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Planning & Development

**STORY COUNTY IOWA
ORDINANCE NO. 296
AN ORDINANCE AMENDING CHAPTER 89 – HOME BUSINESSES AND SIGNS, CHAPTER
85.08 – DEFINITIONS, AND CHAPTER 92.10 – REQUIRED PERMITS, OF THE STORY LAND
DEVELOPMENT REGULATIONS OF THE STORY COUNTY CODE OF ORDINANCES.**

BE IT ENACTED by the Board of Supervisors of Story County, Iowa:

Section 1. Purpose. An Ordinance amending Chapter 89 – Home Businesses and Signs, Chapter 85.08 – Definitions, and Chapter 92.10 – Required Permits, of the Story County Land Development Regulations, as follows, to update the requirements for home businesses located within the unincorporated areas of Story County and to clarify sign lighting standards.

Section 2. Proposed Amendments. The amendments are as shown in Attachment A of this ordinance and are summarized below.

85.08, Definitions:

- Adding a definition for off-site employee, on-site employee, and sign permit.

89.01, Home Businesses:

- Adding a requirement that the owner or co-owner of the home business shall reside in the dwelling at which the home business is located as their primary place of residence.
- Adding a maximum square footage allowed for accessory structures used for the home business.
- Requiring that only one on-site employee may be employed at the home business location and permitting off-site employees as long as traffic and parking limits are met.

- Clarifying that noise, odor, dust, or other potential nuisances shall not be detectable at property lines.
- Amending the number of daily vehicle trips permitted by a home business and adding a limit on freight deliveries and shipments.
- Adding a requirement that no more than five parking spaces shall be provided for clients, employees, and deliveries, and the parking of no more than five client, employee, and delivery vehicles at any one time shall be permitted.
- Clarifying home businesses may provide classes as long as they meet traffic and parking standards.
- Limiting the types of home business to uses not permitted through a conditional use permit, in the Heavy Industrial District, or other hazardous uses.
- Requiring disclosure of amounts and types of hazardous chemicals and substances.
- Adding that all General Site Planning Standards in Chapter 88 shall also be met. These include for screening of loading areas.

89.02, Signs:

- Creating requirements for illuminated signs in the C-LI and HI Districts including a curfew for internally illuminated signs.
- Amending the allowance for one or more temporary signs up to 32 cumulative square feet in size provided that the signs are permitted by the property owner(s) or current resident(s) and removed within the 90-day limit in residential districts.
- Permitting signs that have previously received a sign permit to change the information on the face(s) provided that all aspects of the sign regulated by this chapter do not change.
- Adding additional regulations within the miscellaneous restrictions including compliance with Chapter 88.06 vision clearance provisions and restrictions on signs attached to vehicles and/or natural features.
- Changing zoning permit to sign permit.

92.10, Required Permits:

- Adding sign permits to the types of permits.

Section 3. Repealer. All ordinances or parts, of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be effective after its final passage, approval and publication of the ordinance or a summary thereof, as provided by law.

Action upon FIRST Consideration: Approved
DATE: October 5, 2021

Moved by: Faisal
Seconded by: Murken
Voting Aye: Faisal, Murken, Heddens
Voting Nay: None
Not Voting: None
Absent: None

Action upon SECOND Consideration: Approved
DATE: October 12, 2021

Moved by: Murken
Seconded by: Faisal
Voting Aye: Murken, Faisal, Heddens
Voting Nay: None
Not Voting: None
Absent: None

Action upon THIRD Consideration: Waived
DATE: October 19, 2021

Moved by: _____
Seconded by: _____
Voting Aye: _____
Voting Nay: _____
Not Voting: _____
Absent: _____

ADOPTED THIS 12th day of October, 2021.


Chairperson, Board of Supervisors

Attest:


County Auditor

ROLL CALL	Latifah Faisal	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
FOR ALLOWANCE	Lisa Heddens	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>
	Linda Murken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Absent <input type="checkbox"/>

ALLOWED BY VOTE
OF BOARD

Yea 3 Nay 0 Absent 0


CHAIRPERSON

Above tabulation made by 



ATTACHMENT "A"

Definitions— to be added into Chapter 85.08 of the Story County Land Development Regulations

"Off-site employee" means a person employed by the home business who does not perform duties on the same premises on which the home business is located. An off-site employee may occasionally report to the premises on which the home business is located, but the visits shall be limited to the standards for parking and traffic.

"On-site employee" means a person employed by the home business who performs the business-related duties on the same premises/residence on which the home business is located.

"Sign permit" means a permit issued the Planning and Development Director or designee to allow a sign to be erected.

