land Development Regulations, as applicable, and any recommendations for requirements or conditions to be imposed on the proposed subdivision, is prepared and presented by Planning and Development staff at the Board of Supervisors meeting. Any person may submit comments or request to speak on the item prior to the start of the meeting. The meeting shall be scheduled according to standard agenda procedures. The Board of Supervisors officially adopts a resolution acting the proposed subdivision, and such action becomes official upon the recordation of the resolution, plat, and list of items required under the Code of Iowa, Section 354.11.

2. Detailed Submittal Requirements for Agricultural Subdivision Plat. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for an Agricultural Subdivision Plat not containing all of the following information shall not be considered by the Board of Supervisors. Agricultural Subdivision Plats must incorporate all the general site planning standards outlined in Chapter 88, where applicable.

A. The following materials shall be shown on the face of the plat:

(1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the *Code of Iowa*, as amended.

(2) The type of subdivision and the title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.

(3) The complete legal description of the property to be platted including descriptive boundaries of the subdivision.

(4) All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, access easements, and septic and well easements.

(5) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

(6) Radii, arc, and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.

(7) All lot lines, lot numbers, and building lines in accordance with the applicable zone district requirements.

(8) The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.

(9) All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.

(10) The name, location, width, and dimensions of all existing roads.

(11) The districts in which the land to be subdivided is located including, but not limited to, drainage districts, emergency services districts (ambulance and fire), school districts, zoning districts, utility districts, and watershed districts.

(12) Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)

(13) Existing Rural 911 addresses.

a. Existing rural 911 addresses shall be shown on the plat unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.

b. The plat shall contain the following notation: "All new lots shall require a 911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. 911 addresses shall be assigned by Story County at the request of the property owner."

(14) The plat shall contain the following notation: "Additional divisions of the lots created with this Agricultural Subdivision Plat are not permitted unless the entire subdivision is considered for replatting purposes."

B. The following materials shall accompany the signed plat:

(1) Signed originals of the attachments to subdivision plats required by Section 354.11 of the Code of Iowa, as amended;

(2) A signed original of any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval; and

(3) Other submittal requirements as defined by the Planning and Development Department. (Ordinance No. 184) (Ordinance No. 208)

87.067 RESIDENTIAL PARCEL SUBDIVISION PLATS.

1. Submittal Process.

A. Formal Application Submitted. A Residential Parcel Subdivision Plat application is submitted to the Planning and Development Department.

(1) A subdivision may be submitted for review and approval as a Residential Parcel Subdivision Plat when all of the following are true:

a. The development lots created by the subdivision are intended to be used for residential purposes.

b. Only two development lots may be created.

c. The Assessment Property Record Card for the property shall show a single-family dwelling and/or farmstead, as defined in Section 85.08, in existence.

d. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property, or public use.

- e. The subdivision lies wholly within the A-1 District. For parcels located within the boundaries of the Ames Urban Fringe Plan, the subdivision must be both zoned A-1 Agricultural and lie wholly within the Rural Service and Agricultural Conservation Area designation.
 - f. Both development lots (created by the Residential Parcel Subdivision Plat) shall contain a minimum of one acre (net) each. All side and rear yard setback requirements must be met.
 - g. All resulting development lots shall have access to an adjoining public roadway by actual road frontage.
 - h. No variances from subdivision or zoning standards shall be granted in order to accomplish the Residential Parcel Subdivision Plat.
 - i. The existing parcel shall not have been created through a previously approved Residential Parcel Subdivision Plat.
- B. Interagency and Staff Review of Subdivision. Following submittal of a completed Residential Parcel Subdivision Plat application, including applicable filing fee, Planning and Development staff reviews submitted materials for compliance with the requirements of section 87.07, as applicable and other requirements of the Land Development Regulations. The application also undergoes review by members of the Interagency Review Team.
- C. Meeting Notice for Board of Supervisors.
- (1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.
 - (2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.
 - (3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.
- D. Discussion, consideration, and action before the Board of Supervisors. Following completion of interagency and staff review, the Residential Parcel Subdivision Plat application, subdivision plat drawing, and other applicable documents, as well as a resolution prepared by Planning and Development staff, is placed on the Board of Supervisors agenda for consideration and action. A staff report setting forth findings concerning the conformance of the application to this chapter and other requirements of the Land Development Regulations, as applicable, and any recommendations for requirements or conditions to be imposed on the proposed subdivision, is prepared and presented by Planning and Development staff at the Board of Supervisors meeting. Any person may submit comments or request to speak on the item prior to the start of the meeting. The meeting shall be scheduled according to standard agenda procedures.

The Board of Supervisors officially adopts a resolution acting on the proposed subdivision, and such action becomes official upon the recordation of the resolution, plat, and list of items required under the Code of Iowa, Section 354.11.

2. Detailed Submittal Requirements for Residential Parcel Subdivision. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for a Residential Parcel Subdivision Plat not containing all of the following information shall not be considered by the Board of Supervisors. Residential Parcel Subdivision Plats must incorporate all the general site planning standards outlined in Chapter 88, where applicable.

~~1. A subdivision may be submitted for review and approval as a Residential Parcel Subdivision Plat when all of the following are true:~~

~~A. The development lots created by the subdivision are intended to be used for residential purposes.~~

~~B. Only two development lots may be created.~~

~~C. The Assessment Property Record Card for the property shall show a single family dwelling and/or farmstead, as defined in Section 85.08, in existence.~~

~~D. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use.~~

~~E. The subdivision lies wholly within the A-1 District. For parcels located within the boundaries of the Ames Urban Fringe Plan, the subdivision must be both zoned A-1 Agricultural and lie wholly within the Rural Service and Agricultural Conservation Area designation.~~

~~F. Both development lots (created by the Residential Parcel Subdivision Plat) shall contain a minimum of one acre (net) each. All side and rear yard setback requirements must be met.~~

~~G. All resulting development lots shall have access to an adjoining public roadway by actual road frontage or easement.~~

~~H. No variances from subdivision or zoning standards shall be granted in order to accomplish the Residential Parcel Subdivision Plat.~~

~~I. The existing parcel shall not have been created through a previously approved Residential Parcel Subdivision Plat.~~

~~2. Procedure. A Residential Parcel Subdivision Plat shall adhere to the procedures adopted annually by the Story County Board of Supervisors for review and approval.~~

~~3. Submittal Requirements. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for a Residential Parcel Subdivision Plat not containing all of the following information shall not be considered by the Board of Supervisors. Residential Parcel Subdivision Plat must incorporate all the general site planning standards outlined in Sections 88.01 and 88.03.~~

~~A. The following materials shall be shown on the face of the plat:~~

~~(1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the Code of Iowa, as amended.~~

- (2) The type of subdivision and the title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.
- (3) The complete legal description of the property to be platted including descriptive boundaries of the subdivision.
- (4) All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, access easements, and septic and well easements.
- (5) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
- (6) Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.
- (7) All lot lines, lot numbers, and building lines in accordance with the applicable zone district requirements.
- (8) The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.
- (9) All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.
- (10) The name, location, width, and dimensions of all existing roads.
- (11) The districts in which the land to be subdivided is located including, but not limited to, drainage districts, emergency services districts (ambulance and fire), school districts, ~~and~~ zoning districts, utility districts, and watershed districts.
- (12) Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)
- (13) Existing Rural E911 addresses.
 - a. Existing rural E911 addresses shall be shown on the plat unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.
 - b. The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."

B. Signed copies of the following materials:

- (1) Signed originals of the attachments to subdivision plats required by Section 354.11 of the *Code of Iowa*, as amended;
- (2) A signed original of any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval; and

- (3) Other submittal requirements as defined by the Planning and Development Department. *(Ordinance No. 215)*

87.07 — AGRICULTURAL SUBDIVISION PLATS.

1. ~~A subdivision may be submitted for review and approval as an Agricultural Subdivision Plat when all of the following are true:~~

- A. ~~The lots created by the subdivision are intended to be used for agricultural purposes;~~
- B. ~~The subdivision contains no new development lots;~~
- C. ~~The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use; and~~
- D. ~~The subdivision lies wholly within the A-1 or A-2 Districts.~~ *(Ordinance No. 184)*
- E. ~~No agricultural or minor subdivisions have been approved for the tract(s) being divided after December 31, 2003.~~ *(Ordinance No. 160)*

2. ~~Procedure. An Agricultural Subdivision Plat shall adhere to the procedures adopted annually by the Story County Board of Supervisors for review and approval.~~

(Ordinance No. 184)

3. ~~Submittal Requirements. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for Agricultural Subdivision Plat not containing all of the following information shall not be considered by the Board of Supervisors. Agricultural Subdivision Plats must incorporate all the following general site planning standards outlined in Sections 88.01 and 88.03.~~

A. ~~The following materials shall be shown on the face of the plat:~~

- (1) ~~Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the Code of Iowa, as amended.~~
- (2) ~~The title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.~~
- (3) ~~The complete legal description of the property to be platted including descriptive boundaries of the subdivision.~~
- (4) ~~All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, and septic and well easements.~~
- (5) ~~All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.~~
- (6) ~~Radii, arcs and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.~~
- (7) ~~All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.~~

~~(8) — The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.~~

~~(9) — All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.~~

~~(10) — The name, location, width and dimensions of all existing roads.~~

~~(11) — The districts in which the land to be subdivided is located including, but not limited to, drainage districts and zoning districts.~~

~~(12) — Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)~~

~~(13) — Existing Rural E911 addresses.~~

~~a. — Existing rural E911 addresses shall be shown on the plat, unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.~~

~~b. — The plat shall contain the following notation: "Note: this platting is for agricultural purposes only and is not intended for development except in conformance with the Story County Development Regulations."~~

~~(14) — The plat shall contain the following notation: "Additional divisions of the lots created with this Agricultural Subdivision Plats are not permitted unless the entire subdivision is considered for replatting purposes."~~

~~B. — Signed copies of the following materials:~~

~~(1) — Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval;~~

~~(2) — Other submittal requirements as defined by the Planning and Development Department. (Ordinance No. 184) (Ordinance No. 208)~~

87.08 MINOR SUBDIVISION PLATS.

I. Submittal Process.

A. Conceptual Review Meeting. Before an applicant can submit an application for a Minor Subdivision Plat, including applicable filing fee, the applicant must attend a conceptual review meeting with county departments and other applicable entities as appropriate. The applicant shall submit a conceptual review application prior to the meeting, including proposed site development plan and a narrative of the proposed development. A conceptual review meeting may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.

B. Formal Application Submitted. A Minor Subdivision Plat application is submitted to the Planning and Development Department in accordance with Chapter 87.08.

(1) A subdivision may be submitted for review and approval as a Minor Subdivision Plat when all of the following are true:

- a. The subdivision contains no more than four new development lots;
- b. All development lots within the subdivision are fronted on an existing public street;
- c. The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use; and
- d. No Agricultural or Minor Subdivision Plats have been approved for the tract(s) being divided after December 31, 2003.

C. Interagency and Staff Review of Application. Following submittal of a completed Minor Subdivision Plat application, including applicable filing fee, Planning and Development staff reviews application materials for compliance with the requirements of Section 87.08 and other requirements of the Land Development Regulations. The application also undergoes review by members of the Interagency Review Team.

D. Meeting Notice for Planning and Zoning Commission.

(1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public meeting before the Planning and Zoning Commission.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the proposed subdivision outlining the location, time and date of the public meeting before the Planning and Zoning Commission.

(3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Planning and Zoning Commission.

E. Public Meeting before the Planning and Zoning Commission. A staff report setting forth findings concerning the conformance of the application to this chapter and other requirements of the Land Development Regulations, as applicable, a copy of the subdivision plat, any other applicable documents, and any recommendations for requirements or conditions to be imposed on the proposed development, is prepared and presented by the Planning and Development staff at the Planning and Zoning Commission meeting. Any person may submit comments or request to speak on the item prior to the start of the public meeting. The public meeting shall be scheduled according to standard agenda procedures. After reviewing the application at a public meeting, the Commission shall recommend to the Board of Supervisors whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Commission does not concur, the Commission shall propose its own recommendations and provide supporting reasons.

F. Meeting Notice for Board of Supervisors.

(1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.

(3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.

G. Discussion and Consideration before the Board of Supervisors and Board of Supervisors Action. Following a recommendation by the Planning and Zoning Commission, the Minor Subdivision Plat application, subdivision plat, and resolution prepared by the Planning and Development staff is placed on the Board of Supervisors agenda for consideration and action. A staff report setting forth findings concerning the conformance of the application to this chapter and other requirements of the Land Development Regulations, as applicable, a copy of the subdivision plat, and any recommendations for requirements or conditions to be imposed on the proposed subdivision, is prepared and presented by the Planning and Development staff at a Board of Supervisors meeting. Any person may submit comments or request to speak on the item prior to the public meeting. The public meeting shall be scheduled according to standard agenda procedures. The Board of Supervisors officially adopts a resolution acting on the proposed Minor Subdivision Plat, and such action becomes official upon the recordation of the resolution, plat, and list of items required under the Code of Iowa, Section 354.11.

2. Detailed Submittal Requirements for Minor Subdivisions. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for Minor Subdivision Plat not containing all of the following information shall not be considered by the Planning and Zoning Commission. Minor subdivision plats must incorporate all general site planning standards outlined in Chapter 88, where applicable.

A. The following materials shall be shown on the face of the plat:

(1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the *Code of Iowa*, as amended.

(2) The type of subdivision and the title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.

(3) The complete legal description of the property to be platted including descriptive boundaries of the subdivision.

(4) All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, access easements, and septic and well easements.

- (5) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
- (6) Radii, arc, and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.
- (7) All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.
- (8) The location of property lines and all such surface features as buildings, railroads, utilities, watercourses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
- (9) The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.
- (10) All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.
- (11) The name, location, width and dimensions of all existing roads.
- (12) The districts in which the land to be subdivided is located including, but not limited to drainage districts, emergency services districts (ambulance and fire), school districts, ~~and zoning districts~~, utility districts, and watershed districts.
- (13) Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted).
- (14) Existing Rural E911 addresses.
 - a. Existing rural E911 addresses shall be shown on the plat unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.
 - b. The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."
- (15) Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat. Contour intervals of less than five (5) feet may be required at the County Engineer's discretion. This requirement may be waived if determined not applicable by the Interagency Review Team at the conceptual review meeting.
(Ordinance No. 155)

B. Copies of the following materials:

~~(1) — Site Context Map, drawn at a scale not less than one inch = 200 feet showing the relationship of the subject property to natural and human-made features existing within 1,000 feet of the site.~~

~~(1)(2)~~ Signed originals of the attachments to subdivision plats as required by Section 354.11 of the *Code of Iowa*, amended;

~~(2)(3)~~ A signed original or any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval;

~~(3)(4)~~ Written and signed statements of the appropriate officials of the availability of water, gas, and electricity to the proposed subdivision;

~~(4)(5)~~ Site evaluation conducted by a certified engineer or soils professional for septic systems;

~~(5)(6)~~ Letter of acknowledgment from the applicable fire chief; and

~~(6)(7)~~ Other submittal requirements as defined by the Planning and Development Department.
(Ordinance No. 184) (Ordinance No. 208)

~~87.08 MINOR SUBDIVISION PLATS.~~

~~1. — A subdivision may be submitted for review and approval as a Minor Subdivision Plat when all of the following are true:~~

~~A. — The subdivision contains no more than four new development lots;~~

~~B. — All development lots within the subdivision are fronted on an existing public street;~~

~~C. — The subdivision includes no land set apart for new streets, alleys, parks, dedicated open space, school property or public use; and~~

~~D. — No agricultural or minor subdivisions have been approved for the tract(s) being divided after December 31, 2003.~~
(Ordinance No. 160)

~~2. — Procedure. A Minor Subdivision Plat shall adhere to the procedure for review and approval of the Minor Subdivision Plat adopted annually by the Story County Board of Supervisors.~~
(Ordinance No. 184)

