

Chapter 45: Zoning Ordinance for the Unincorporated Area of Dallas County

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45.39 C-WECS Application Requirements

The following requirements shall apply to all C-WECS proposed after the effective date of this ordinance:

1. 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.
2. Tower Configuration. All wind turbines, which are a part of C-WECS, shall be installed with a tubular, monopole type tower. Alternate designs may be considered if the County determines them to be an improvement and more desirable.
3. 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 the Federal Aviation Administration permits and regulations.
4. Signage. All signage on site shall comply with Section 45.26 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 C-WECS.
5. Feeder Lines. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as a part of C-WECS shall be buried.
6. Minimum Ground Clearance. The blade tip of any wind turbine shall, at its lowest point, have a ground clearance of no less than 75 feet.
7. 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.
8. Federal Aviation Administration. All C-WECS shall comply with FAA standards and permits.

9. Electrical Codes and Standards. All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and Other applicable standards.
10. Setbacks. The following setbacks and separation requirements shall apply to all wind turbines, 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 structures shall comply with the applicable setbacks as defined by the base zone district.
 - A. Structures. Each wind turbine shall be set back from the nearest residence, school, hospital, church, or public library a distance of 2640 feet.
 - B. Property Lines. At no time shall any part of the wind turbine overhang and adjoining property without securing appropriate easements from adjoining property owners.
 - C. Public Right-of-Way. Setbacks from public right-of-way, railroads, power lines, and structures shall be a minimum of twice the height of the tower and rotor.
 - D. Communication and Electrical Lines. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than twice total height of tower and rotor, determined from the existing power line or telephone line easement.
 - E. Environmentally Sensitive Areas. The setback distance from sensitive natural resource areas, wildlife management areas, prairies, wetlands, forested areas, and other significant public agency owned or managed natural resource area property shall be 2 miles from the property line. The setback distance from A-2 zoned areas shall be ½ mile from the designated zoned boundary line. C-WECS shall not be placed at locations where any species of fish, wildlife or plants protected under the Federal Endangered Species Act have been documented. C-WECS shall not be placed near documented bat hibernation, breeding or nursery colonies and in migration corridors or between known colonies and feeding areas.
11. Noise. Audible noise due to C-WECS sites operation shall not exceed 30dBA 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. Noise level to be certified by a licensed engineer.
12. Safety.
 - A. All wiring between wind turbines and the C-WECS substations shall be underground.
 - B. Wind turbine towers shall not be climbable up to 15 feet above ground level.
 - C. All access doors to wind turbine towers and electrical equipment shall be locked when not being serviced.
 - D. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and C-WECS entrances.
 - E. 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 the accepted professional standards, given local soil and climate conditions.
13. 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 Dallas County Board of Adjustment outline 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 the 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's easement.

14. Avoidance and Mitigation of Damages to Public Infrastructure.
 - A. 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 Dallas County Engineer.
 - B. Existing Road Conditions. Applicant shall conduct a pre-construction survey, in coordination with the Dallas county Engineer 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 ongoing road maintenance and dust control measures identified by the Dallas County Engineer during all phases of construction.
 - C. Drainage System. The applicant shall be responsible for immediate repair of damage to the public drainage systems stemming from construction, operation or maintenance of the C-WECS.
 - D. Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the Dallas County Engineer sufficient to restore the roads and bridges to preconstruction conditions. Financial security in a manner approved by the Dallas 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 Dallas County Engineer.
15. 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):
 - A. The names of the project applicant.
 - B. The name of the project owner.
 - C. The legal description and address of the project.
 - D. 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 electrical grid.
 - E. 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.
 - F. Engineer's certification as required in these supplemental standards.
 - G. Documentation of land ownership or legal control of the property.
 - H. The latitude and longitude of individual wind turbines.
 - I. 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.
 - J. Existing Resources Inventory.
 - K. An Acoustical Analysis.
 - L. FAA Permit Application.
 - M. Location of all known communications towers/facilities within two miles of the proposed C-WECS.
 - N. Decommissioning Plan.
 - O. Description of potential impacts on all nearby C-WECS and non C-WECS and wind resources on adjacent properties.
 - P. Identification of significant migratory patterns and nesting areas for birds within two miles.