Amendments to Chapter 89 of the Story County Land Development Regulations for Home Businesses and Signs

89.01 HOME BUSINESSES.

It is the intent of this section to allow for limited commercial activity accessory to a dwelling in designated districts when in conformance with the following standards for approval. A home business is allowable only on a lot, tract, or parcel of land which contains an occupied dwelling and requires a home business permit issued by the Planning and Development Director or designee upon compliance with the standards contained herein.

~~1. In the case that the home business can be defined as an agritourism farm and does not meet the following standards of approval, a conditional use permit shall be obtained and specific criteria for submittals of petitions for an agritourism farm met in conformance with the zoning districts where an agritourism farm is permitted.~~

~~—A. Standards for Approval. A home business shall satisfy the following standards:~~

~~A. (1) It shall be service and/or product oriented.~~

- B. ~~(2)~~ The owner or co-owner of the home business shall reside in the dwelling at which the home business is located as their primary place of residence. At least one member of the immediate family thereby residing in the dwelling on the property shall be employed at the home business.
- C. ~~(3)~~ At no time shall activities associated with a home business occupy more than 49 percent of the total gross floor area of a dwelling.
- D. ~~(4)~~ Not more than one accessory building may be utilized for the hHome bBusiness (in zoning districts where accessory buildings are allowed for home business use). A new accessory structure erected for a home business shall not be more than 2,400 square feet of gross floor area. No more than 2,400 square feet of an existing accessory structure shall be used. If a portion of an accessory structure is proposed to be used or there are multiple accessory structures on a parcel, internal inspection as part of the initial review and biennial review may be required.
- E. ~~(5)~~ It shall not be objectionable to its surroundings due to nuisance factors such as exterior appearance, the emission of odor, gas, dust, smoke, noise, or in any other way. Emissions of odor, gas, dust, smoke, noise, or other nuisance factors shall not be detectable at the property lines.
- F. ~~(6)~~ Only one person living outside of the dwelling at which the home business is located residence and members of the immediate family thereby residing and residents of the dwelling may be employed at the home business location. The number of off-site employees is not limited. Any visit to the premises by off-site employees of the home business shall be considered the same as a "client" visit and shall comply with the requirements set forth in sections J and K.
- G. ~~(7)~~ Parking of service vehicles as defined in Section 85.08, Definitions, is subject to the following requirements:
- (1) (i) Not more than two service vehicles may be parked at one time outside the home business location in the A-1 Agricultural District.
 - (2) (ii) Service vehicles not in use may be permitted in areas visible from the road right-of-way and adjacent adjoining properties when the property is zoned A-1 Agricultural.
 - (3) (iii) In the A-R Agricultural Residential, R-1 Transitional Residential, and R-2 Urban Residential Districts, all service vehicles shall must be fully enclosed within a building.
- H. ~~(8)~~ Outside storage or display of products shall not be allowed.
- I. ~~(9)~~ It shall not create traffic or delivery concerns in the immediate area. In combination, all home business activities shall not generate traffic (client customer, employee, and delivery) substantially in excess of ten (10) visits (20 trips) six trips

a day per person living in the household. In addition, it shall not receive more than one (1) freight delivery or send more than one (1) freight shipment a day.

J. No more than five (5) parking spaces shall be provided for clients, employees, and deliveries, and the parking of no more than five (5) client, employee, and delivery vehicles at any one time shall be permitted.

K. Home businesses may provide classes, however, they shall not cause the home business to exceed traffic and parking standards.

L. A home business shall not be a use listed in Table 90-1, the Table of Conditional Uses unless otherwise allowed, a use listed as a principal permitted use in the HI Heavy Industrial District, or a use that involves the storage and distribution of chemicals such as liquid propane or anhydrous ammonia.

M. All hazardous chemicals or substances and amounts shall be disclosed as part of the permit application. The application may be routed to the Story County Emergency Management Agency and applicable fire chief to ensure neighboring properties shall be adequately safeguarded from fire or other hazards posed. All local, state, and federal storage, handling, and disposal requirements shall be met.

N. The Story County Environmental Health Department shall review the impact of the proposed home business on the private sewage disposal system and the private sewage disposal system shall meet the requirements of Chapter 65 of the Story County Code of Ordinances.

O. ~~(10)~~ Diminishment or impairment of established property values to adjacent adjoining or surrounding properties shall not be created from the home business.

P. ~~(11)~~ All signs shall must be approved through the submittal of an Application for a Sign Zoning Permit, as defined in Section 92.10, and the applicable fee. Signs shall must be in conformance with Section 89.02 of this chapter.