~~3. — Submittal Requirements. The plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The plat shall be signed by a licensed land surveyor. Any application for Minor Subdivision Plat not containing all of the following information shall not be considered by the Planning and Development Commission. Minor subdivision plats must incorporate all general site planning standards outlined in Chapter 88.~~

~~C. — The following materials shall be shown on the face of the plat:~~

~~(1) — Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the Code of Iowa, as amended.~~

~~(2) — The title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction; scale, date, and the name and address of surveyor.~~

~~(3) — The complete legal description of the property to be platted including descriptive boundaries of the subdivision.~~

~~(4) — All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, and septic and well easements.~~

~~(5) — All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.~~

~~(6) — Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.~~

~~(7) — All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.~~

~~(8) — The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.~~

~~(9) — The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.~~

~~(10) — All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.~~

~~(11) — The name, location, width and dimensions of all existing roads.~~

~~(12) — The districts in which the land to be subdivided is located including, but not limited to drainage districts, emergency services districts (ambulance and fire), school districts and zoning districts.~~

~~(13) — Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted).~~

~~(14) — Existing Rural E911 addresses:~~

~~a. — Existing rural E911 addresses shall be shown on the plat, unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.~~

~~b. — The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."~~

~~(15) — Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat. Contour intervals of less than five (5) feet may be required at the County Engineer's discretion. This requirement may be waived if determined not applicable by the Interagency Review Team at the conceptual review meeting. (Ordinance No. 155)~~

D. — Copies of the following materials:

- ~~(1) Site Context Map, drawn at a scale not less than one inch = 200 feet showing the relationship of the subject property to natural and human-made features existing within 1,000 feet of the site.~~
- ~~(2) Signed originals of the attachments to subdivision plats as required by Section 354.11 of the Code of Iowa, amended.~~
- ~~(3) A signed original or any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.~~
- ~~(4) Written and signed statements of the appropriate officials of the availability of water, gas and electricity to the proposed subdivision;~~
- ~~(5) Site evaluation conducted by a certified engineer or soils professional for septic systems;~~
- ~~(6) Letter of acknowledgement from applicable fire chief; and~~
- ~~(7) Other submittal requirements as defined by the Planning and Development Department. (Ordinance No. 184) (Ordinance No. 208)~~

87.09 MAJOR SUBDIVISION PLATS

- I. Submittal Process.
 - A. Conceptual Review Meeting. Before an applicant may submit an application for a Major Preliminary Subdivision Plat, including applicable filing fee, the applicant must attend a conceptual review meeting with county departments and other applicable entities as appropriate. The applicant shall submit a conceptual review application prior to the meeting, including a proposed site development plan and a narrative of the proposed development. A conceptual review meeting may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.
 - B. Formal Application Submitted. An application for a Major Preliminary Subdivision Plat is submitted to the Planning and Development Department.
 - (1) Subdivisions that cannot be submitted as Agricultural or Minor Subdivision Plats shall be considered Major Subdivision Plats and are subject to preliminary and final platting requirements outlined in Section 87.09.
 - C. Interagency and Staff Review of Application. Following submittal of a completed application for a Major Preliminary Subdivision Plat, including applicable filing fee, Planning and Development staff reviews application materials for compliance with the requirements of this chapter and other requirements of the Land Development Regulations. The application also undergoes review by members of the Interagency Review Team.
 - D. Meeting Notice for Planning and Zoning Commission.
 - (1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public meeting before the Planning and Zoning Commission.
 - (2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the property included in the proposed subdivision outlining the location, time and date of the public meeting before the Planning and Zoning Commission.

- (3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.
- E. Public Meeting before the Planning and Zoning Commission. A staff report setting forth findings concerning the conformance of the application to this chapter and the other requirements of the Land Development Regulations, as applicable, a copy of the subdivision plat, any other applicable documents, and any recommendations for requirements or conditions to be imposed on the proposed development, is prepared and presented by the Planning and Development staff at the Planning and Zoning Commission meeting. Any person may submit comments or request to speak on the item prior to the start of the public meeting. The public meeting shall be scheduled according to standard agenda procedures. After reviewing the application at a public meeting, the Commission shall make recommendations to the Board of Supervisors whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Commission does not concur, the Commission shall propose its own recommendations and provide supporting reasons.
- F. Meeting Notice for Board of Supervisors.
- (1) Notice to Affected Cities. Planning and Development staff sends notice to any city within which the area under consideration lies within two miles of said corporate boundaries outlining the location, time and date of the public meeting before the Board of Supervisors.
- (2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.
- (3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.
- G. Public Meeting before the Board of Supervisors and Board of Supervisors Action. Following a recommendation by the Planning and Zoning Commission, the Major Preliminary Subdivision Plat application, subdivision plat drawing, any other applicable documents and resolution prepared by Planning and Development staff is placed on the Board of Supervisors agenda for consideration and action. A staff report setting forth findings concerning the conformance of the application to this chapter and the other requirements of the Land Development Regulations, as applicable, a copy of the subdivision plat, and any recommendations for requirements or conditions to be imposed, is prepared and presented by the Planning and Development staff at the Board of Supervisors meeting. Any person may submit comments or request to speak on the

item prior to the start of the public meeting. The public meeting shall be scheduled according to standard agenda procedures. The Board of Supervisors officially adopts a resolution acting on the proposed Major Preliminary Subdivision Plat, and such action becomes official upon the recordation of the resolution, plat, and list of items required under the Code of Iowa, Section 354.11.

H. Duration of Approval of Major Preliminary Subdivision Plat. The approval of a preliminary plat by the Board of Supervisors shall be valid for one (1) year from the date of such approval; after which such approval shall be void; and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Board of Supervisors.

I. Final Plat Review. See section 87.09 (3) for submittal requirements for Major Final Subdivision Plat review.

(1) Meeting Notice for Board of Supervisors.

a. Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.

b. Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the proposed subdivision outlining the location, time and date of the public meeting before the Board of Supervisors.

c. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.

(2) Discussion, Consideration, and Action by the Board of Supervisors. The Major Final Subdivision Plat application and resolution prepared by Planning and Development staff is placed on the Board of Supervisors agenda for consideration and action. A staff report setting forth findings concerning the conformance of the application to this chapter and the other requirements of the Land Development Regulations, as applicable, a resolution prepared by Planning and Development staff, and any recommendations for requirements or conditions to be imposed, is prepared and presented by the Planning and Development staff at the Board of Supervisors meeting. Any person may submit comments or request to speak on the item prior to the start of the public meeting. The public meeting shall be scheduled according to standard agenda procedures. The Board of Supervisors officially adopts a resolution acting on the proposed Major Final Subdivision Plat, and such action becomes official upon the recordation of the resolution, plat, and list of other items required under the Code of Iowa, Section 354.11.

2. Detailed Submittal Requirements for Major Preliminary Subdivision Plats. The preliminary plat shall be drawn at an appropriate scale to reflect the readability of the subdivision

elements. Any application for Major Preliminary Subdivision Plat review not containing all of the following information shall not be considered by the Commission. Major Preliminary Subdivision Plats must incorporate all general site planning standards outlined in Chapter 88, where applicable.

- A. The following materials shall be shown on the face of the preliminary plat:
- (1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the *Code of Iowa*, as amended.
 - (2) The type of subdivision and the title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.
 - (3) The complete legal description of the property to be platted, including descriptive boundaries of the subdivision.
 - (4) All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, access easements, and septic and well easements.
 - (5) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
 - (6) Radii, arc, and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.
 - (7) All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.
 - (8) The location of property lines and all such surface features as buildings, railroads, utilities, watercourses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
 - (9) The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.
 - (10) All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.
 - (11) The name, location, width, and dimensions of all existing roads.
 - (12) The name, location, width, and dimensions of all streets proposed to be dedicated for public or private use.
 - (13) The districts in which the land to be subdivided is located including, but not limited to drainage districts, emergency services districts (ambulance and fire), school districts, ~~and zoning districts,~~ utility districts, and watershed districts.
 - (14) Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)

(15) Existing Rural E911 addresses.

a. Existing rural E911 addresses shall be shown on the plat unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.

b. The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."

(16) Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat. Contour intervals of less than five (5) feet may be required at the County Engineer's discretion. This requirement may be waived if determined not applicable by the Interagency Review Team at the conceptual review meeting.
(Ordinance No. 155)

B. Copies of the following materials:

~~(1) Site Context Map, drawn at a scale not less than one inch = 200 feet showing the relationship of the subject property to natural and human made features existing within 1,000 feet of the site.~~

~~(1)(2)~~ Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval;

~~(2)(3)~~ Plan and profiles shall be submitted of all streets and alleys, 100 feet horizontal scale and 10 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipelines, and other improvements to be placed under streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing;

~~(3)(4)~~ Letter of Financial Security, if applicable;

~~(4)(5)~~ Written and signed statements of the appropriate officials of the availability of water, gas, and electricity to the proposed subdivision;

~~(5)(6)~~ Letter of acknowledgement from the applicable fire chief; and

~~(6)(7)~~ Other submittal requirements as defined by the Planning and Development Department.
(Ordinance No. 184) (Ordinance No. 208)

3. Detailed Submittal Requirements for Major Final Subdivision Plat Review. Following preliminary plat approval and completion of public improvements and/or submittal and acceptance of an approved form of financial security and approved Development Agreement, as defined in Section 88.14, the final plat will be submitted. The final plat and all accompanying plan sheets shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The final plat shall be signed by a licensed land surveyor. Any application for Major Final Subdivision Plat review not containing all of the following information shall not be considered by the Board of Supervisors.

A. All final plats shall contain all of the following information:

- (1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the *Code of Iowa*, as amended.
- (2) The type of subdivision and the title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.
- (3) The complete legal description of the property to be platted including descriptive boundaries of the subdivision.
- (4) All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, access easements, and septic and well easements.
- (5) All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
- (6) Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.
- (7) All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.
- (8) The location of property lines and all such surface features as buildings, railroads, utilities, watercourses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
- (9) The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.
- (10) All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.
- (11) The name, location, width, and dimensions of all existing roads.
- (12) The name, location, width, and dimensions of all streets proposed to be dedicated for public or private use.
- (13) The districts in which the land to be subdivided is located including, but not limited to drainage districts, emergency services districts (ambulance and fire), school districts, ~~and zoning districts~~, utility districts, and watershed districts.
- (14) Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)
- (15) Existing Rural E911 addresses.
 - a. Existing rural E911 addresses shall be shown on the plat 1/4 unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.

b. The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."

B. The following materials shall accompany the signed plat:

- (1) Signed originals of the attachments to subdivision plats required by Section 354.11 of the *Code of Iowa*, as amended;
- (2) A signed original or any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval;
- (3) Site evaluation conducted by a certified engineer or soils professional for septic systems;
- (4) A signed original of a Development Agreement, as defined in Section 88.14, if applicable;
- (5) Letter of Financial Security, if applicable (if improvements are completed in advance of the submittal of a final plat, approval, and certification of the improvements by the County Engineer shall be submitted);
- (6) Fees for installation of street corner markers for new subdivision streets, as established by Chapter 32; and
- (7) Other submittal requirements as defined by the Director.

(Ordinance No. 184) (Ordinance No. 208)

~~87.09 MAJOR SUBDIVISION PLATS.~~

~~1. Subdivisions that cannot be submitted as agricultural or Minor Subdivision Plats shall be considered Major Subdivision Plats and are subject to preliminary and final platting requirements outlined herein.~~

~~2. Procedure. A Major Subdivision Plat shall adhere to the procedures for review and approval adopted annually by the Story County Board of Supervisors.~~

(Ordinance No. 184)

~~3. Submittal Requirements for Preliminary Plat Review. The preliminary plat shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. Any application for Major Subdivision Plat preliminary plat review not containing all of the following information shall not be considered by the Commission. Major subdivision plats must incorporate all general site planning standards outlined in Chapter 88.~~

C. The following materials shall be shown on the face of the preliminary plat:

- ~~(1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the *Code of Iowa*, as amended.~~
- ~~(2) The title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction, scale, date, and the name and address of surveyor.~~
- ~~(3) The complete legal description of the property to be platted, including descriptive boundaries of the subdivision.~~

- (4) — All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, and septic and well easements.
- (5) — All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
- (6) — Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.
- (7) — All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.
- (8) — The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
- (9) — The location of all structures and setbacks thereof from each proposed lot line, public easement or right-of-way, and the location of existing wells and septic systems and setbacks thereof from existing structures.
- (10) — All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.
- (11) — The name, location, width and dimensions of all existing roads.
- (12) — The name, location, width and dimensions of all streets proposed to be dedicated for public or private use.
- (13) — The districts in which the land to be subdivided is located including, but not limited to drainage districts, emergency services districts (ambulance and fire), school districts and zoning districts.
- (14) — Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)
- (15) — Existing Rural E911 addresses.
- a. — Existing rural E911 addresses shall be shown on the plat, unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.
- b. — The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."
- (16) — Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat. Contour intervals of less than five (5) feet may be required at the County Engineer's

discretion. This requirement may be waived if determined not applicable by the Interagency Review Team at the conceptual review meeting. *(Ordinance No. 155)*

D. ~~Copies of the following materials:~~

- ~~(1) Site Context Map, drawn at a scale not less than one inch = 200 feet showing the relationship of the subject property to natural and human made features existing within 1,000 feet of the site.~~
- ~~(2) Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.~~
- ~~(3) Plan and profiles shall be submitted of all streets and alleys, 100 feet horizontal scale and 10 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, and other improvements to be placed under streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.~~
- ~~(4) Letter of Financial Security, if applicable.~~
- ~~(5) Written and signed statements of the appropriate officials of the availability of water, gas and electricity to the proposed subdivision.~~
- ~~(6) Site evaluation conducted by a certified engineer or soils professional for septic systems.~~
- ~~(7) Letter of acknowledgement from applicable fire chief.~~
- ~~(8) Other submittal requirements as defined by the Planning and Development Department. *(Ordinance No. 184) (Ordinance No. 208)*~~

4. ~~Duration of Approval of Preliminary Plat. The approval of a preliminary plat by the Board of Supervisors shall be valid for one (1) year from the date of such approval; after which such approval shall be void; and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Board of Supervisors. *(Ordinance No. 160)*~~

5. ~~Submittal Requirements for Final Plat Review. Following preliminary plat approval and completion of public improvements and/or submittal and acceptance of an approved form of financial security and approved Development Agreement, as defined in Section 88.14, the final plat may be submitted. The final plat and all accompanying plan sheets shall be drawn at an appropriate scale to reflect the readability of the subdivision elements. The final plat shall be signed by a licensed land surveyor. Any application for Major Subdivision Plat/final plat review not containing all of the following information shall not be considered by the Board of Supervisors.~~

C. ~~All final plats shall contain all of the following information:~~

- ~~(1) Those requirements for subdivision plats pursuant to Section 354.6 and 355.8 of the *Code of Iowa*, as amended.~~
- ~~(2) The title under which the proposed subdivision is to be recorded, with the name and address of the proprietor(s); also arrow indicating the northern direction; scale, date, and the name and address of surveyor.~~
- ~~(3) The complete legal description of the property to be platted including descriptive boundaries of the subdivision.~~

(4) — All proposed and remaining easements located on the land to be divided, including, but not limited to, conservation easements, and septic and well easements.

(5) — All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, existing streets and alleys, easements, and building setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.

(6) — Radii, arc and chords, points of tangency, central angles for all curvilinear streets and radii for rounded corners.

(7) — All lot lines, lot numbers and building lines in accordance with the applicable zone district requirements.

(8) — The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features such as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.

(9) — The location of all structures and setbacks thereof from each proposed lot line, public easement or right of way, and the location of existing wells and septic systems and setbacks thereof from existing structures.

(10) — All existing adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.

(11) — The name, location, width and dimensions of all existing roads.

(12) — The name, location, width and dimensions of all streets proposed to be dedicated for public or private use.

(13) — The districts in which the land to be subdivided is located including, but not limited to drainage districts, emergency services districts (ambulance and fire), school districts and zoning districts.

