

ARTICLE XX. CONDITIONAL USE PERMITS

Section 1. DECISION BY BOARD OF ADJUSTMENT.

1. The Board of Adjustment shall hear and decide all cases where an application has been filed with the Administrative Officer for any of the Conditional Uses, which may be subject to protective restrictions as deemed necessary.

Section 2. NOTICE AND FEE. The Board shall make no findings except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties. The notice of the time and place of such public hearing shall be published in a Hardin County publication of general circulation in Hardin County at least ten (10) days previous to the hearing. Such notice shall contain the address or location of the property for which the ruling by the Board is sought, as well as a brief description of the nature of the request.

1. If a special use permit is requested a fee of \$75.00 shall be paid to Hardin County at the time of the notice of appeal is filed. Fees shall be credited to the general government fund of Hardin County, Iowa.

Section 3. ACTIVITIES PERMITTED BY CONDITIONAL USE. Only the following uses shall be permitted by special exception within all of the districts. Any conditional use specific to a certain zone shall be referred to by referencing the applicable article of the Zoning Ordinance. Any uses other than listed below or in any other section of the Zoning Ordinance may NOT be permitted without a change in the respective sections of the Zoning Ordinance to include the desired use.

1. Municipal, County, State or Federal government buildings.
2. Television towers and television studios.
3. Water towers, water treatment facilities, and wastewater treatment facilities.
4. Public utility substations, either publicly or privately owned. Communication stations, pipelines for the transmission of any substance, the type or location of any poles, towers, wires, cables, conduits, or any other similar distributing equipment of a telephone, telegraph, light, power, gas, pipeline, trucking or railroad company, except that no permit shall be issued unless any and all equipment used or located thereon shall be housed in a building comparable in appearance and size to the surrounding buildings and houses or the use for which the area is zoned.
5. Communication towers and antennas for entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use with the following conditions:
 - a. General Requirements:
 - (1) An application must be completed and returned to the zoning officer accompanied by a current fee for a Conditional Use Permit.
 - (2) Applicant must show that the proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with the minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
 - (3) Application for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
 - (4) All towers and communications facilities shall be designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At

a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.

b. Placement on County owned property:

The placement of communications antennas or towers on county-owned property must comply with the following requirements:

- (1) Approval by the Board of Supervisors is required when placing antennas or towers on any piece of property owned by Hardin County.
- (2) The antenna or tower will not interfere with the purpose for which the county-owned property is intended.
- (3) The antenna or tower will have no adverse impact on surrounding private property.
- (4) The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to county property and facilities and commit to a lease agreement, which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The charge for the use of a county structure for height will be \$5.00 per foot of height per year.
- (5) The applicant will submit a letter of credit, performance bond, or other security acceptable to the county to cover the cost of antenna or tower removal.
- (6) The antennas or towers will not interfere with other intended uses of the property.
- (7) Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense.
- (8) The applicant must reimburse the county for any costs, which it incurs because of the presence of the applicant's antenna or tower.
- (9) The applicant will cooperate with the county's objective to promote collocations and thus limit the number of separate antenna sites requested.

c. Recommended Height:

- (1) In any "R" district, freestanding tower with a height not exceeding 100 feet and must comply with Section 1902 (A)(3).
- (2) In any "C" district, freestanding tower with a height not exceeding 180 feet.
- (3) In any "M" district, freestanding tower with a height not exceeding 360 feet.
- (4) In any "A" district, freestanding tower with a height not exceeding 500 feet.

d. Setbacks:

- (1) A tower must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
- (2) Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This set back requirement shall not apply to 1) communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of planes, walls, fences or other screening techniques approved by the county, or 2) camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such antenna support structure.

e. Abandonment:

- (1) In the event that the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed abandoned. Upon such abandonment, the owner/operator shall have an additional 180 days within which to: reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. Failure to comply with sections stated herein will result in actions stated in Article XXII of the Hardin County Zoning Ordinance.