Q. ~~(12)~~ All general site planning standards in accordance with Chapter 88, General Site Planning Standards, and all applicable supplemental standards shall be met. All requirements of Section 88.08, Parking and Circulation Standards, must be met.

~~(13) All lighting shall be in conformance with Section 88.09, Site Lighting, of this Code of Ordinances and shall be submitted for review and approval at the time the application for home business permit is submitted.~~

2. Conditions of Approval. A home business permit shall not be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, obnoxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, and vibrations, refuse matter or water-carried waste. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous

wastes shall be designed, constructed, and operated in accordance with all statutes and regulations of Story County and the State of Iowa. Conditions of approval addressing ~~addressed~~ such impacts shall be established pursuant to this section and such conditions shall be ~~are~~ listed on the home business permit and other applicable permits as outlined in the Ordinance.

3. Minimal Easing of Requirements.

A. Home businesses that have demonstrated compliance with the above standards for home businesses for a minimum of one year and have plans for minor expansions or deviations of the Standards for Approval, may request a minimal easing of the home business requirements due to the nature of the home business, other unique circumstance, or growth.

B. Applicants shall submit an application and written request for review to the Planning and Development Director. The application submittal shall include reasons for the request, the standards from which a minimal easing of requirements is requested, a site development plan showing existing and proposed site improvements and meeting the requirements of Chapter 88, General Site Planning Standards, and other related materials.

C. The Planning and Development Director may approve the request if it is anticipated there will be no discernible impact on neighboring properties, the general public, or those intended to use or occupy the existing or proposed home business. If approved by the Planning and Development Director, the minimal easing of the requirements shall continue with the duration of the home business and home business permit while it remains valid. If the Planning and Development Director, after review of the submittal determines the request is more than a minimal easing of the Standards for Approval, a Conditional Use Permit for a significant easing of the requirements may be required.

D. A minimal easing of the standards shall be consistent, comparable, and not more extensive than the following: adding up to two additional on-site employees, adding up to two additional parking spaces, creating an outdoor storage area (less than 500 square-foot-) that is or will be screened from adjacent properties or the road right-of-way, or adding a shed for storage not greater than 120 square-foot- in size.

E. The minimum easing of the standards shall not be objectionable to its surroundings due to nuisance factors such as exterior appearance, the emission of odor, gas, dust, smoke, or noise.

F. Home business owners may appeal a decision by the Planning and Development Director to the Board of Adjustment as identified in Chapter Ch. 92.02.

4. Significant Easing of Requirements.

A. Home business owners that have demonstrated compliance with the standards for home businesses for a minimum one year and that have plans for more significant expansions or deviation of the requirements due to the nature of the home business, other unique circumstance, or growth may submit a Conditional Use Permit application to be reviewed by the County under the process identified in Chapter 90.03, Application for a Conditional Use Permit.

B. Applications may only be submitted for significant expansions that are temporary and include plans to transition from the current home business location to a permanent location zoned for the home business use.

C. Before an applicant may submit a conditional use permit application, the applicant shall 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 their designee, by all members of the Interagency Review Team.

~~D.-C.~~ Applicants shall submit a Conditional Use Permit application, written narrative, the requested timeframe for transitioning the home business (not greater than three years), standards from which a significant easing of the requirements is requested, a site development plan showing existing and proposed site improvements and meeting the requirements of Chapter 88, General Site Planning Standards, and other related materials as requested by Planning and Development staff.

~~E.-D.~~ The maximum time period an applicant may request before transitioning to a permanent location zoned for the home business use is three years. Applicants may request a one time extension, not to exceed up to two years, through a Conditional Use Permit modification application submittal to be reviewed under the process identified in Chapter 90.03, Application for a Conditional Use Permit.

5. Biennial Renewal. The home business permit is required to be renewed once every two years by completion of a renewal application.

6. Violation of the Standards for Approval. Any home business not operating within the Standards for Approval as described in subsection 1 of this section shall be subject to Section 92.11, Enforcement, and may be subject to an annual or semiannual inspection with conditions as needed as a follow-up to the inspection.

(Ord. 278 - Jan. 19 Supp.)

89.02 SIGNS.

The purposes of these regulations are to encourage the effective use of signs; to

protect and enhance the aesthetic environment; to create an environment that promotes economic development; and to protect and improve pedestrian and traffic safety.

1. Applicability; Effect. Any signs maintained, created, painted, or erected in the County shall be done in conformance with the standards, procedures, exemptions, and other requirements of these regulations.