(14) — Established boundaries of the 1% Special Flood Hazard Area (if the property contains any areas wherein a detailed study was completed by FEMA or other entity, the Floodway and Floodway Fringe boundaries shall be depicted.)

(15) — Existing Rural E911 addresses.

a. — Existing rural E911 addresses shall be shown on the plat, unless it is determined by the Planning and Development Department that a new address would better be in accordance with Chapter 32.

b. — The plat shall contain the following notation: "All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner."

D. — Signed copies of the following materials shall also be submitted with the final plat:

(1) — Any final protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

~~(2) — Letter of Financial Security, if applicable (if improvements are completed in advance of the submittal of a final plat, approval and certification of the improvements by the County Engineer shall be submitted).~~

~~(3) — Fees for installation of street corner markers for new subdivision streets, as established by Chapter 32.~~

~~(4) — Other submittal requirements as defined by the Director.~~

~~(Ordinance No. 184) (Ordinance No. 208)~~

87.10 VACATION OF OFFICIAL PLATS.

1. The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition for vacation with the Story County Board of Supervisors.

A. Submittal Process

(1) Conceptual Review Meeting. Before an applicant may submit a vacation of official plat application, including applicable filing fee, the applicant must attend a conceptual review meeting with county departments and other applicable entities, as appropriate. The applicant shall submit a conceptual review application prior to the meeting, including a drawing and a narrative of the proposed vacation. A conceptual review meeting may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.

(2) The applicant shall be responsible for identifying and notifying all public utility providers of the proposed vacation, as applicable, and all property owners within 300' of the proposed vacation. The applicant shall provide the names and addresses of property owners and utility providers to the Planning and Development Department. The Planning and Development Department may assist with this information upon request. The applicant and property owners shall submit a signed document acknowledging and supporting the area of the plat to be vacated. The county will send public notice to all property owners within a ¼ mile of the proposed vacation area.

(3) Once a petition to vacate is received, the Story County Board of Supervisors shall follow the process outlined in Section 354.22 of the *Code of Iowa*, as amended.

(4) The official plat or portion of the official plat shall be vacated upon recording of all of the documents outlined in Section 354.22 of the *Code of Iowa*, as amended.

2. The County may vacate part of an official plat that had been conveyed to the County or dedicated to the public which is deemed by the governing body to be of no benefit to the public.

A. Submittal Process

(1) Conceptual Review Meeting. A conceptual review meeting with county departments, affected property owners, and other applicable entities as appropriate shall be held prior to the official request of a vacation.

(2) The County shall be responsible for notifying all public utility providers of the proposed vacation, as applicable, and sending a public notice to all property owners within a ¼ mile of the proposed vacation.

(3) ~~B.~~ The County shall follow the process outlined in Section 354.23 of the *Code of Iowa*, as amended, when vacating part of an official plat that had been conveyed to the County or dedicated to the public.

CHAPTER 90

LAND DEVELOPMENT REGULATIONS: CONDITIONAL USES

90.01 Statement of Intent	90.07 ~~5~~ Expiration of Permits
90.02 Issuance of Conditional Use Permit	90.08 ~~6~~ Effect of Permit on Successors and Assigns
90.03 Application for Conditional Use Permit	90.09 ~~7~~ Amendments and Modifications
90.04 Standards for Approval	90.10 ~~8~~ Supplemental Standards for Conditional Uses
90.05 ~~Recommendations on Applications~~	90.11 ~~9~~ Specific Criteria for Submittals of Petitions for Mineral Extraction
90.06 ~~Board of Adjustment Action on Applications~~	90.12 ~~10~~ <u>Specific Criteria for Submittals of Petitions for an Agritourism Farm</u>

90.01 STATEMENT OF INTENT. Many land use activities, while not inherently inconsistent with other permitted uses in a particular district, may have significant impacts on the surrounding area. Conditional use permits for such uses allow special conditions to be “attached” to the development to address those impacts. The conditional use permit process provides for flexibility in identifying the special conditions without making the Ordinance unreasonably complicated. The objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

90.02 ISSUANCE OF CONDITIONAL USE PERMIT.

1. A conditional use permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon a determination that the development, if completed as proposed, will comply with the provisions of this chapter.
2. A conditional use permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment. The Director shall record the permit with the County Recorder and shall provide the applicant with a copy of the recorded permit.
3. All development shall occur strictly in accordance with such approved application and plan.

90.03 APPLICATION FOR CONDITIONAL USE PERMIT.

1. The applicant for a conditional use permit must be a person with the legal authority to take action in accordance with the permit.
2. The application must be submitted in accordance with the requirements set forth in Section 92.09, Required Permits. *(Ordinance No. 192)*
3. ~~A conceptual review meeting shall be held prior to submittal of the conditional use permit applications unless such requirement is waived by members of the Interagency Review Team. Such request to waive conceptual review must be submitted in writing to the Planning and Development Director.~~

~~(Ordinance No. 152) (Ordinance No. 192)~~

3. Review Process and Submittal Requirements.

A. Conceptual Review Meeting. Before an applicant may submit a conditional use permit application, the applicant must attend conceptual review meeting with county departments and other applicable entities as appropriate. The applicant shall submit a conceptual review application prior to the meeting, including a proposed site development plan and a narrative of the proposed development. A conceptual review meeting may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.

(Ordinance No. 152) (Ordinance No. 192)

B. Formal Application Submitted. An application for a conditional use permit shall be submitted to the Planning and Development Department and shall include:

- (1) Application form, signed by the property owner, and filing fee
- (2) Statement of justification addressing the Standards for Approval in Section 90.04
- (3) Site development plan sketch
- (4) Other information deemed necessary by the Planning and Development Director

C. Interagency and Staff Review of Application. Following submittal of a completed application for a conditional use permit, including applicable filing fee, Planning and Development staff reviews application materials for compliance with the Standards of Approval from Section 90.04. The application also undergoes review by members of the Interagency Review Team.

D. Meeting Notice for Planning and Zoning Commission.

- (1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public hearing before the Planning and Zoning Commission.
- (2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the property included in a conditional use request outlining the location, time and date of the public hearing before the Planning and Zoning Commission.
- (3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Adjustment, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Planning and Zoning Commission

E. Public Hearing before the Planning and Zoning Commission. A staff report setting forth findings concerning the application's conformance to this chapter, and any recommendations for requirements or conditions to be imposed, is prepared and presented by the Planning and Development staff at the Planning and Zoning Commission meeting. Any person may submit comments or request to speak on the items prior to the start of the meeting. The public hearing shall be scheduled according to standard agenda procedures. After reviewing the application at a public hearing, the Commission shall recommend to

the Board of Adjustment whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Commission does not concur, the Commission shall propose its own findings of fact concerning the application's conformance to the Standards for Approval in Section 90.04(1) of this chapter or recommendations and provide supporting reasons.

F. Meeting Notice for Board of Adjustment.

(1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the proposed subdivision outlining the location, time and date of the public hearing before the Board of Adjustment.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the property included in the conditional use request outlining the location, time and date of the public hearing before the Board of Adjustment.

(3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Adjustment, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Adjustment.

G. Public Hearing before the Board of Adjustment. Following a recommendation by the Planning and Zoning Commission, the conditional use permit request is placed on the Board of Adjustment agenda. A staff report setting forth the Planning and Zoning Commissions' findings of fact concerning the application's conformance to this chapter and any recommendations by the Planning and Zoning Commission for requirements or conditions to be imposed is prepared by Planning and Development staff and placed on the Board of Adjustment agenda. The staff report is presented by the Planning and Development staff at the Board of Adjustment meeting. Any person may submit comments or request to speak on the items prior to the start of the meeting. The public hearing shall be scheduled according to standard agenda procedures. After reviewing the application at a public hearing, the Board of Adjustment shall determine whether it concurs in whole or in part with the Planning and Zoning Commission's proposed findings and recommendations. To the extent the Board does not concur, the Board shall propose its own findings of fact concerning the application's conformance to the Standards for Approval in Section 90.04(1) of this chapter and provide supporting reasons. The Board of Adjustment shall make a motion regarding compliance or noncompliance of the request to the Standards for Approval in Section 90.04(1), and such motion becomes the official decision of the Board of Adjustment.

(1) In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:

a. The Board of Adjustment shall establish a finding of facts based upon information contained in the application, the staff report, and

the Commission recommendation and presented at the Commission or Board of Adjustment hearings.

(Ordinance No. 184)

b. The Board of Adjustment shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in paragraphs C and D below.

(Ordinance No. 184)

c. The Board of Adjustment shall consider whether the application complies with all of the Standards for Approval set forth in Section 90.04(1). Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.

(Ordinance No. 184)

d. If the Board of Adjustment concludes that all such criteria in Section 90.04(1) have been met, the application and plans shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in Section 90.04(2). Separate votes may be taken with respect to each standard.

(Ordinance No. 184)

- (2) Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.
- (3) The Board of Adjustment may attach a condition to a permit that limits the duration of said permit.
- (4) All conditions or requirements shall be recorded with the written decision and order developed by the Board of Adjustment.

(Ordinance No. 192)

- (5) For purposes of this section, the conditional use permit is issued when the Board of Adjustment votes to approve the application and plans

(Ordinance No. 184) (Ordinance No. 192)

- (6) The written decision and order developed by the Board of Adjustment shall be recorded, will all conditions or requirements, and a copy shall be provided to the applicant.
- (7) Petition to Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of Chapter 331 of the Iowa Code, 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 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.

90.04 STANDARDS FOR APPROVAL.

1. The Board of Adjustment shall review the proposed development for conformance to the following development criteria: *(Ordinance No. 184)*

A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.

B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by the Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

E. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity and shall comply with the requirements of Section 88.09, Site Lighting.

F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

2. If the Board of Adjustment concludes that all development criteria will be met by the development, it shall approve the application and plans unless it concludes, based on the information submitted with the official application materials and at the hearing that if completed as proposed there is a strong probability the development will: *(Ordinance No. 184)*

A. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property; or

B. Impair an adequate supply (including quality) of light and air to surrounding property; or

C. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers; or

D. Diminish or impair established property values on adjoining or surrounding property; or

E. Not be in accord with the intent, purpose and spirit of the Ordinance or the Story County Development Plan.

3. Burden of Persuasion. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this chapter is at all times on the applicant. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion. *(Ordinance No. 184)*

~~90.05 — RECOMMENDATIONS ON APPLICATIONS.~~

- ~~1. — Before being presented to the Board of Adjustment, an application for a conditional use permit shall be referred to the Planning and Development Commission for recommendation. When presented to the Commission, the application shall be accompanied by a report from the planning staff setting forth findings concerning the application's conformance to this chapter, and any recommendations for requirements or conditions to be imposed on the proposed development by the Board of Adjustment.~~
- ~~2. — The Commission shall consider the application at a public hearing. The public hearing shall be scheduled according to standard agenda procedures.~~
- ~~3. — After reviewing the application at a public hearing, the Commission shall report to the Board of Adjustment whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Commission does not concur, the Commission shall propose its own recommendations and provide supporting reasons.~~

~~90.06 — BOARD OF ADJUSTMENT ACTION ON APPLICATIONS.~~

- ~~1. — In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:~~

~~(Ordinance No. 184)~~

~~A. — The Board of Adjustment shall establish a finding of facts based upon information contained in the application, the staff report, and the Commission recommendation and presented at the Commission or Board of Adjustment hearings.~~~~(Ordinance No. 184)~~

~~B. — The Board of Adjustment shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in paragraphs C and D below.~~

~~(Ordinance No. 184)~~

~~C. — The Board of Adjustment shall consider whether the application complies with all of the applicable development criteria set forth in Section 90.04(1). Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.~~
~~—————(Ordinance No. 184)~~

~~D. — If the Board of Adjustment concludes that all such criteria in Section 90.04(1) have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth in Section 90.04(2). Separate votes may be taken with respect to each standard.~~

~~(Ordinance No. 184)~~

- ~~2. — Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.~~

- ~~3. — Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition limiting the duration of the permit.~~

- ~~4. — All conditions or requirements shall be recorded with the written decision and order developed by the Board of Adjustment.~~

~~(Ordinance No. 192)~~

~~5. For purposes of this section, the conditional use permit is issued when the Board of Adjustment votes to approve the application and plans.~~

~~(Ordinance No. 184) (Ordinance No. 192)~~

~~6. Substantial action shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.~~

~~(Ordinance No. 192)~~

90.075 EXPIRATION OF PERMITS.

~~1. Substantial action shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.~~ ~~(Ordinance No. 192)~~

1. 2. A conditional use permit shall expire automatically if:

A. Within five years after issuance, substantial action has not been taken to accomplish the purpose of the permit; or

B. After substantial action has been taken and subsequently such work is discontinued for a period of one year, the permit shall immediately expire; or

C. The conditional use has been established and subsequently is discontinued for a period of one year, the permit shall immediately expire.

2. The Board of Adjustment may extend for a period up to one year the date when a permit would otherwise expire pursuant to subsection 1 of this section if it concludes that:

A. The permit has not expired; or

B. The permit recipient has proceeded in good faith and with due diligence; or

C. Conditions have not changed so substantially as to warrant a new application.

3. Successive extensions may be granted for periods up to one year upon the same findings. The permit holder shall submit a written extension request and applicable fee to the Planning and Development Department. The extension request shall be considered by the Board of Adjustment in accordance with the adopted development review procedures. **(Ordinance No. 184)**

90.086 EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS. A conditional use permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, it is transferable. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

90.097 AMENDMENTS AND MODIFICATIONS.

1. Types of Modifications.

A. Insignificant Modifications. Insignificant modifications to the approved permit are permissible upon authorization by the Director. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to use or occupy the proposed development.

B. Minor Modifications. Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.

C. Major Modifications – New Applications. All other requests for modifications to the approved permit will be deemed a major modification and processed as a new applications as defined in this chapter. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.

(Ordinance No. 184)

2. Submittal Requirements for Modifications. The permit holder requesting approval of modifications shall submit a written modification request on forms and applicable fees provided by the Director, including plans and narrative specifically identifying the modifications. The Director shall determine whether the proposed modification falls within the categories set forth above.

(Ordinance No. 184) (Ordinance No. 192)

3. Approval of Modifications. Approval of all modifications must be given in writing.

90.4008 SUPPLEMENTAL STANDARDS FOR CONDITIONAL USES. When indicated in Table 90-1, Table of Conditional Uses, a conditional use shall be subject to the supplemental standards listed below, in addition to the standards for approval set forth in Section 90.04 and development impacts specified in Section 90.05 of this chapter.

1. Commercial Campgrounds and Travel Trailer Parks:

A. Minimum Area: two net acres.

(Ordinance No. 184)

B. Maximum Density: 20 unit spaces per gross acre of park site.

C. Drives: 18 feet in width if one-way or 25 feet in width if two-way, and provided with a smooth, hard and dense surface that shall be durable and well drained under normal use and conditions.

D. Screening: Rear and/or side yards shall be screened from adjacent property by a planting screen not less than 10 feet in width and six feet in height or by a fence, wall, berm or other comparable means.

E. Common Services Building: There may be common facility service buildings that provide laundry facilities, sanitary facilities, recreational facilities, non-automotive commercial uses supplying essential goods or services primarily for the use of subject park users; also, park management buildings, community buildings, one dwelling unit to be occupied by the owner or administrator, and other uses of a similar nature. All such buildings shall be located within the central park area and shall be primarily for the use of the park occupants.

F. Off-Drive Parking: One parking space for, and within the area of, each unit space.

G. E911 addresses shall be posted for each site in accordance with the requirements of Story County Ordinance No. 161 (as amended).

2. Mineral Extraction and Primary Mineral Processing. The applicant shall submit a plan for the staged extraction and restoration of the site in accordance with Section 90.11, Specific Criteria for Submittals of Petitions for Mineral Extraction.

