

Adair County Ordinance # _____

**AN ORDINANCE REGULATING THE PLACEMENT OF
LARGE SCALE COMMERCIAL or INDUSTRIAL BUILDINGS
ON PROPERTY LOCATED IN ADAIR COUNTY, IOWA**

BE IT ENACTED BY THE ADAIR COUNTY BOARD OF SUPERVISORS:

Purpose and Intent

The purpose of this Ordinance is to establish appropriate conditions and safeguards of any use of land for the purpose of a **Large Scale Commercial or Industrial Building** in Adair County, Iowa.

The intent of this Ordinance is to facilitate the location, construction, installation, operation and decommissioning of any **Large Scale Commercial or Industrial Building** in Adair County, Iowa in a manner that: protects and preserves the rights, privileges and property of the County and its residents, preserves and improves peace, safety, health, welfare, comfort and convenience of its residents and provides an opportunity for economic growth and development.

All **Large Scale Commercial or Industrial Building** must follow this Ordinance.

Section 1. Definitions.

Commercial Building. Any building other than a residential building, including any building developed for industrial or public purposes such as manufacturing, retail, hospitality, food and beverage, hotel, conference center or data center.

Industrial Building. A building or structure suitable for, and intended for or incidental to, use as a data center, factory, mill, shop, processing plant, assembly plant, fabricating plant, warehouse, research and development facility, an engineering, architectural, or design facility, or a tourist and resort facility.

Property Line. The legal boundary between separately owned real estate parcels, and between privately owned parcels and publicly owned land or public right of way.

Occupied Residence. A house, apartment or other structure designed for residential use that is the abode of a person, family or household and is regularly occupied.

Occupied Building. A school, hospital, church, public library, pool, shelter house, shed, wedding venue or any other structure that is regularly occupied for private or public gatherings.

Occupied Farm Building. A barn, shed, lot, pasture or any other structure or area that is regularly occupied by livestock.

Occupied Area. A cemetery, park, campsite, trail, public recreation area or any other structure or area that is regularly occupied for private or public gatherings.

Minimum Separation Requirements. The minimum required distance that must exist between a certain line, structure and/or area and a **Large Scale Commercial or Industrial Building**, or any part, component or appurtenance of a **Large Scale Commercial or Industrial Building**.

Section 2. Separation Requirements. A Large Scale Commercial and Industrial Building, or any part, component or appurtenance thereof, shall not be sited, located, constructed, installed, used and/or operated in violation of the Separation Requirements listed below.

<u>Line, Structure and/or Area</u>	<u>Separation Requirements</u>
Property Line	300 feet
Occupied Area	500 feet
Occupied Farm Building	500 feet
Occupied Building	500 feet
Occupied Residence	1,200 feet

Section 3. Applicability. The separation requirements in this ordinance shall not apply to (1) a **Large Scale Commercial and Industrial Building** already constructed and place in service on or before the effective date of this ordinance; or (2) a property owner who has already executed a **recorded** agreement with an entity that operates a **Large Scale Commercial or Industrial Building** to build or place a **Large Scale Commercial or Industrial Building** on said property.

Section 4. Severability. If, for any reason, any part, section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Penalty. Any person, persons, firms, partnerships or corporations, whether acting alone or in concert with any other, who violates this Ordinance, shall be guilty of a simple misdemeanor as authorized by Iowa Code section 331.302.

Section 6. Effective Date. This Ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

ADOPTED AND PASSED by the Board of Supervisors of the County of Adair this ____ day of _____, 2024.

Chairman

Attest: _____
County Auditor

First Reading: _____

Second Reading: _____

Third Reading: _____

Publication Date: _____

Effective Date: _____