(Ordinance No. 184)

2. Permitted Signage and Dimensional Requirements.

A. Computation of sign area shall include the combination of the writing, emblem, illustrations, or other display, together with any background material or color forming an integral part of the display, but not including the supporting framework. On a multi-faced sign, the area is computed from only one face so long as the distance between the two sign faces does not exceed three feet at any one location.

(Ordinance No. 184)

B. Computation of height shall be measured from average ground level, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign, to the highest point of the sign or support structure, whichever is tallest.

C. Any building sign extending more than six inches from the wall to which it is attached shall allow a minimum of 12 feet of clearance from the average ground level, as measured in paragraph B of this subsection.

(Ordinance No. 184)

3. Limitations. The general sign types "external" and "internal" are allowed in each base zone district, subject to the following limitations:

(Ordinance No. 184)

A. A-1, Agricultural; A-2, Agribusiness.

(Ordinance No. 208)

(1) Total cumulative sign area of all external signs on a lot, parcel, or tract, with the exception of building signs, shall not exceed 32 square feet.

(2) External signs, with the exception of building signs, shall not exceed 20 feet in height.

(3) There is no cumulative maximum area for internal signs.

(4) External or internal signs shall not be illuminated.

(Ordinance No. 184)

(5) Portable signs are not permitted.

B. GBC, Greenbelt-Conservation.

(1) Total cumulative area of all external signs on a lot, parcel, or tract shall not exceed 24 square feet.

(2) External signs shall not exceed 10 feet in height.

(3) There is no cumulative maximum area for internal signs.

(4) External or internal signs shall not be illuminated.

(Ordinance No. 184)

(5) Portable signs are not permitted.

C. AR, Agricultural-Residential; R-1, Transitional Residential; R-2, Urban Residential; RMH₂-Residential Manufactured ~~Housing~~ Home.

(1) Total cumulative area of all external signs on a lot, parcel, or tract shall not exceed 12 square feet; however, a permanent external sign marking an entry to a subdivision shall not exceed 40 square feet.

(Ordinance No. 184)

(2) External signs shall not exceed 10 feet in height.

(3) There is no cumulative maximum area for internal signs.

(4) External or internal signs shall not be illuminated.

(Ordinance No. 184)

(5) Portable signs are not permitted.

D. C-LI, Commercial/Light Industrial; HI, Heavy Industrial.

(1) Total cumulative area of all external signs on a lot, parcel, or tract, with the exception of building signs, shall not exceed 300 square feet.

(2) External signs, with the exception of building signs, shall not exceed 30 feet in height.

(3) There is no cumulative maximum area for internal signs.

(4) External and internal signs may be illuminated; however, all illuminated signs shall comply with the following provisions:

- a. Illuminated signs shall be either internally illuminated or externally illuminated by shielded light fixtures so that no direct light or significant glare shall be cast into a residential use or district. Any outdoor light fixture illuminating a sign shall be designed and constructed as a fully shielded light, as defined in Section 85.08, Definitions, to ensure that no light rays are emitted by the installed fixture at angles above the horizontal plane.

- b. All light fixtures used to illuminate an external sign shall be mounted on the top of the sign structure and directed downward to minimize light pollution.
- c. Signs shall not have blinking, flashing, or fluttering lights, beacons, or other illuminating devices that have a changing light intensity, brightness, or color.
- d. For any internally illuminated sign, dark backgrounds with light lettering or symbols are preferred to minimize detrimental effects.
- e. Internally illuminated signs may be illuminated from 5:00 a.m. until 11:00 p.m., or one (1) hour past the close of business or the facility, whichever is later.

~~be shielded so that no direct light or significant glare shall be cast into a residential use or district.~~

- ~~a. All lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign structure to minimize light pollution.~~
- ~~b. Signs shall not have blinking, flashing, or fluttering lights or other illuminating device that has a changing light intensity, brightness, or color with exception of signs or portions of signs designed primarily for the display of time and temperature and on-premise electronic message centers.~~

(Ordinance No. 184)

- ~~c. Flashing beacons are not permitted.~~

(Ordinance No. 184)

4. Application for Sign Zoning Permit Requirements.

A. An application for a sign zoning permit shall follow requirements set forth in Section 92.10, Required Permits. Any sign erected, modified, or placed on a lot or building that ~~does not meet the criteria in paragraph 6(A) of this section~~ shall require an application for a sign zoning permit. The owner of such sign shall secure a sign permit prior to the sign being erected, constructed, reconstructed, moved, enlarged, altered, or illuminated.

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

B. Any sign shall not be erected in the public right-of-way unless done so by a licensed government agency, nor shall signs encroach on the right-of-way.