3. Rural Salvage Yard In Conjunction With an Owner-Occupied Single-Family Dwelling:

A. Abandonment. A statement in writing shall be provided by the owner, to become part of the public record, that the area will be cleaned up to the satisfaction of the Director and meet all applicable County, State, and Federal requirements at such time the salvage yard is abandoned, or moved in whole or in part. A salvage yard that remains idle or unused

for a continuous period of one year, whether or not fixtures or equipment are removed, shall constitute abandonment. The casual, intermittent, temporary, or illegal operation of a salvage yard shall not be sufficient evidence to establish continuous use. (*Ordinance No. 184*)

B. Residential Envelope. A residential envelope shall be provided which shall extend 50 feet from the side and rear lines of the principal residential building and which shall extend from the front line of the principal residential building to the required front yard line. Accessory buildings that are attached or connected to a principal residential building shall be considered a part of such principal building. The required yard may serve as the required envelope, and in such cases regulations concerning required yards shall govern.

C. Screening Requirements. The owner shall submit a screening plan, which shall integrate that screen with the natural surroundings and assure reasonable access to the screen for maintenance purposes. The screening plan shall include the following:

(1) Screening shall be designed to eliminate the visual impact of the salvage yard contents by obscuring it from view from adjacent roadways and, as appropriate, adjacent property.

(2) Screening materials shall generally consist of natural objects, plantings, fences or other appropriate means such as storage sheds, buildings and other similar elements.

a. Natural objects shall be earthen berms, natural topography, wooded areas or other similar elements.

b. Plantings shall be shrubs and trees of such types as to provide year-round obscurement commensurate with local site conditions. All plant material used for screening shall be of a size and quantity to provide obscurement.

c. Screens shall be made of wood, metal, or other materials commonly used in the building trade and shall be of such height and type, in accordance with permissible district regulations, as necessary to provide obscurement. Screens shall be designed to withstand a minimum wind load of 20 pounds per square foot and shall be of a permanent nature. All materials used for finishing screens shall be a non-reflective material which will blend with the natural surroundings. Screening shall not be placed in any manner so that either the screen or the maintenance of the screen will create or contribute to the creation of a safety hazard or endanger public safety or interfere with road maintenance.

(3) The owner shall maintain the screening in a condition equal to the original installation of the screening. Maintenance shall include, but not be limited to, the following items:

a. Replacement of plant material that is dead or has been damaged so that it no longer serves the intended purpose of screening the junkyard.

b. Screen maintenance shall include the renewal of the surface treatment with stains, paints, or other appropriate material when needed and the replacement of panels, sections, members or support structures of the screening when needed.

D. Confinement of Salvage Yard. A junk or salvage yard shall not be permitted within any required yard or envelope. No portion of the front yard or front envelope shall be used

for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles.

E. Area. Lot area requirements shall be in accordance with all applicable district regulations for single-family dwellings. The area to be confined for the salvage yard shall not exceed five acres.

F. Distance Standards. A Conditional Use Permit for a rural salvage yard may not be issued for a proposed location within a five-mile radius of any other lawfully existing rural salvage yard in Story County. Also, such a permit may not be issued for a proposed location within one thousand (1,000) feet of the Greenbelt-Conservation district.

4. Communication Towers and Facilities. Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used; however, proposed modifications must be reviewed by the Director and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities on towers constructed prior to April 20, 2001, for co-location must submit an application for zoning permit consistent with the requirements of Section 92.09, Required Permits.

(Ordinance No. 152) (Ordinance No. 184) (Ordinance No. 192)

A. Co-Location. Prior to applying for a conditional use permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating the following:

(1) The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of Iowa, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.

(Ordinance No. 152)

(3) Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of Iowa.

(4) Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.

(5) No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs.

(6) Furthermore, no new tower/facility shall be approved that is not in compliance with all standards for approval set forth in Section 90.04 and those contained herein.

B. Separation From Planned and/or Existing Residential Properties. All proposed towers/facilities shall be separated from neighboring properties either planned or utilized

for residential purposes as established herein. The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line of a neighboring tax parcel used or planned for residential purposes. For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property shall be considered to be planned for residential purposes if it has the Cornerstone to Capstone (C2C) Comprehensive Plan designation of Rural Residential or a residential designation as defined as an approved fringe area plan; if it is within two miles of a city boundary, and that city has established a residential land use classification for the property; or if a property is zoned Agricultural/Residential (A-R), Residential (R-1), Residential (R-2), or Residential Mobile Home (RMH).

(1) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be 300 feet or 150 percent of the height of the tower, whichever is greater.

(2) For guyed towers/facilities the minimum separation distance shall be 300 feet or 150 percent of the height of the tower, whichever is greater, plus 100 percent of the length of the longest supporting guy wire.

C. Height. The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposal's requirements, as documented by a qualified engineer. *(Ordinance No. 152)*

D. Required Setbacks. The center foundation of all towers/facilities are required to be set back from any public right-of-way in accordance with the following:

(1) For towers of monopole and lattice-type construction, a distance equal to 150 percent the height of the tower or 200 feet, whichever is greater; and for towers of guyed-type construction, a distance equal to 150 percent the height of the tower plus the length of guyed wire or 200 feet, whichever is greater.

(2) From any adjoining property zoned or planned residential or existing residential use, the distance of 300 feet or 150 percent of the height of the tower/facility for towers of lattice or monopole construction type; and 300 or 150 percent of the height of the tower/facility plus 100 percent of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.

(3) From other property lines, a distance equal to at least 50 percent of the height of the tower/facility.

(4) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the lease area. *(Ordinance No. 155) (Ordinance No. 184)*

E. Fencing and Screening.

(1) Security Fencing. Towers/facilities shall be enclosed by fencing not less than six feet in height and shall be equipped with appropriate anti-climbing devices.

(2) Screening. The lowest six feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.

- F. Aesthetics. Towers/facilities shall meet the following general requirements.
- (1) Color. Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
 - (2) Lighting. Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
 - (3) Signs. No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of Section 89.02, Signs.
- G. Compliance with Other Regulations. The proposed tower/facility must comply with all other applicable local, State or Federal regulations.
- H. Obstruction of View. The proposed tower/facility will not unreasonably interfere with the view from any publicly owned or managed areas or major view corridors.
- I. Removal of Abandoned Towers/Facilities. If the use of the communication tower/facility is abandoned, the owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person shall remove the tower/facility, foundational supports, and associated appurtenances within 90 days of receipt of notice from Story County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said 90 days shall be grounds to issue a notice of violation in accordance with the requirements of the Ordinance and undertake enforcement action upon the tower/facility owner and property owner.
- (1) Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction.
- J. Submittal Requirements. In addition to the submittal requirements defined for conditional use permit applications, all applications for towers/facilities must submit the following information (as applicable). All plans shall be drawn at a scale of one inch equals 50 feet.
- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower/facility, existing land uses, adjacent land uses, zoning, County Development Plan designations of the site and for all properties within 500 feet.
 - (2) Legal description of the parent parcel and leased parcel (if applicable).
 - (3) The separation distance between the proposed tower/facility and nearest planned and/or existing residential property.
 - (4) The separation distance from other existing and approved towers. The applicant shall also identify the type of construction of the existing towers and owner/operators of such facilities.
 - (5) A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials.

(6) Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.

(7) A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in the Ordinance.
(Ordinance No. 152)

(8) Identification of all other tower/facility sites owned and/or operated by the applicant within Story County.

(9) Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site.

(10) Copy of the signed lease agreement with the property owner.
(Ordinance No. 152)

(11) Submittal of search rings established for the proposed communication tower and affidavit that the applicant made diligent, but unsuccessful efforts for permission to install or co-locate the applicant's wireless communications facilities on all existing towers or other antenna support structures located within an area equal to 100 percent of the search ring for the proposed site of the wireless communications facility.
(Ordinance No. 155)

5. Bed and Breakfast Inns.

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

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. At least one person not a member of the family thereby residing may be regularly employed on the premises in addition to the proprietor, with no more than one person per 15 customers, as determined by the seating capacity of the dining room. In the case of single-person households, one person in addition to the above may be employed on the premises.

E. Limited services to the public such as receptions, private parties, meetings and similar events may be provided by appointment only. All parking for such events shall be restricted to approved, designated off-street parking spaces. Breakfast shall be served only to residents and overnight guests. Lunch and dinner may be served to the public, by reservation only, but is restricted to available seating not reserved by residents or overnight guests. Maximum seating capacity for meals shall not exceed four persons per guest bedroom. Only one shift per meal shall be served.

6. Commercial WECS (C-WECS). The requirements of the Ordinance shall apply to all C-WECS proposed after the effective date of the Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of the Ordinance shall not be required to meet the requirements of the Ordinance; provided, any such pre-existing C-WECS, which does not provide energy for a continuous period of 12 months, shall meet the requirements of the Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with the Ordinance.

- 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 C-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 C-WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- B. Tower configuration. All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- C. Lighting. C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- D. Signage. All signage on site shall comply with Section 89.02 of these regulations. The manufacturer's 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 C-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 C-WECS shall be buried.
- F. Waste Disposal. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Story 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 75 feet.
- H. Signal Interference. The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
- I. Federal Aviation Administration. All C-WECS shall comply with FAA standards and permits.
- J. Electrical Codes and Standards. All C-WECS and accessory equipment and facilities shall comply with the *National Electrical Code* and other applicable standards.
- K. Setbacks. The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment, upon recommendation by the Commission, may reduce the standard setbacks and separation requirements if the intent of the Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as defined by the base zone district.

(Ordinance No. 184)

- (1) Structures. Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church, or public library a distance no less than the greater of: (i) two times its total height; or (ii) 1,000 feet.

(Ordinance No. 184)

(2) Property Lines. At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.

(Ordinance No. 184)

(3) Public Right-of-Way. Setbacks from public right-of-way, railroads, power lines, and structures shall be a minimum of 1.1 times the height of the tower and rotor.

(Ordinance No. 184)

(4) Communication and Electrical Lines. Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.

L. Noise. Audible noise due to C-WECS sites operations shall not exceed 60 dBA for any period of time, when measured at any dwelling, school, hospital, church, or public library existing on the date of approval of any conditional use permit from the property line. *(Ordinance No. 184)*

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

(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 dBA, which is succeeded for more than five 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 30 mph at the ambient noise measurement location.

(3) In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment upon recommendation by the Commission provided that the following has been accomplished:

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

b. 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 Story County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by the Ordinance may exist on or at the burdened property.

M. Safety.

(1) All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Adjustment

(2) Wind turbines and meteorological towers shall not be climbable up to 15 feet above ground level. *(Ordinance No. 184)*

(3) All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced. *(Ordinance No. 184)*

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

(5) For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-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 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 the Ordinance to be presented to the Commission and Board of Adjustment. *(Ordinance No. 184)*

N. Discontinuation and Decommissioning. A C-WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. Each C-WECS shall have a decommissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

O. Avoidance and Mitigation of Damages to Public Infrastructure.

(1) Roads. Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority prior to construction.

(2) Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Story County Engineer during all phases of construction.

(Ordinance No. 184)

(3) Drainage System. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the C-WECS.

(4) Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the roads and bridges to preconstruction conditions. Financial security in a manner approved by the Story County Attorney's Office shall be submitted covering 130 percent the costs of all required improvements. This requirement may be waived by the Board of Adjustment by recommendation from the Story County Engineer.

P. Submittal Requirements. In addition to the submittal requirements defined for conditional use permit applications, all applications for C-WECS must submit the following information (as applicable).

(1) The names of project applicant.

(2) The name of the project owner.

(3) The legal description and address of the project.

(4) A description of the project, including number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines, and means of interconnecting with the electrical grid.

(5) Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.

(6) Engineer's certification as required in these supplemental standards.

(7) Documentation of land ownership or legal control of the property.

(8) The latitude and longitude of individual wind turbines.

(9) A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed C-WECS.

(10) Existing Resources Inventory. *(Ordinance No. 184)*

(11) An Acoustical analysis.

(12) FAA Permit Application.

(13) Location of all known communications towers/facilities within two miles of the proposed C-WECS. *(Ordinance No. 184)*

(14) Decommissioning Plan. *(Ordinance No. 184)*

(15) Description of potential impacts on all nearby C-WECS and non C-WECS and wind resources on adjacent properties.

(Ordinance No. 184) (Ordinance No. 192)

(16) Identification of significant migratory patterns and nesting areas for birds within two miles.

(Supplemental Standards for C-WECS adopted with Ordinance No. 152) (Ordinance No. 184)

7. Adult Bookstores and Adult Establishments or Cabarets. These uses shall not be located within 1,320 feet of each other, or any public or parochial school, licensed day care facility, church, public park, planned residential land use, residential district or any dwelling (measurements shall be from property line to property line). All building openings (entries, windows) shall be covered in a way to prevent view into the interior of the building from any public right-of-way. **(Ordinance No. 184)**

8. Commercial – Solar Energy Systems (C-SES). The requirements of the Ordinance shall apply to all C-SES proposed after the effective date of the Ordinance, as amended. Any C-SES for which a required permit has been properly issued prior to the effective date of the Ordinance shall not be required to meet the requirements of the Ordinance; provided that any such pre-existing C-SES, which does not provide energy for a continuous period of 12 months, shall meet the requirements of the Ordinance prior to recommencing production of energy. Concentrated solar power (CSP) systems shall be prohibited.

A. Height. Ground-mounted solar energy devices or a combination of devices comprising a C-SES shall not exceed the maximum height as defined by the base zone district when oriented at maximum tilt.

B. Setbacks and Separation Requirements. The following setbacks and separation requirements shall apply to any ground-mounted solar energy device or combination of devices comprising a C-SES:

(1) Structures. Setbacks from the nearest residence, school, hospital, church, public library, or similar institutional use shall be 100 feet or greater.

(2) Property Lines. Setbacks from property lines shall be 1.1 times the height of the tallest component of the C-SES or comply with the applicable base zone district, whichever is greater.

a. At no time shall any part of the ground-mounted solar energy device or combination of devices comprising a C-SES overhang an adjoining property without securing appropriate easements from adjoining property owners.

b. Greater setbacks may be required by the Board of Adjustment absent a solar access easement agreement.

(3) Public Right-of-Way. Setbacks from public right-of-way shall comply with the applicable setbacks as defined by the base zone district.

C. Glare. Solar energy devices must be constructed to minimize glare or reflections to adjacent properties and roadways and must not interfere with traffic, including air traffic, or create a safety hazard.

D. Ground cover and buffer areas. Perennial vegetative ground cover shall be planted on the ground around and under solar arrays and in project site buffer areas, and the ground shall meet the following standards:

(1) Top soils shall not be removed from the site during development unless the removal is part of a remediation effort pre-defined and approved through the Conditional Use Permit.

(2) Soils shall be planted and maintained in perennial vegetation in accordance with Section 3 below to prevent erosion, manage run-off, and build soil.

(3) Seed mixes and maintenance practices must be approved by Story County Conservation prior to action by the Board of Adjustment.

E. Fencing. Ground-mounted solar energy device or combination of devices

comprising a C-SES shall be enclosed by perimeter fencing at a height of eight (8) feet to restrict unauthorized access. Security fences and gates must be maintained in good condition until the site is decommissioned.

F. Signage. No signs other than appropriate warning signs, or standard manufacturers', operators', or installers' identification signage, shall be displayed.

G. Approved solar components. Electric solar system components must have a UL (Underwriters Laboratories Inc.) listing.

H. Compliance with applicable codes.

(1) State Building Code. All active C-SES shall meet all requirements of the current State Building Code.

(2) National Electric Code. All C-SES shall comply with the National Electrical Code, current edition.

I. Underground Installation of Utilities. On-site power lines and utility connections shall be placed underground.

J. Lighting. C-SES shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

K. Utility Notification. C-SES shall not be approved by the Board of Adjustment until evidence has been given to Story County that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

L. Discontinuation and Decommissioning. C-SES shall be considered discontinued after one year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-SES to service.

(1) Removal requirements. Any C-SES which has reached the end of its useful life or has been determined to be discontinued pursuant to Section 90.10.8.L shall be decommissioned and removed within 180 days of the discontinuation of use.

