

ARTICLE VIII

RURAL RESIDENTIAL DISTRICT "R-2"

SECTION 1. STATEMENT OF INTENT. The "R-2" District is intended and designed to provide for the development of both low and medium density single family subdivisions in the rural areas where similar residential development appears likely to occur adjacent to, or near cities or towns having a zoning ordinance and to corresponding future suburban development with the residentially zoned areas of such cities or towns. This District is not intended to permit isolated rural dwellings, nor is it intended for commercial uses. Any land rezoned to "R-2" shall be located within two miles of adequately constructed and paved County or State roads.

Subsection A. No (R-2) Residential District shall be created closer than two thousand (2,000) feet to any existing feed lot, confinement facility or confinement poultry farm.

SECTION 2. PERMITTED USES. The following uses are permitted in this District:

Subsection A. . Single Family Dwellings.

Subsection B. Developmentally disabled group homes in compliance with Chapter 335.25, 1995 Code of Iowa.

Subsection C. Family Homes including Elder Family Homes.

Subsection D. Child Day Care facilities serving six (6) or fewer children and operating only between the hours of 6:00 a.m. and 7:00 p.m.

Subsection E. Farms and agriculture.

Subsection F. Livestock as defined in this Ordinance shall be allowed in "R-2" Districts only to those parcels or lots on which livestock exists as of the date of passage of this Ordinance, and are listed on the Marshall County R-2/R-3 Livestock Special Use Permit Register, and whose owners currently possess a livestock special use permit. Said parcels shall be allowed to continue to maintain livestock, regardless of transfer, sale or forfeiture of title provided a special use permit is granted under this subsection and the following procedures and conditions are met:

(1) Any commercial sales of any livestock shall be limited in that not more than one (1) person, not a member of the applicant's family, shall be regularly employed in addition to the applicant's family.

(2) No exterior advertising is allowed other than one (1) sign not to exceed sixteen (16) square feet in area and this sign shall not be erected within twenty- five (25) feet of a lot line, or road right-of-way, whichever is nearer.

(3) All lights or other illumination shall be so constructed as to protect on- coming traffic from direct light.

(4) All allowable livestock shall be within adequate fences so as to contain livestock at all times and prevent free roaming of livestock. Fences shall be required to be inspected by at least two of the Township Trustees of the Township in which the parcel is situated for compliance with this Ordinance and Chapter 359A of the Code of Iowa. Proof of inspection shall be submitted to the office of the Zoning Administrator upon application for a Livestock Special Use Permit in the form of written approval by the Township Trustees.

(5) Such fences shall be so constructed or so located so as not to allow any part of the livestock from coming into contact with the neighbor's land and vegetation.

(6) All pasture fences confining livestock under this subsection shall be a minimum of one hundred (100) feet from the nearest residence excepting the residence of the applicant.

(7) All shelter buildings or windbreaks, whether natural or man-made when shelter buildings are not present, and all outside dry lots shall be at least two hundred (200) feet from the nearest neighbor's residence and one hundred (100) feet from all water wells. Each new shelter building or man-made windbreak or expansion of any existing building or man-made windbreak shall require a building permit issued under the provisions of this Ordinance and comply with all building, yard and set-back requirements for the specific district in which it is located. However, buildings or man-made windbreaks in existence on the effective date of this Ordinance which do not meet the distance separation requirements of this subsection shall be considered a nonconforming building or use and be subject to the restrictions of Article XVII of this Ordinance.

(8) Dry lots next to buildings in existence on the effective date of this Ordinance shall be subject to the requirements of this subsection unless variance is granted by the Board of Adjustment due to a demonstrable hardship or difficulty so great as to warrant a variation from the separation distances. Any variation granted may require that any dry lot be on the opposite side of the existing building from the nearest neighboring residence.

(9) There shall be a minimum lot size for the presence of livestock of at least two (2) acres exclusive of any road or street or easement therefore. There shall be a maximum total of two (2) animal units per acre of the total lot.

(10) The property owner and/or pastured livestock applicant shall maintain vegetative ground cover over at least ninety (90%) percent of any pasture at all times.

(11) Livestock maintained within buildings and dry lots shall have the following minimum requirements for the size of each dry lot:

(a) Cattle - five hundred (500) square feet per actual head.

(b) Swine - fifty (50) square feet per actual head.

(c) Horses - five hundred (500) square feet per actual head.

(d) Sheep and goats - fifty (50) square feet per actual head.

(e) All other livestock shall be provided with a dry lot of at least fifty (50) square feet total.

(f) Such dry lot minimum sizes shall be in addition to any space within buildings for livestock. The applicant shall have either ownership or a written lease for control over all land required by this subsection.