(Ordinance No. 184)

C. A sign permit shall be not issued for an existing or proposed sign unless such

sign is in conformity with these regulations and an approved signage plan, if required.
(Ordinance No. 184)

(1) Iowa Department of Transportation approval (if applicable) is required before action on an Application for a Sign Zoning Permit.

(Ordinance No. 184)

5. Exceptions.

A. When in conformance with all other provisions of this section, the following signs are allowed without a sign permit:

(1) Internal signs that are not illuminated.

(2) External signs that are not illuminated, are no more than six square feet in area, and no more than four feet in height, provided that such signs shall be calculated in the cumulative total sign area for the property and shall not cause the maximum cumulative total area to be exceeded.

(3) Temporary signs, which are not permanently attached to either a structure or the ground and are not erected for more than 90 days.

a. For a lot, parcel, or tract located in the AR, R-1, R-2 and RMH districts, a temporary sign or signs up to 32 cumulative square feet in size, provided that the signs are permitted by the property owner(s) or current resident(s) and removed within the 90-day time limit ~~no other signs are located on the property.~~

B. When in conformance with all other provisions of this section, the following ~~external signs~~ are not computed in the total cumulative sign area:

(1) Internal signs that are not illuminated. ~~Up to three flags per lot or tract, each no more than 16 square feet in area.~~

(2) Building signs in the A-1, A-2, C-LI, and HI Districts, provided the signs occupy no more the 25 percent of the area of the wall to which the signs are attached.

(3) Temporary signs, which are not permanently attached to either a structure or the ground and are not erected for more than 90 days.

a. For a lot, parcel, or tract located in the AR, R-1, R-2 and RMH districts, a temporary sign or signs up to 32 cumulative square feet in size, provided that the signs are permitted by the property owner(s) or current resident(s) and removed within the 90-day time limit.

C. When in conformance with all other provisions of this section, the following exceptional height limitations shall apply.

(1) The maximum height for building signs is equivalent to the height of the roof

line of the building to which they are attached.

~~(2) The maximum height of pennant signs mounted on a freestanding pole or poles by a rope, wire, or string is 35 feet.~~

(Ordinance No. 184)

D. When a lot, parcel, or tract is over 30 acres (net) in size, a 25 percent bonus to the total cumulative area of all external signs shall be allowed, provided that:

(1) No single sign shall be larger than the maximum square footage allowed without the bonus.

(1) A minimum of 300 feet of separation shall occur between any two signs erected with the signage bonus.

E. Signs that have previously received a sign permit are permitted to change the information on the face(s) of an existing sign or the sign face itself provided that the area, height, lighting, or other aspects of the sign regulated by this chapter do not change.

6. Miscellaneous Restrictions.

A. Inflatable signs, tethered balloons, pennants, and strings of lights not permanently attached to a rigid background are all prohibited.

B. All signs and support structures shall be properly maintained in good structural condition at all times.

(Ordinance No. 184)

C. No sign shall be erected which by way of its size, shape, placement, content, or illumination:

(1) Obscures, or physically interferes with an official traffic sign, signal or device.

(2) Impairs the vision of drivers in a manner that can be constituted as a traffic hazard, or that otherwise interferes with the safe movement of traffic.

(3) Imitates or resembles an official sign, signal, or device, or is otherwise confusing or misleading to the public.

D. Signs shall be located in accordance with the vision clearance provisions of Chapter 88.06.

E. With the exception of vehicles used for emergency and road construction/maintenance purposes, no illuminated sign shall be constructed upon or affixed to a mobile or portable device.

E. No sign shall be affixed to or painted on trees or other natural features.

7. Nonconforming Signs.

A. Signs that do not conform to these regulations shall not be altered or enlarged in any way to aggravate the nonconforming condition. A sign shall not be moved or replaced unless to bring the sign into conformity.

(Ordinance No. 184)

B. If the nonconforming sign is destroyed by natural causes and is replaced, it shall ~~must~~ be within the stipulations of these regulations. The message of the nonconforming sign may be changed but new nonconformities shall not be created.

(Ordinance No. 184)

8. Enforcement. Any violation or attempted violation of these regulations may be restrained or corrected by an injunction or other proceedings in compliance with State law. Any violation of these regulations is a violation of the Ordinance and enforcement to abate the violation will follow requirements as outlined in 92.11, Enforcement.

(Ordinance No. 192)

Amendments to Chapter 92 of the Story County Land Development Regulations for Administration

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, Home Business, Grading, Change of Use, Sign, and Special Events.

(Ordinance No. 192)