(2) Decommissioning shall consist of:

a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Director may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(3) Decommissioning Plan and Financial Surety.

a. C-SES shall have a decommissioning plan outlining the anticipated means and costs of removing the C-SES at the end of its serviceable life or upon becoming discontinued.

b. The decommissioning plan shall identify financial resources that will be available to pay for decommissioning and removal of C-SES.

c. Decommissioning Fund. The applicant shall continuously maintain a financial assurance mechanism(s) in the form of a performance bond and/or

other security approved by the County Attorney, for the period of the life of the facility. The amount of the security shall be 130 percent of the total decommissioning cost identified in the decommissioning plan. The financial assurance mechanism(s) must ensure that funds will be available upon discontinuation and shall not include the future value, if any, of scrap. If a bond is posted to meet this requirement, the bond issuing company must be agreed upon by both the applicant and County. All decommissioning, removal and remediation fund requirements shall be fully funded before a zoning permit is issued. The County shall have sole discretion with regard to the determination of the mechanism of financial assurance.

d. Property Owner Affidavit. The applicant shall submit a copy of the decommissioning plan to all property owners within the boundaries of the Conditional Use Permit area. The property owners shall provide the County a signed affidavit acknowledging receipt of the plan and their responsibility for decommissioning costs.

M. Monitoring and Maintenance. The owner or operator of C-SES shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Internal circulation drives shall be maintained by the owner or operator to a level acceptable to the applicable fire chief and Story County Emergency Management Agency. The owner or operator shall be solely responsible for the cost of maintaining the C-SES and any internal access road(s).

N. Avoidance and Mitigation of Damages to Public Infrastructure.

- (1) Roads. Applicants shall identify all roads to be used for the purpose of transporting components and/or equipment for construction, operation or maintenance of the C-SES and obtain applicable weight and size permits from the impacted road authority prior to construction.
- (2) Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority to determine existing road conditions. The pre-construction survey shall include photographs and a written agreement to document the condition of the roads and applicable public facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the Story County Engineer during all phases of construction.
- (3) Drainage System. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the C-SES.
- (4) Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority sufficient to restore the roads and bridges to preconstruction conditions. Financial assurance mechanism(s) in the form of a performance bond and/or other security approved by the Story County Attorney's Office shall be submitted to the Planning and Development Department covering 130 percent of the costs of all required improvements prior to final issuance of the conditional use permit by the Board of Adjustment. This requirement may be waived by the Board of Adjustment upon recommendation from

the Story County Engineer.

O. Submittal Requirements. All C-SES applications must submit the following information in addition to the submittal requirements defined for conditional use permit applications.

- (1) The name(s) of the project applicant(s).
- (2) The name(s) of the project owner(s).
- (3) The legal description and address of the project.
- (4) Site plan showing property lines and physical features, including roads, setbacks, floodplain (if applicable), buildings, solar panels, right of way, and zoning district designation(s) for the project site.
- (5) Pre-construction survey and proposed routes as defined in Section 90.10.8.N(2).
- (6) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- (7) Number, location, and spacing of solar panels/arrays.
- (8) Proposed locations of underground or overhead electric lines.
- (9) Project development timeline.
- (10) Existing Resources Inventory as defined in Chapter 85.
- (11) Certification of structural and electrical compliance with the National Electrical Code by an Iowa-licensed engineer or architect, including one or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices in accordance with Section 90.10.8.H(2).
- (12) Certification of compliance with Section 90.10.8.H(1) by an Iowa-licensed engineer or architect.
- (13) Manufacturer's documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
- (14) Documentation of actual or prospective access and traffic control of the project site.
- (15) Interconnection agreement.
- (16) Operation and maintenance plan of the C-SES, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operation and maintenance of the installation.
- (17) Proof of liability insurance.
- (18) Emergency services plan, including but not limited to the project summary, electrical schematic and means of shutting down energy systems throughout the life of the installation.
- (21) Decommissioning plan in accordance with Section 90.10.8.L(3).
- (22) Letter(s) of financial security as defined in Sections 90.10.8.L(3) and 90.10.8.N.
- (23) Property owner affidavit as defined in Section 90.10.8.L(3)(d).

(Ordinance No. 251, 2016)

90.4409 SPECIFIC CRITERIA FOR SUBMITTALS OF PETITIONS FOR MINERAL EXTRACTION.

1. Stage One – Evidence Concerning Feasibility.
 - A. Description of the character and thickness of the mineral deposit.
 - B. Boring logs – composition of sand and gravel.
 - C. Average depth of overburden to be redistributed.
2. Stage One – Site and Operational Analysis.
 - A. Site.
 - (1) Location of site – county, section and township.
 - (2) Property line survey.
 - (3) Easements and rights-of-way.
 - (4) Aerial photo.
 - (5) Zoning and land use maps.
 - (6) Existing land use (adjacent and in general area of the site).
 - (7) Access and transportation arteries (indicate types of surface).
 - (8) Development trends (patterns of expansion) of adjacent land uses.
 - B. Description of Environment.
 - (1) Contour maps (two feet or five feet contour intervals).
 - (2) Soils data.
 - (3) Existing ground cover and location of any wooded area.
 - (4) Relationship of site to surrounding terrain.
 - (5) Special surface or subsurface geologic features such as streams, rock out croppings, etc.
 - (6) Views into site.
 - (7) Areas of most probable visual conflict.
 - C. The Deposit.
 - (1) Depth of topsoil and overburden.
 - (2) Deposit depth and outline.
 - (3) Percentage of waste sand.
 - (4) Depth, outline and type of un-mineable material.
 - (5) Groundwater elevation (normal).
 - (6) Groundwater flow and character.
 - D. Equipment and Operational Procedures.
 - (1) Type of excavating equipment.
 - (2) Type of transporting equipment.

- (3) Processing plant layout, including stockpiles (diagrammatic).
 - (4) Anticipated general excavation patterns.
 - (5) Location of settling ponds (if any).
 - E. Review of Historical/Archaeological Features on Site.
 - F. Assessment of Wildlife and Possible Impacts from Proposed Operation.
- 3. Stage One – Extraction/Rehabilitation Plan; Conceptual Sketch Plan and Narrative.
 - A. Layout major excavation and rehabilitation pattern (to include):
 - (1) Establish high and low points.
 - (2) Stockpiling method and locations.
 - (3) Handling of topsoil (preservation and re-spreading of topsoil) and possible effects on change in soil composition.
 - (4) Staged method of restoration.
 - (5) Proposed land features.
 - (6) Drives, access and traffic generation.
 - (7) Setbacks (Minimum fifty (50) feet from all property lines).
 - (8) Fences.
 - (9) Outline measures to be taken for noise, dust, erosion control and protection of wildlife habitat.
 - (10) Permanent man-made features to be left on-site.
 - (11) Estimated length of operation.
 - (12) Determine essential screening to reduce inherent conflicts.
 - (13) Future land use alternatives.
 - B. Brief discussion considering impact of proposed operations on surrounding land areas.
- 4. Stage Two – Detailed Site and Operational Analysis.
 - A. Prepare detailed outline of sand and gravel deposits.
 - B. Determine the volume of material unsuitable for processing.
 - C. Outline area required for processing plant (including stockpiles and handling of topsoil).
 - D. Coordinate Excavation and Development Functions.
 - (1) Review equipment in respect to land forming capabilities.
 - (2) Manipulate the excavation equipment within the scope of its operating patterns.
 - (3) Minimize hauling distance of land forming material.
 - (4) Taking both site and operational characteristics into consideration, develop the specific pattern of excavation that will implement the development of the proposed land forms.

5. Stage Two – Detailed Extraction/Rehabilitation Plan.
 - A. Handling and placement of overburden.
 - B. Handling and placement of topsoil.
 - C. Detailed planting and screening plans.
 - D. Detailed grading plan including topography (one- or two-foot contour intervals), drainage, and land form grading.
 - E. Master Plan – illustrates proposed land forms, land uses and basic site features.
6. Performance Standards.
 - A. Progressive rehabilitation (excavation and rehabilitation occur simultaneously) will be required for any mineral extraction area.
 - B. Topsoil Requirements.
 - (1) Topsoil is to be preserved and utilized for site rehabilitation.
 - (2) Topsoil to be re-spread to the depth that originally existed.
 - C. Planting and seeding of depleted areas will be implemented as soon as practicable to prevent erosion, as approved by the Planning and Development Director. *(Ordinance No. 192)*
 - D. Remove all equipment associated with the industry as soon as excavation is terminated.
 - E. Do not permit the accumulation of debris or abandoned equipment within the pit or on the property.
 - F. Cut slopes will not exceed the normal angle of repose.
 - G. Slope Requirements.
 - (1) 3:1 maximum slope for mowed banks.
 - (2) 2:1 maximum slope for unmowed banks with vegetation cover.
 - (3) 4:1 maximum slope for spoil banks.
(Code of Iowa, Ch. 208)
(Ordinance No. 192)
 - (4) 5:1 maximum slope above water line.
 - (5) 5:1 maximum slope below water line extended a minimum horizontal of 10 feet into water body for shoreline.
(Ordinance No. 184)

Slope requirements may be changed subject to the approval of the Commission.

H. Individual site bonding required for all mineral extraction areas. The developer shall post a bond with the Story County Auditor, which bond will ensure to the County that the restoration for reuse as provided in the approved plan shall be completed by the developer within one year of discontinuance of the extraction activities specified in the approved master plan. The amount of the bond shall not be less than the estimated cost of the restoration. In the event restoration is not completed within the specified time, the County may use the bond or any portion thereof to complete the restoration. Bond requirements may be waived or modified if the applicant can demonstrate that bonding under compliance with Chapter 208 of the *Code of Iowa*, as amended will be sufficient to

ensure restoration of the site as specified in the approved plan.
(Ordinance No. 192)

90.12 10 Specific Criteria for Submittals of Petitions for an Agritourism Farm

1. Written Narrative - The applicant shall submit a written narrative with the Conditional Use Permit Application, which shall demonstrate the following:
 - A. The agritourism farm promotes the county's rural character or crop and/or livestock production through value-added agriculture or educational activities.
 - B. The agritourism farm use shall not alter or detract from the primary crop and/or livestock production use.
 - C. The agritourism farm use is accessory in size and operation, and is ancillary to the primary crop and/or livestock production use.
 - D. Existing buildings will be used to their full capacity prior to the construction of new buildings and any proposed new buildings shall not detract from the county's rural character or the primary crop and/or livestock production use.
 - E. Hours of operation shall meet compatibility criteria and the total estimated amount of all daily vehicle traffic from workers, visitors, and service vehicles shall meet traffic criteria set forth in section 90.04, Standards for Approval.
 - F. The steps the applicant will take to negate any potential negative impacts on neighboring properties, crop and/or livestock production, or the county's rural character.
 - G. Unreasonable dust from gravel drives, parking areas, or from excess traffic on county roads due to the agritourism farm will not impact neighboring properties.
2. Other Submittals - The applicant shall also submit the following with the Conditional Use Permit Application:
 - A. Dust Control Plan: A dust control plan, if determined to be necessary, following Section 90.04 (1)(F), shall be submitted with the Conditional Use Permit application.
 - B. Sanitary Facilities Plan: The applicant shall develop a plan in conjunction with the County Environmental Health Department for the provision of sanitary facilities and submit the plan with the Conditional Use Permit application.
 - C. Overflow Parking Plan: If more visitors are anticipated than the capacity of the primary parking area, a contingency plan for overflow parking shall be submitted with the Conditional Use Permit application, including, but not limited to, the location of overflow parking and location of bus parking, how traffic will be directed (employees, signs, etc.), and if the parking site is suitable for use in inclement weather.

- (1) Temporary, overflow parking may be located on grass.
 - (2) Overflow parking shall meet all requirements of Section 88.08, Parking and Circulation Standards and shall be no greater in size than 25% of the primary parking area. No parking shall be allowed outside of designated areas, including within the road right-of-way.
- D. Emergency Plan: An emergency plan shall be submitted with the Conditional Use Permit application that includes, but is not limited to, emergency access routes, location of first aid / automated external defibrillator, plans for fire, weather, missing children / adults, and active shooter or terror incidents.

Table 90-1 -- Table of Conditional Uses

Key: C – signifies that conditional use permit is necessary CS – supplemental standards apply	ZONING DISTRICTS								
	A-1	A-2	A-R	R-1	R-2	RMH	CLI	HI	GBC
Private, non-commercial aircraft landing fields	C						C	C	
Golf courses (except miniature golf courses or practice driving ranges operated for commercial purposes) *	C		C	C	C		C		
Private gun clubs, skeet shooting ranges, and similar uses (<i>Ordinance No. 192</i>) *	C						C		
Indoor recreational facilities (<i>Ordinance No. 192</i>)	C	C	C	C	C	C		C	
Campgrounds not operated for profit *	C								C
Lodges and fraternal organizations *	C								C
Public water supply and sewage treatment facilities	C	C	C	C	C	C	C	C	
Communication towers and facilities	CS	CS					CS	CS	
Any land or building used by a utility service for the purpose of generating or converting power, except C-WECS, which are held subject to supplemental standards (<i>Ordinance No. 192</i>) (<i>Ordinance No. 219</i>)	C	C					C	C	
Any public building or structure or facility erected and used by any department of the township, County, or city government, including (but not limited to) public aircraft landing fields and facilities, and sanitary landfills	C	C	C	C	C	C	C	C	C
Nurseries and greenhouses, including retail sales	C								
Drag strips, go-cart tracks, courses, and/or activity areas for motorcycles, minibikes, snowmobiles and ATVs, provided that the minimum lot area is 20 acres *	C						C		
Commercial campgrounds and travel trailer parks *	CS					CS	CS		
Mineral extraction and primary mineral processing	CS	CS					CS	CS	CS
Ready mix concrete plants, asphalt paving mixture plants, and small ancillary products manufactured by the plant operators utilizing excess material, in conjunction with and adjacent to a mineral extraction and primary mineral processing operation	C	C							
Adaptive reuse of abandoned schools, churches or other institutional, commercial, or industrial buildings where a proposed use or proposed combination of two or more principal uses on one lot within one building is not otherwise permitted.	C	C	C	C	C	C	C	C	C
Rural salvage yard in conjunction with an owner-occupied single-family dwelling	CS	CS							

Key: C – signifies that conditional use permit is necessary CS – supplemental standards apply	ZONING DISTRICTS								
	A-1	A-2	A-R	R-1	R-2	RMH	CLI	HI	GBC
Child care centers serving more than six children and operating only between the hours of 6:00 a.m. and 10:00 p.m. *	C		C	C	C	C			
Agricultural lime storage site (fill and draw) operation for purposes of reducing the moisture content of lime slurry	C	C					C	C	
Bed and breakfast inn	CS	CS							
Astronomical observatories	C	C							C
Construction and demolition landfills *	C	C					C	C	
Farms, Agritourism	CS	CS							CS
Churches and/or similar uses *	C	C	C	C	C	C	C	C	
Commercial Wind Energy Conversion Systems (C-WECS)	CS	CS					CS	CS	
Adult bookstores and adult establishments or cabarets (<i>Ordinance No. 184</i>)							CS	CS	
Commercial Solar Energy Systems (C-SES)	CS	CS	CS				CS	CS	
Yard waste composting facility	C	C						C	
Human Services Facilities and Programs, except uses meeting the definition of Family Home under Chapter 85*									
Home businesses that do not meet the requirements set forth in section 89.01, Home Businesses	C		C	C	C	C			
* It is not intended to permit those uses marked with * in the A-1 District where the Land Evaluation and Site Assessment (LESA) score for the subject parcel is 267-300.									