(12) Each applicant for a special use permit under this subsection shall submit, with the application, a type-written nuisance management plan detailing the applicant's methods of controlling odors and flies and managing the livestock's waste. Such plan shall include how waste is to be stored until disposed of by land application and the specific land to be used for the waste disposal. If the land used for disposal is not owned by the applicant, the owner of the land to be used for disposal shall join with the applicant in signing the application.

(13) There shall be a minimum of one (1) acre of land per animal unit available for land application each calendar year if the land is in an R-2 or R-3 District. There shall be a minimum of one half (1/2) an acre per animal unit available for land application each calendar year if the land used for application is in an A-1 District.

(14) Notwithstanding an initial approval of such a nuisance management plan, the Board of Adjustment may, after notice and a hearing as set out in Article XVIII, modify the special use permit to require additional actions by the applicant to further control odors, flies and waste runoff, storage and disposal.

(15) All special uses granted under this subsection shall be granted only for the applicant, and at the applicant's expense, be recorded in the office of the Marshall County Recorder for each and every parcel of land so mentioned in the permit. No special uses granted under this subsection shall run with the land.

(16) Owners of neighboring lots may provide written waiver of the separation distance requirements of this subsection. All written waivers shall be notarized, recorded at the applicant's expense on the land records of both parcels and run with the land.

(17) The applicant shall allow the Zoning Administrator access to the property subject to the special use permit at any time for the purpose of insuring compliance with the conditions of the permit.

(18) A register of all parcels or lots with livestock in existence at the time of the effective date of this Ordinance shall be on file in the office of the Zoning Administrator. Only those parcels or lots named in the register shall be allowed to seek a special use permit under this subsection. All other parcels or lots in any R-2 zone shall be prohibited from maintaining any livestock.

(19) If any parcel or lot named in the register should fail to maintain livestock of any kind on that parcel or lot for more than one year that parcel or lot shall not be allowed to seek a special use permit under this subsection, and shall be prohibited from keeping or maintaining any livestock on that parcel or lot.

(20) Application for a Livestock Special Use Permit under this subsection shall be accompanied by a fee of \$200.00 and shall be made payable to the Marshall County Treasurer.

Subsection G. Churches and other places of worship and Sunday School buildings.

Subsection H. Public Schools and private education institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping except such quarters as are necessary for custodians.

Subsection I. Parks and conservation areas.

Subsection J. Boarding and Lodging Houses.

SECTION 3. PERMITTED ACCESSORY USES. The following are permitted accessory uses in the "R-2" District:

Subsection A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

Subsection B. Home occupations entirely within the residential structure.

Subsection C. Accessory utility services and equipment for use by adjacent properties.

Subsection D. Bed and Breakfast Homes. A Certificate of Compliance must be applied for and may be issued upon meeting the criteria set forth in Article VI, Section 3, Subsection A, (6) (a-g).

Subsection E. Non-Commercial WECS, subject to the following standards:

- 1. Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
- 2. Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

3. **Noise:** Non-Commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
4. **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
5. **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
6. **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
7. **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the 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.
8. All wind turbines must set-back the height of the turbine (base to tip of the blades full extended upward) from any lot line or right-of-way lines.

SECTION 4. LOT AREA, FRONTAGE AND YARD REQUIREMENTS.

The following minimum requirements shall be observed in the "R-2" District:

<u>Use</u>	<u>Lot Area</u>	<u>Frontage/Lot Width</u>	<u>Lot Area per Family</u>
Single family dwelling	1 acre	70 ft.	1 acre
All other permitted uses	1 acre	200 ft.	1 acre

SET-BACK REQUIREMENTS

<u>Use</u>	<u>Front</u>	<u>Side</u>	<u>Flag</u>	<u>Rear</u>
Single family dwelling	35 ft.	7 ft.	7 ft.	35 ft.
All other permitted uses	35 ft.	7 ft.	7 ft.	35 ft.

MINIMUM GROUND FLOOR AREA*

One Story: 1,000 sq. feet Two Story: 800 sq. feet

*(Exclusive of open porches, garages or steps.)

SECTION 5. PROHIBITED USES. The following uses are prohibited in this district:

Subsection A. Adult book stores, adult motels, adult movie arcades/theaters, friendship clubs, dating clubs or services, escort services, nude modeling studios, establishments for nude encounter sessions, massage parlors or any other business oriented toward titillation or gratification of sexual feelings or desires of patrons.

Subsection B. Junkyards and junk cars not stored in a building or permanent structure.

Subsection C. Commercial kennels are prohibited in this District.