CHAPTER 92

LAND DEVELOPMENT REGULATIONS: ADMINISTRATION

92.01 Duties and Responsibilities of the Board of Adjustment	92.07 Amending the Text of the Land Development Regulations (Text Amendments)
92.02 Appeals of the Director's Decision	92.08 Amending the Cornerstone to Capstone (C2C) Comprehensive Plan (C2C Plan Amendments)
92.03 Variances	92.09 Planning and Development Director
92.04 Waivers by the Board of Supervisors	92.10 Required Permits
92.05 Amendments to Official Zoning Map, Ordinance, and Cornerstone to Capstone (C2C) Comprehensive Plan	92.11 Enforcement
92.06 Amending the Official Zoning Map (Rezoning)	

92.01 DUTIES AND RESPONSIBILITIES OF THE BOARD OF ADJUSTMENT.

1. A Board of Adjustment shall consist of five members, a majority of whom shall reside within the County but outside the corporate limits of any city, appointed by the Board of Supervisors. Terms shall be five years and vacancies shall be filled by the Board of Supervisors for the unexpired term of any member whose term becomes vacant. The Board of Supervisors shall have the power to remove any member of the Board of Adjustment for cause, upon written charges and after public hearing.
2. The Board of Adjustment shall elect a Chairperson and Vice Chairperson. All meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such time and place within the County as the Board of Adjustment may determine. Such Chairperson, or in his/her 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. *(Ordinance No. 184)*
3. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on every question, or if absent or failing to vote indicating such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the Board of Adjustment shall be immediately filed in the office of the Director and shall be public record. The Board of Adjustment shall adopt its own rules of procedure not to conflict with the Ordinance or with the Iowa Statutes. The Board of Adjustment shall not be compensated, except for necessary expenses.

92.02 APPEALS OF THE DIRECTOR'S DECISION.

1. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error of law in any order, requirement, decision or determination made by the Planning and Development Director or his/her designee in the enforcement of the Ordinance.
2. Procedure. Such appeal shall be submitted within a period of not more than 30 days from the date of the Director's decision, and in the manner prescribed by the Board of Adjustment. Such appeal shall be filed with the Director with notice of appeal specifying the grounds thereof, filing fee and additional submittal requirements. When notice of the appeal is filed, the Director shall transmit all of the records regarding the appeal to the Board of Adjustment and place the appeal on the next scheduled meeting of the Board of Adjustment. *(Ordinance No. 184)*

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

(Ordinance No. 184)

92.03 VARIANCES.

1. The Board of Adjustment shall hear and decide upon applications to vary the strict application of the height, area, setback, parking or density requirements to the extent necessary to permit the applicant a reasonable use of the property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned.

2. Special conditions shall include but not be limited to a property owner who can show that his/her property was acquired in good faith and where by reason of exceptional topographical conditions or other extraordinary or exceptional situations the strict application of the terms of the Ordinance actually prohibits the use of the property in a manner reasonably similar to that of other property in the district.

3. The special conditions and circumstances shall not result from the actions of the applicant. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of the Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Ordinance in said district.

4. ~~In deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. All legal principles shall be satisfied in order for the Board of Adjustment to grant a variance.~~

a. ~~Finding of unnecessary hardship.~~

~~(1) The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.~~

~~(2) The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself.~~

~~(3) The use to be authorized by the variance will not alter the essential character of the locality.~~

b. ~~Granting the variance will not be contrary to the public interest.~~

c. ~~The spirit and intent of the Story County Development Plan and Story County Land Development Regulations are protected.~~

5. ~~Variances which have been granted in accordance with the provisions of the Ordinance shall be null and void at the end of six months from the date of granting if substantial action has not been taken to accomplish the purpose for which the variance was granted. A six month extension may be granted by the Director or his/her designee upon written request to the Planning and Development Department.~~

(Ordinance No. 208)

4. Review Process and Submittal Requirements.

A. Formal Application Submitted. An application for a variance submitted to the Planning and Development Department shall include:

- (1) Application form, signed by the property owner, and filing fee.
- (2) Written narrative explaining justification for proposed variance and conformance to the legal principles in section 92.03(4)(D)(1).
- (3) Site development plan sketch
- (4) Other information deemed necessary by the Planning and Development Director

B. Interagency and Staff Review of Application. Following submittal, including applicable filing fee, of a completed application for a variance, Planning and Development reviews application materials for compliance with the legal principles in Section 92.03(D)(1). The application also undergoes review by members of the Interagency Review Team.

C. Meeting Notice for Board of Adjustment.

- (1) Notice to Cities within Two Miles. Planning and Development staff sends notice to any city located within two miles of the requested variance outlining the location, time and date of the public hearing before the Board of Adjustment.
- (2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within a ¼ mile of the property included in the variance request outlining the location, time and date of the public hearing before the Board of Adjustment.
- (3) The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Adjustment, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Adjustment.

D. Public Hearing before the Board of Adjustment and Board of Adjustment Action. Following completion of interagency and staff review of the application for a variance, a staff report setting forth findings of fact concerning the application's conformance to the legal principles in Section 92.03 of this chapter and any recommendations for requirements or conditions to be imposed is prepared by Planning and Development staff and placed on the Board of Adjustment agenda. The staff report is presented by the Planning and Development staff at the Board of Adjustment meeting. Any person may submit comments or request to speak on the items prior to the start of the meeting. The public hearing shall be scheduled according to standard agenda procedures. After reviewing the application at a public hearing, the Board of Adjustment shall determine whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Board does not concur, the Board shall propose its own findings of fact concerning the application's conformance to the legal principles in Section 92.03 of this chapter or recommendations and provide supporting reasons. The Board of Adjustment shall make a motion regarding compliance or noncompliance of the application to the legal principles, and such motion becomes the official decision of the Board of Adjustment.

(1) In deciding whether to grant a variance request, the Board of Adjustment shall consider all the following legal principles. All legal principles shall be satisfied in order for the Board of Adjustment to grant a variance.

a. Finding of unnecessary hardship.

(1) The land in question cannot yield a reasonable return if used only for a purpose allowed in that zone.

(2) The plight of the owner is due to unique circumstances and not to general conditions in the neighborhood which may reflect the unreasonableness of the Ordinance itself.

(3) The use to be authorized by the variance will not alter the essential character of the locality.

b. Granting the variance will not be contrary to the public interest.

c. The spirit and intent of the Story County Cornerstone to Capstone (C2C) Comprehensive Plan and Story County Land Development Regulations are protected.

(Ordinance No. 208)

E. Any such motion regarding compliance or noncompliance of the application to the legal principles shall specify the supporting reasons for the motion. It shall be presumed the application complies with all legal principles not specifically found to be satisfied.

F. The Board of Adjustment may attach a condition to a variance that limits the duration of said variance.

5. Appeals of actions of the Board of Adjustment. Any interested party may appeal a variance decision of the Board of Adjustment within thirty (30) days of recording in the following ways:

A. 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 (30) days from the date of the remand.

B. Petition to Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of Chapter 331 of the Iowa Code, 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 the filing of the decision in the office of the board.

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

7. Variances which have been granted in accordance with the provisions of the Ordinance shall be null and void at the end of six months from the date of granting if substantial action has not been taken to accomplish the purpose for which the variance was granted. A six-month

extension may be granted by the Director or his/her designee upon written request to the Planning and Development Department.

92.04 WAIVERS BY THE BOARD OF SUPERVISORS.

1. Where, in the case of a particular proposed development, it can be shown that strict compliance with the requirements of the Ordinance results in extraordinary hardship to the applicant, because of unusual topography or other conditions, the Board of Supervisors, upon recommendation by the Commission, may waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such waiver will not have the effect of nullifying the intent and purpose of the Ordinance. *(Ordinance No. 208)*

2. In determining whether a hardship exists, the Commission and Board of Supervisors shall refer to the legal principles established in Section 92.03(4).

3. In no case shall any waiver be more than a minimum easing of the requirements.

4. In no case shall approval of a waiver have the effect of reducing the traffic capacity of any street or be in conflict with any regulation contained herein or adopted by reference.

5. It shall be demonstrated by the applicant that variation of plans as proposed cannot be achieved through Section 88.16, Alternative Compliance.

(Ordinance No. 192)

6. Recommendation by the Commission on waivers must be by the affirmative vote of the majority of the Commission membership present. Failure of the Commission to arrive at a recommendation after due consideration shall be deemed a recommendation to deny the request for waiver. *(Ordinance No. 192)*

7. In recommending waivers, the Commission may recommend such conditions that will, in its judgment, secure substantially the objectives of the requirements so waived to the Board of Supervisors. In so granting a waiver, the Board of Supervisors may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so waived.

92.05 AMENDMENTS TO OFFICIAL ZONING MAP AND ORDINANCE, AND CORNERSTONE TO CAPSTONE (C2C) COMPREHENSIVE PLAN.

The Board of Supervisors may from time to time, on its own action, upon recommendation of the Commission or on petition by the owners or authorized agent of the property by law and after recommendation by the Commission, amend, supplement or change the district boundaries defined on the Official Zoning Map or text regulations herein or subsequently established, and/or the Cornerstone to Capstone (C2C) Comprehensive Plan and such amendments shall not become effective except by the favorable vote by a majority of all the members of the Board of Supervisors and subsequent publication of an ordinance for text amendments and/or zoning map amendments or recordation of a resolution for Cornerstone to Capstone (C2C) Comprehensive Plan amendments, as applicable, approving such amendments. *(See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)*

~~92.06 PROCEDURE FOR AMENDING THE OFFICIAL ZONING MAP.~~

~~1. Application. Applications for amending the official zoning map, also referred to as a "rezoning," shall adhere to the procedures adopted annually by the Story County Board of Supervisors for review and approval. Notice of time and place of the meeting held by the Commission shall be published in the official newspapers of County. In case the Commission does not recommend approval of the change, or in case of a protest against such change signed by the~~

owners of 20 percent or more, either of the area included in such proposed change, or the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least two-thirds (2/3) of all the members of the Board of Supervisors. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional; and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors proposing to make a change in the Official Zoning Map or the regulations set forth in the Ordinance. ~~(Ordinance No. 208)~~ *(Ordinance No. 184)*

2. — Standards for Approval. All petitions to rezone shall satisfy the following standards for such requested action to be approved:

A. — The proposed rezoning shall conform to the Story County Development Plan.

B. — The proposed rezoning shall conform to the Statement of Intent for the proposed district and district requirements.

C. — The proposed rezoning shall be compatible with surrounding land uses and development patterns.

D. — The proposed rezoning shall protect environmental resources. Rezoning of parcels containing more than 50 percent of the gross acreage as lands identified with areas designated natural resource areas on the Story County Development Plan shall not be approved unless such requested action results in a district designation more restrictive than the current designation, the R-C Residential Conservation Design (Overlay) District is applied to the property, or conditions protecting the identified areas are attached to the rezoning request. *(Ordinance No. 184)*

E. — In areas where the petition to rezone requests a change from A-1 District or A-2 District to another district, lands scoring 267 or above for total LESA score, as determined by a Land Evaluation Site Assessment (LESA) as adopted for Story County, shall not be approved. *(Ordinance No. 208)*

3. — Submittal Requirements. The following materials are to be submitted with a petition to rezone:

A. — Application form and filing fee.

B. — Statement of justification addressing standards for approval.

C. — Petition to rezone (signed). All owners of property within the proposed rezoning must sign the petition.

D. — Site context map, drawn at a scale not less than one inch = 200 feet, including the following: relationship of the subject property to natural and human-made features existing within 1,000 feet of the site; topography; streams and rivers; official flood hazard areas; areas of slopes greater than 25%; wetlands; wooded areas (over one-half acre in area); ridge lines, public roads; trails; utility easements and rights of way; publicly owned lands; and land protected under conservation easements. *(Ordinance No. 184)*

E. — Transportation impact study, if applicable.

F. — If the area proposed to be rezoned is not a lot as defined in the Ordinance, the applicant shall submit a legal description of the property, as determined by a licensed land

~~surveyor, professional engineer, registered landscape architect or professional planner.~~
~~————— (Ordinance No. 152)~~

~~G. — Other information deemed necessary by the Director for comprehensive review by the Commission and Board of Supervisors.~~

~~4. — Conditions of Approval. As a part of an ordinance authorizing an amendment, supplement or change in a district, or from one district to another district, the Board of Supervisors may impose conditions on a property owner, heirs and assigns, which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the required public hearing or any adjournment of the hearing regarding the third consideration of the application.~~

~~(Ordinance No. 184)~~

~~A. — The conditions must be reasonable and imposed to satisfy public needs, must be based on and related to the rezoning application, must be related to the physical development and/or operation of the property and must be in conformity to adopted plans and policies.~~

~~B. — Such conditions may limit the range of uses on the property, may require a site plan showing the layout and character of the proposed development and/or operation of the property, and/or may require certain characteristics of site improvements and development standards to lessen potentially negative impacts on adjacent properties. If conditions are made a part of the rezoning, it shall be so noted on the Official Zoning Map. Conditions may address the following, as appropriate:~~

~~(1) — Compatibility. Proposed buildings or uses shall be constructed, arranged or operated so as to be compatible with the character of the district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development and operation shall not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.~~

~~(2) — Transition. The development shall provide for a suitable transition, and if necessary, buffer between proposed buildings or uses and surrounding properties.~~

~~(3) — Vehicle Circulation. The development shall provide for adequate ingress and egress with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.~~

~~(4) — Signs and Lighting. Permitted signage shall be in accordance with the applicable regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall give consideration to glare, traffic, safety, and compatibility with property in the immediate vicinity.~~

~~5. — Denial by Board. Whenever any petition for an amendment, supplement, or change of the regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until a minimum of one year from the date of the action by the Board of Supervisors has elapsed.~~

~~6. — Review Meeting. Before an applicant can submit a rezoning application, he/she must attend conceptual review meeting. This requirement may be waived, upon written request to the Director or his/her designee, by the Interagency Review Team.~~

92.06 AMENDING THE OFFICIAL ZONING MAP (REZONINGS).

This section defines the process, application requirements, and standards for approval for amendments to the official zoning map.

1. Review Process and Submittal Requirements

A. Conceptual Review Meeting. Before an applicant can submit a rezoning application, the applicant must attend conceptual review meeting. This requirement may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.

B. Formal Application Submitted. A petition to rezone property signed by the property owner(s) and all additional application requirements is submitted to the Planning and Development Department, including:

(1) Application form and filing fee.

(2) Statement of justification addressing Standards for Approval from Section 92.06.2.

C. Interagency and Staff Review of Application. Following submittal of a completed petition to rezone property, Planning and Development reviews application materials for compliance with the Standards for Approval from Section 92.06.2. The application also undergoes review by members of the Interagency Review Team.

D. Meeting Notice for Planning and Zoning Commission. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors proposing to make a change in the Official Zoning Map or the regulations set forth in the Ordinance.

(1) Notice to Affected Cities. Planning and Development staff sends notice to any city within which the area to be rezoned lies within two miles of said corporate boundaries outlining the location, time and date of the public hearing before the Planning and Zoning Commission.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within ¼ mile of the property included in a rezoning request outlining the location, time and date of the public hearing before the Planning and Zoning Commission.

(3) Legal Notices. Notice of location, time and date of the meeting held by the Planning and Zoning Commission shall be published in the official newspapers of Story County.

(4) Public Notice Sign. A sign giving notice of the public hearing is posted on the property by Planning and Development staff, weather permitting.

E. Public Hearing before the Planning and Zoning Commission. A staff report is prepared and presented by the Planning and Development staff at the Planning and Zoning Commission meeting. Any person may submit comments or testify at the public hearing. After the public hearing, the Planning and Zoning Commission may make a

recommendation to the Board of Supervisors or refer the application back to the applicant and/or staff for further information.

F. Meeting Notice for Board of Supervisors. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors proposing to make a change in the Official Zoning Map or the regulations set forth in the Ordinance.

(1) Notice to Affected Cities. Planning and Development staff sends notice to any city within which the area to be rezoned lies within two miles of said corporate boundaries outlining the location, time and date of the public hearing before the Board of Supervisors.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within ¼ mile of the property included in a rezoning request outlining the location, time and date of the public hearing before the Board of Supervisors.

(3) Legal Notices. Notice of location, time and date of the meeting held by the Board of Supervisors shall be published in the official newspapers of Story County.

G. Public Hearing before the Board of Supervisors. Following a recommendation by the Planning and Zoning Commission, the rezoning request is forwarded to the Board of Supervisors. The requirements of Section 1.11 Ordinance Adoption Procedure of the Story County, Iowa Code of Ordinances defines the processes followed for action on the ordinance. In case the Commission does not recommend approval of the change, or in case of a protest against such change signed by the owners of 20 percent or more, either of the area included in such proposed change, or the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least two-thirds (2/3) of all the members of the Board of Supervisors.

2. Standards for Approval.

A. The proposed rezoning shall conform to the Cornerstone to Capstone (C2C) Comprehensive Plan.

B. The proposed rezoning shall conform to the Statement of Intent for the proposed district and district requirements.

C. The proposed rezoning shall be compatible with surrounding land uses and development patterns.

D. The proposed rezoning shall protect environmental resources. Rezoning of parcels containing more than 50 percent of the gross acreage as lands identified with areas designated natural resource areas on the Story County Cornerstone to Capstone (C2C) Comprehensive Plan shall not be approved unless such requested action results in a district designation more restrictive than the current designation, the R-C Residential Conservation Design (Overlay) District is applied to the property, or conditions protecting the identified areas are attached to the rezoning request. (Ordinance No. 184)

E. In areas where the petition to rezone requests a change from A-1 District or A-2 District to another district, lands scoring 267 or above for total LESA score, as determined by a

Land Evaluation Site Assessment (LESA) as adopted for Story County, shall not be approved. (Ordinance No. 208)

3. Conditions of Approval. As a part of an ordinance authorizing an amendment, supplement or change in a district, or from one district to another district, the Board of Supervisors may impose conditions on a property owner, heirs and assigns, which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the required public hearing or any adjournment of the hearing regarding the third consideration of the application. (Ordinance No. 184)

A. The conditions must be reasonable and imposed to satisfy public needs, must be based on and related to the rezoning application, must be related to the physical development and/or operation of the property and must be in conformity to adopted plans and policies.

B. Such conditions may limit the range of uses on the property, may require a site plan showing the layout and character of the proposed development and/or operation of the property, and/or may require certain characteristics of site improvements and development standards to lessen potentially negative impacts on adjacent properties. If conditions are made a part of the rezoning, it shall be so noted on the Official Zoning Map. Conditions may address the following, as appropriate:

(1) Compatibility. Proposed buildings or uses shall be constructed, arranged or operated so as to be compatible with the character of the district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development and operation shall not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.

(2) Transition. The development shall provide for a suitable transition, and if necessary, buffer between proposed buildings or uses and surrounding properties.

(3) Vehicle Circulation. The development shall provide for adequate ingress and egress with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

(4) Signs and Lighting. Permitted signage shall be in accordance with the applicable regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall give consideration to glare, traffic, safety, and compatibility with property in the immediate vicinity.

4. Denial by Board. Whenever any petition for an amendment, supplement, or change of the regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until a minimum of one year from the date of the action by the Board of Supervisors has elapsed.

92.07 AMENDING THE TEXT OF THE LAND DEVELOPMENT REGULATIONS (TEXT AMENDMENTS).

This section defines the process, application requirements, and standards for approval for text amendments to the Land Development Regulations.

1. Review Process and Submittal Requirements

A. Conceptual Review Meeting. Before an applicant can submit an application for a text amendment, the applicant must attend conceptual review meeting. This requirement may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.

B. Formal Application Submitted. An application for a text amendment is submitted to the Planning and Development Department, including:

- (1) Application form and filing fee.
- (2) Statement of justification addressing Standards for Approval from Section 92.07.2.
- (3) Amended versions of proposed text language, showing “red-lines” and “strikeouts” of the proposed changes.
- (4) Other information deemed necessary by the Director for comprehensive review by the Commission and Board of Supervisors.

C. Interagency and Staff Review of Application. Following submittal of a completed application for a text amendment, Planning and Development reviews application materials for compliance with the Standards for Approval from Section 92.07.2. The application also undergoes review by members of the Interagency Review Team.

D. Meeting Notice for Planning and Zoning Commission. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors proposing to make a change in the regulations set forth in the Ordinance.

- (1) Legal Notices. Notice of location, time and date of the meeting held by the Planning and Zoning Commission shall be published in the official newspapers of Story County.

E. Public Hearing before the Planning and Zoning Commission. A staff report is prepared and presented by the Planning and Development staff at the Planning and Zoning Commission meeting. Any person may submit comments or testify at the public hearing. After the public hearing, the Planning and Zoning Commission may make a recommendation to the Board of Supervisors or refer the application back to the applicant and/or staff for further information.

F. Meeting Notice for Board of Supervisors. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors proposing to make a change in the regulations set forth in the Ordinance.

- (1) Legal Notices. Notice of location, time and date of the meeting held by the Board of Supervisors shall be published in the official newspapers of Story County.

G. Public Hearing before the Board of Supervisors. Following a recommendation by the Planning and Zoning Commission, an application for a text amendment is forwarded to the Board of Supervisors. The requirements of Section 1.11 Ordinance Adoption Procedure of the Story County, Iowa Code of Ordinances defines the processes followed for action on the ordinance. In case the Commission does not recommend approval of the change, such amendment shall not become effective except by the favorable vote of at least two-thirds (2/3) of all the members of the Board of Supervisors.

2. Standards for Approval. All applications for text amendments shall satisfy the following standards for such requested action to be approved:

- A. The proposed amendment shall conform to the Story County Cornerstone to Capstone (C2C) Comprehensive Plan.
 - B. The proposed amendment shall conform to the scope and purpose of the Ordinance.
3. Submittal Requirements. The following materials are to be submitted with an application for a text amendment.
- A. Application form and filing fee.
 - B. Statement of justification addressing standards for approval.
 - C. Amended versions of proposed text language, showing “red-lines” and “strikeouts” of the proposed changes.
 - D. Other information deemed necessary by the Director for comprehensive review by the Commission and Board of Supervisors.

92.08 AMENDING THE CORNERSTONE TO CAPSTONE (C2C) COMPREHENSIVE PLAN (C2C PLAN AMENDMENTS).

This section defines the process, application requirements, and standards for approval for amendments to the Cornerstone to Capstone (C2C) Comprehensive Plan.

1. Review Process and Submittal Requirements

A. Conceptual Review Meeting. Before an applicant can submit an application for a C2C Plan Amendment, the applicant must attend conceptual review meeting. This requirement may be waived, upon written request to the Director or his/her designee, by all members of the Interagency Review Team.

B. Formal Application Submitted. An application for a C2C Plan Amendment is submitted to the Planning and Development Department, including:

(1) Application form and filing fee.

(2) Written Statement of Justification addressing the following:

- a. The extent to which the change would be consistent with the comprehensive plan goals and policies.
- b. Evidence demonstrating the reason(s) why the plan should be changed, including but not limited to whether new information has become available since the comprehensive plan was adopted that supports reexamination of the plan, or that existing or proposed development offer new opportunities or constraints that were not previously considered.
- c. Whether or not the change is needed to allow reasonable development of the site.
- d. The relationship of the proposed amendment to the supply and demand for the particular land uses within the county and immediate vicinity of the site.
- e. A demonstration that the proposed amendment has merit beyond the interests of the applicant.
- f. The possible impacts of the amendment on all specific elements of the comprehensive plan as may be applicable, including but not limited to:
 - 1) Vision and Goals;
 - 2) Goals, Objectives and Strategies as related to the following from the C2C Plan: Agricultural Resources, Community Facilities and Services, Communications and Public Safety, Emergency

Preparedness, Cultural Resources, Infrastructure and Utilities, and Intergovernmental Coordination;

3) Conservation of Natural Resources and Recreation;

4) Land Use;

5) Economic Prosperity; and

6) Transportation.

g. Consideration of the fiscal impact of the proposed amendment to Story County.

(3) Other information deemed necessary by the Director for comprehensive review by the Commission and Board of Supervisors.

C. Interagency and Staff Review of Application. Following submittal of a completed application for a C2C Plan Amendment, the application is reviewed by Planning and Development staff and the Interagency Review Team.

(1) For any amendments to Chapter 4, Natural Resources and Recreation of the C2C Plan, the Story County Conservation Board may provide a recommendation to the Board of Supervisors.

D. Meeting Notice for Planning and Zoning Commission.

(1) Notice to Affected Cities. Planning and Development staff sends notice to any city within which the area under consideration lies within two miles of said corporate boundaries outlining the location, time and date of the public hearing before the Planning and Zoning Commission.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within ¼ mile of the property included in a C2C Plan Amendment outlining the location, time and date of the public hearing before the Planning and Zoning Commission.

(3) Legal Notices. Notice of location, time and date of the meeting held by the Planning and Zoning Commission shall be published in the official newspapers of Story County.

(4) Public Notice Sign. A sign giving notice of the public hearing is posted on the property by Planning and Development staff, weather permitting.

E. Public Hearing before the Planning and Zoning Commission. A staff report is prepared and presented by the Planning and Development staff at the Planning and Zoning Commission meeting. Any person may submit comments or testify at the public hearing. After the public hearing, the Planning and Zoning Commission may make a recommendation to the Board of Supervisors or refer the application back to the applicant and/or staff for further information.

F. Meeting Notice for Board of Supervisors. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors proposing to make a change in the Cornerstone to Capstone (C2C) Comprehensive Plan.

(1) Notice to Affected Cities. Planning and Development staff sends notice to any city within which the area under consideration lies within two miles of said corporate boundaries outlining the location, time and date of the public meeting before the Board of Supervisors.

(2) Notice to Surrounding Property Owners. Planning and Development staff sends a notice via mail to all surrounding property owners within ¼ mile of the property

included in a C2C Plan Amendment outlining the location, time and date of the public meeting before the Board of Supervisors.

(3) Legal Notices. Notice of location, time and date of the meeting held by the Board of Supervisors shall be published in the official newspapers of Story County.

G. Public Meeting before the Board of Supervisors. Following a recommendation by the Planning and Zoning Commission, the request is forwarded to the Board of Supervisors. The Board of Supervisors officially adopts a resolution approving or disapproving the proposed C2C Plan Amendment, and such action becomes official upon the recordation of the resolution.
(Ordinance No. 251)

92.09 PLANNING AND DEVELOPMENT DIRECTOR. The position of Director shall be appointed by the Board of Supervisors. The Director or designee shall administer and enforce the provisions of the Ordinance and shall have the following powers and duties in connection therewith:

1. Issue all permits and certificates required by the Ordinance.
2. Upon a finding that any of the provisions of the Ordinance are being violated, shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Director or designee shall order the discontinuance of the illegal use of land, buildings or structures; the removal of illegal buildings or structures, or of additions, alteration or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
3. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of the Ordinance.

All departments, officials, and public employees of Story County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of the Ordinance and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of the Ordinance. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of Director to any other officer or employee of the County, or of any city, town, or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

92.10 REQUIRED PERMITS. Land shall not be occupied or used, and no building or structure shall hereafter be moved, erected or increased in size and occupied or used in whole or in part for any purpose until all required permits are acquired.
(Ordinance No. 192)

1. Types of Permits. Story County may issue the following types of permits as defined in Section 85.08, Definitions: Conditional Use, Zoning and Home Business.
(Ordinance No. 192)

A. Applicable permits shall certify the use and/or structure conforms to all the minimum requirements of the Ordinance.
(Ordinance No. 192)

B. A change of use to land and/or structure, or portion thereof, shall not be made prior to permits being issued indicating the changes are in conformance with the requirements of the Ordinance.
(Ordinance No. 192)

2. Issuance of Permits. All applications shall be reviewed for conformance to all zoning requirements, floodplain regulations, and platting requirements and processed according to the procedures adopted annually by the Story County Board of Supervisors.*(Ordinance No. 192)*

3. Required Inspections. All work for which a zoning permit is required shall be subject to a foundation location inspection.
(Ordinance No. 192)

4. Expiration of Permits. A preliminary development permit shall be null and void at the end of six months from the date of issuance unless construction has commenced. A six-month extension to the preliminary development permit may be granted by the Director or his/her designee upon written request to the Planning and Development Department. Construction must be completed within 18 months after the issuance or extension of the preliminary development permit.

(Ordinance No. 184) (Ordinance No. 192)

5. Amendments or Modifications to Site Plans. If the owner or developer of an approved site plan decides that an amendment to the site plan is necessary, an amendment may be applied for. The Director or his/her designee may grant an amendment to a previously approved site plan if it is deemed that the amendment is in conformance with these regulations. The amendment shall be submitted in the same manner as the original application. Change in property ownership, however, requires submittal of a new application.

(Ordinance No. 184)

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

(Ordinance No. 192)

92.11 ENFORCEMENT. No activity regulated by the Ordinance shall be undertaken except in full compliance with the express provisions of the Ordinance. It is unlawful to locate, erect, move, construct, reconstruct, enlarge, change, maintain or use any building, structure or land in violation of any regulation in or any provisions of the Ordinance, or any amendment or supplement thereto adopted by the Board of Supervisors of Story County.

(Ordinance No. 192)

1. Enforcement of this provision shall be pursuant to Section 331.307 of the *Code of Iowa*, as amended, and Chapter 93 of this Code of Ordinances.

(Ordinance No. 192)

2. Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including criminal prosecution.

(Ordinance No. 192)

3. The provisions of the Ordinance shall be administered and enforced by the Director or designee.

(Ordinance No. 192)



900 6th Street
Nevada, IA 50201

Phone: 515-382-7315
Fax: 515-382-7328
storycntyiaem@storycountyia.gov

Over the Air Television Wiring Proposal

Background: In order to maintain situational awareness and to conduct public information operations, the Story County Emergency Management Agency (SCEMA) needs continual and resilient access to local television news information. The SCEMA currently has limited television access for the Emergency Operations Center (EOC) and EMA offices through cable. Additionally, an after action item from the April 2017 EOC exercise highlighted the need for public information operations staff, who operate in a location different from the EOC, to have access to local television news. Efforts to work with the current cable provider to expand this capability to meet the needs of the EOC and other locations in the building have been unsuccessful.

The SCEMA has investigated the concept of repurposing an antenna currently on the tower at the Story County Administration Building to provide an over the air television feed. Story County Amateur Radio Emergency Service (ARES) have lent their technical expertise to design a system that should satisfy our requirement for access to local news with the additional benefit of increased resilience by reducing dependency on third party vendors. The design would be relatively low cost and utilize some existing media wiring within the building.

Story County Facilities Management has partnered with the SCEMA throughout the process.

Proposal: The SCEMA would purchase sufficient cable and connectors for the entire project. Additionally, the SCEMA will purchase amplifier/splitters to deliver television signals to the EOC, within the EOC to television monitors, from the EOC to the television in the EMA office, and to the junction within the Story Co Facilities Management Office.

Within the Story Co Facilities Management Office, the system will be connected to current wiring that terminates on the first and second floors of the building. On the first floor, new wire will run from the utility closet to the ceiling of the Assessor's Office Conference Room where it would be split to service three televisions if required. These feeds would be stored in the ceiling to be utilized by the county if needed. On the second floor, new wire will run from the utility closet to the ceiling of the Board of Supervisor's Conference Room where it will service three new television monitors installed on the walls. These televisions would provide public information staff situational awareness during disasters. This is a part of a larger plan to make this room dual purpose with a secondary mission of functioning as a public information operations room during emergencies.

The overall system will be designed to provide either an over the air or cable feed to the televisions, although the cable feed may not be strong enough to provide signal to all the televisions.

The SCEMA anticipates funding the purchase of the cable and connectors for the entire project, and amplifier/splitters to provide signal to the EOC and EMA offices. It is proposed Story County purchases amplifier/splitters to send the signal to the first and second floors, to divide signal on each floor, and television monitors for installation in the Board of Supervisor's Conference Room. Pulling of the cable and attaching of connectors would be done by Story Co Facilities personnel on an as available basis.

Conclusion: Situational awareness is a critical ingredient to support making the best decisions possible rapidly during emergencies. Additionally, access to local television is essential to public information staff as they develop plans to engage with citizens and integrating them into response and recovery efforts during an emergency. This proposal provides a low cost, resilient solution to significant capabilities gap. It is hoped the Board of Supervisors will support this effort by providing the resources to complete the project.

APPROVED **DENIED**
Board Member Initials: Mark Kelly
Meeting Date: 10/31/17
Follow-up action: _____



Sheriff's Office

Story County

PAUL H. FITZGERALD, Sheriff



Emergency 911 • Office: 515-382-6566 • Fax #: 515-382-7479 • P.O. Box 265 • Nevada, Iowa 50201

To: Story County Board of Supervisors
Rick Sanders, Chairperson
Martin Chitty
Lauris Olson
From: Sheriff Paul H. Fitzgerald *PHF*
Date: October 26, 2017
Ref: Detention Officer Replacement

.....

In December 2017, I will be transferring two detention officers in the jail to deputy sheriffs in patrol. As you are aware from past experience, the loss of two detention officers in the jail is detrimental to the jail schedule.

I am requesting to hire two detention officers now to replace the two transferring in December. For the first three months of the fiscal year, we had one detention officer on unpaid military leave, which should help absorb some of the expense.

The training process in the jail is three (3) months. If we are able to hire for the positions now, we will have approximately half of the training completed by the time our new deputy sheriff's transfer to patrol.

I am hoping this request will cause a staff shortage of only four to six weeks at the beginning of the year instead of twelve weeks.

APPROVED

DENIED

Board Member Initials: *Martin Chitty*

Meeting Date: 10/31/17

Follow-up action: _____

FY 2018 Applications for Project Funds from SCEDG
Maximum available = \$15,000.00

Entity	Project	Amount Requested	Amount Recommended for Approval
Zearing, City of	Study for Derelict Buildings on Main	2,500.00	2278.00
Cambridge, City of	Streetscaping Project –benches, garbage receptacles, and planters	2,000.00	1778.00
Colo Development Group	Signage for Colo business park	1,000.00	778.00
Kelley, City of	Community Bulletin Board	1,500.00	1278.00
Story City Development Corp	Signage for business park	1,000.00	778.00
Collins, City of	Wellness Center – ADA compatible bathrooms	2,500.00	2278.00
Nevada Chamber	Market Analysis & Client Surveys	2,500.00	2278.00
Ames Foundation	Miracle League Field & Play Ground	2,500.00	2276.00
Huxley, City of	Poster printer & sandwich boards	1,500.00	1278.00
Total		17,000.00	15000.00

APPROVED **DENIED**

Board Member Initials: MSM

Meeting Date: 10/31/17

Follow-up action: _____

ORDINANCE DEVELOPMENT AND REVIEW GUIDELINES



APPROVED DENIED
Board Member Initials: Mark V. Kelly
Meeting Date: 10/31/17
Follow-up action: _____

Story County
Board of Supervisors
900 6th Street
Nevada, Iowa 50201
www.storycountyiowa.gov

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Purpose of this Guide

In May 2013, the Story County Board of Supervisors adopted the *Code of Ordinances of Story County, Iowa*, simply called the “Code of Ordinances” in this guide. The purpose of this guide is to provide assistance to departments and offices when drafting and processing amendments and modifications to the Code of Ordinances.

An ordinance (defined below) is the official mechanism used to change the Code of Ordinances. This guide outlines the applicable process and provides templates to use in drafting ordinances and legal notification requirements. Relevant sections of the Code of Ordinances are highlighted.

Sections from the Code of Ordinances of Story County, Iowa

The Code of Ordinances defines Ordinance as:

“...a County law of a general and permanent nature. An “ordinance” is a local law, a rule of conduct prospective in its operation, applying to persons and things of the County.

Chapter 1 – CODE OF ORDINANCES sets up the framework, authorities, and legal requirements and processes for adopting and updating the *Code of Ordinances of Story County, Iowa*. Appendix A contains the full text of Chapter 1 as amended by the Story County Board of Supervisors.

1.07 LEGISLATIVE CONSIDERATION. Legislation may be effectively introduced, filed, discussed, amended, changed, read, adopted or otherwise considered at any session of the Board of Supervisors subject to the limitations of Section 331.302 of the Code of Iowa. Publication and notice requirements must be in compliance with Sections 331.302, 331.305 and Chapter 21 of the Code of Iowa. Legislation may be considered for a reasonable length of time after filing provided there is reasonable continuity in the consideration. Irregular acts of the Board may be corrected at subsequent meetings prior to final passage. Actions may be reconsidered until the final vote on that action. Actions may be rescinded before the legislation becomes effective or at any time unless vested personal or property rights will be affected. Actions may be repealed or amended in accordance with Section 331.302 of the Code of Iowa. Legislative acts are prospective.

1.08 CERTIFYING, RECORDING AND FILING.

1. Motion. Action of the Board in the form of a motion will be recorded as required by Section 331.302 of the Code of Iowa, in summary form.
2. Resolution. Action of the Board in the form of a resolution will be certified, recorded and filed as required by Section 331.302 of the Code of Iowa. A preamble, prefatory statement or explanation of a resolution, if employed, shall not be a substantive part of a resolution, and may be omitted from entry in the “minute book” and from publication of the Board of Supervisors proceedings. Copies of adopted resolutions will be delivered to agencies, officers and other persons as required by law or as directed by the Board.

3. Ordinances and Amendments of Ordinances. Action of the Board in the form of an ordinance, amendment of an ordinance, Code of Ordinances or a supplement to the Code of Ordinances will be certified, recorded and filed in accordance with Section 331.302 of the Code of Iowa.

1.11 ORDINANCE ADOPTION PROCEDURE.

1. Application of Section. The procedures in this section shall be used by the Board of Supervisors of Story County, Iowa, for the adoption or amendment of all ordinances in the County.
2. Procedure for Consideration; Adoption and Publication.
 - A. A proposed ordinance shall be considered and receive a favorable vote for passage in accordance with Section 331.302(6) of the Code of Iowa, as amended.
 - B. The title of the proposed ordinance shall be published in accordance with Section 331.305 of the Code of Iowa, as amended, prior to its first consideration by the Board. Copies of the full text of the ordinance shall be made available to the public at the time of publication at the office of the County Auditor, and the published notice shall specify where such copies may be obtained.
 - C. A summary of the ordinance or the complete text of the ordinance, in accordance with Section 331.302(8) of the Code of Iowa, as amended, shall be published not more than 10 days following its final passage.
 - D. If, during consideration of an ordinance, a substantial change is made by amendment, the amended ordinance shall be made available at the office of the County Auditor, with the change indicated, no less than three work days following the date of the change.
3. Amendment. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection, or paragraph to maintain an orderly codification of ordinances of the County, and shall set forth in full the chapter, section, subsection, or paragraph, as amended. Procedure for consideration and publication of amendments shall be as set forth in subsection 2 above for proposed ordinances.
4. Majority Requirement. Passage of an ordinance or of an amendment to an existing ordinance requires an affirmative vote of at least a simple majority of all Story County Supervisors. Each member's vote on an ordinance must be recorded in the Board's official minutes.
5. Effective Date. Ordinances or amendments adopted pursuant to the procedures stated herein and signed by the supervisors voting for adoption shall become effective upon publication, unless a subsequent effective date is provided by the ordinance or amendment.
6. Maintenance and Publication. The County Auditor shall cause all publications required by subsection 2 of this section to be published in at least one newspaper having general circulation in the County. Each ordinance or amendment concerning zoning or similar matters affecting land records and titles shall be recorded by the County Recorder. All adopted and amended ordinances shall be printed or otherwise reproduced for adequate distribution.

Process to Adopt an Ordinance

Below are the steps to follow when proposing the Board of Supervisors consider an Ordinance.

1. The Elected Office/Department responsible for the enforcement of the proposed policy (or amendment) drafts the Ordinance for review by the Story County Attorney's Office.
 - a. Proposed modifications are indicated on the draft language with ~~strikeouts~~ for language to be stricken and red/underline for that to be added.
 - b. The Ordinance is drafted and emailed to the County Attorney's Office in Word format.

NOTE: If the Ordinance is an entirely new Ordinance (i.e., a new Chapter to the Code of Ordinances), this process is followed, however, additional public outreach meetings may be necessary depending on the type of regulations.

2. If the Ordinance is one that may go before another board or commission for recommendation on to the Board of Supervisors (such as the Board of Health, County Conservation Board, or Planning and Zoning Commission), the Elected Office/Department responsible for the respective board or commission schedules review of the Ordinance with the board or commission

NOTE: The applicable process for placing such items on the agendas of those respective boards and commissions is followed.

3. [Following the recommendation in Step 2, if applicable], the Elected Office/Department requests the following items from the Clerk of the Board of Supervisors by emailing the Clerk and including working for the document in the request:
 - a. Resolution Number to set the public hearing, and
 - b. Ordinance Number for the public hearing.
4. Following the information set forth in the *Guidelines and Instructions for the Agenda*, the individual responsible for adding items to CivicPlus and the agenda center within the Elected Office/Department places the request on Board of Supervisors' agenda. Appendix B contains the *Guidelines and Instructions for the Agenda*.

Word agenda requests as follows:

Resolution

Consideration of Resolution No. _____ setting a public hearing for (Insert Date), for first consideration of Ordinance No. _____ amending Chapter – (Insert Chapter Title) of the Story County Code of Ordinances

Ordinance

First Consideration of Ordinance No. _____ amending Chapter – Insert Chapter Title of the Story County Code of Ordinances.

Second Consideration of Ordinance No. _____ amending Chapter – Insert Chapter Title of the Story County Code of Ordinances. (NOTE: the date for this is set at the first consideration.)

Third Consideration of Ordinance No. _____ amending Chapter – Insert Chapter Title of the Story County Code of Ordinances. (NOTE: the date for this is set at the second consideration.)

5. Once the public hearing date has been set through action by the Board of Supervisors' consideration at a regularly-scheduled Board meeting, publish the legal. Chapter 1 of the *Code of Ordinances* requires that the title of the proposed ordinance shall be published in accordance with Section 331.305 of the *Code of Iowa*, as amended, prior to its first consideration by the Board. In addition, Chapter 1 requires that copies of the full text of the ordinance are available to the public at the time of publication at the office of the County Auditor. The published notice shall also specify where such copies may be obtained.
6. The legal notice has to be published in all three newspapers prior to the first consideration (public hearing) at least once, not less than four (4) nor more than twenty (2) days before the date of the hearing, and should include the tentative dates for 2nd and 3rd considerations. Appendix C contains a template legal notice.
7. Prior to the date the legal notice is published, a copy of the proposed Ordinance is put in the Auditor's Office for public review.
8. Board of Supervisors considerations are held. After the final consideration, the Clerk to the Board of Supervisors fills out the relevant motions and seals the document. The Clerk distributes the original Ordinance to the Elected Office/Department who then records the document.
9. After third and final (or whichever is considered final consideration, if considerations are waived), the Ordinance or a summary must be published in the official newspapers of Story County within 10 days. This notice is sent once the recorded document is returned to the Elected Office/Department. The Elected Office/Department that drafted the Ordinance is responsible for sending the Ordinance to the papers for official publication.
10. The recorded document is returned to the Auditor's Office.
11. The Supplemental Record in the Code of Ordinances is amended by the Clerk of the Board of Supervisors.
12. The entirety of the Ordinance is published by the Auditor on behalf of the Board of Supervisors AFTER it is adopted which is when it will become law.

NOTE: The Elected Office/Department from whom the ordinance originated covers all publication costs.

Sample Documents

For reference, the following documents are provided and Elected Offices/Departments are encouraged to use when developing ordinances.

- Appendix A: Ordinance No. 1 – Code of Ordinances
- Appendix B: Guidelines and Instructions for the Agenda
- Appendix C: Legal Notice for Resolution Setting Public Hearing
- Appendix D: Resolution Setting Public Hearing
- Appendix E: Legal Notice for Public Hearing Considering Ordinance
- Appendix F: Ordinance Template
- Appendix G: Legal Notice for Publication of Adopted Ordinance
- Appendix H: Document Formatting Standards State of Iowa



**STORY COUNTY
BOARD OF SUPERVISORS
MARTIN R. CHITTY
LAURIS A. OLSON
RICK G. SANDERS**

Story County Administration
900 Sixth Street
Nevada Iowa 50201
515-382-7200
515-382-7206 (fax)

November 1, 2017

Bill Dodds, President and CEO
Optimae LifeServices
513 E. 6th Street
Des Moines, IA 50309

RE: 124 S.Hazel

Dear Bill,

The group home located at 124 S. Hazel, Ames, IA has been operating as a licensed residential care facility since the entry of a lease agreement between Story County and Optimae LifeServices in May 2015. At that time, the parties acknowledged that the future use of this group home was likely to change depending on the service needs of the Central Iowa Community Services Region. During the past 18 months, Story County and the Region have been working on developing crisis stabilization/transitional living services. A plan is taking shape and the targeted start date for the new services is July 1, 2018.

The current lease, dated September 29, 2017 provides for a term ending on June 1, 2018. The purpose of this letter is to seek a written agreement to terminate the present lease on May, 1, 2018, exactly one month early. Please let us know if that is acceptable to Optimae and the County will prepare a simple agreement.

Story County appreciates the partnership with Optimae LifeServices and commends you for the services provided to Story County residents.

Please contact our office if you have any questions. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marty Chitty".

Marty Chitty, Vice Chair
Story County Board of Supervisors



Story County Planning and Development
Administration Building
900 6th Street, Nevada, Iowa 50201

Ph. 515-382-7245 Fax 515-382-7294
www.storycountyiowa.gov

MEMORANDUM

TO: Story County Board of Supervisors
FROM: Jerry L. Moore, Planning and Development Director
RE: Dickson Jensen request to submit an Ames Urban Fringe Plan Land Use Framework Map Amendment Application
DATE: October 26, 2017

Dickson Jensen (600 Timber Creek Drive, Ames) has requested that the Ames City Council consider an Ames Urban Fringe Plan (AUFPP) Land Use Framework Map amendment from the Rural Service and Agricultural Conservation Area, subcategory Agriculture and Farm Service to the Rural Service and Agricultural Conservation Area, subcategory Rural Residential to better align the designation with existing and proposed use of the subject property. The subject property is located southeast of the City of Ames on the west side of US Highway 69, approximately ¼ mile south of the City of Ames corporate limits and contains 76.68 acres. The applicant has submitted a request to divide each of the four (4) parcels (Parcel #s 09-23-300-305, 09-23-300-370, 09-23-300-405, and 09-23-300-450) with single-family dwellings once to create four (4) additional residential lots through the Residential Parcel Subdivision process. Residential subdivisions are not supported within the Agriculture and Farm Services designation. On October 24, 2017, the Story County Board of Supervisors approved the Residential Parcel Subdivision requests with the condition that the applicant submit a request to the City of Ames to amend the AUFPP Land Use Framework Map from Agriculture and Farm Service to the Rural Residential subcategory, which supports the requested Residential Parcel Subdivisions.

In accordance with the policy identified in the 28E Agreement of the AUFPP, the first step in considering changes to the AUFPP is whether a majority of the participants (City of Ames, City of Gilbert, and Story County) support allowing the applicant to submit a formal AUFPP Map amendment for consideration. **Therefore, the issue currently before the Story County Board of Supervisors is whether the Board supports allowing Mr. Jensen to submit a formal AUFPP Map amendment application for the three participants to consider. This may be accomplished with a motion.** The City of Ames Planning and Housing staff plan to bring this item to the City Council on November 14th, 2017. A majority support of the three participants is required to allow Mr. Jensen to submit a formal AUFPP Map amendment application. The approval of the AUFPP Map Amendment requires the support of all three participants.

APPROVED **DENIED**
Board Member Initials: Mark R. Jensen
Meeting Date: 10/31/17
Follow-up action: _____

