

# WINNESHIEK COUNTY ZONING ORDINANCE AND SUBDIVISION REGULATIONS

## PROPOSED TEXT AMENDMENTS November 26, 2014

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### CHAPTER 3: JURISDICTION, SCOPE AND NONCONFORMING USES

#### 303 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion and protection of the public health, safety and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, Ordinance, or overlay districts, ~~deed restrictions or covenants~~, the most restrictive or that imposing the higher standards shall govern. This authority is granted in the Code of Iowa 335.24.

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### CHAPTER 4: RULES AND DEFINITIONS

#### 404 DEFINITIONS

##### **Agricultural Use**

The use of land for the growing and/or production of vegetable crops, field crops, livestock, and livestock products for the production of income including but not limited to the following:

- (1) field crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers, and wheat;
- (2) livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, rabbits ~~and~~ mink, and aquaculture.
- (3) Livestock products including but not limited to milk, butter, cheese, eggs, meat, fur, and honey.

##### **(4) Vegetable crops, intended for human consumption.**

~~Apartment~~ Does not exist in the Zoning Ordinance Redundant with Unit.

~~Barnyard waste~~ Does not exist in the Zoning Ordinance Redundant with Animal Waste.

~~Bed and Breakfast Inn~~ Redundant with Motel

~~Boardinghouse~~ Does not exist in the Zoning Ordinance

~~Bulk Station~~ Does not exist in the Zoning Ordinance

### **Business**

Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation. Ownership and management of a business may be separate and distinct from land ownership.

### **Cabin**

A residential structure limited to short term recreational occupancy, having a building footprint of 600 sf or less, height of 18' or less, with no basement. Total area of attached deck(s) may not exceed 50% of the cabin footprint.

### **Campground**

Any parcel of land which is designated, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by two or more camping units, or which is advertised or represented as a camping area. Campground excludes children's camps, industrial camps, migrant labor camps, United States forest service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing.

### **Camping unit**

Any structure or portable device used as temporary shelter, including but not limited to cabin rentals, recreational camping vehicle, tent, or other similar device.

### **Carport**

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this Ordinance, a carport attached to a ~~principal~~ building shall be considered as part of the ~~principal~~ building and subject to all yard requirements herein.

### **Commercial**

A use of land or a structure for the purpose of engaging in commerce. A place of business conducting enterprising activities, the ownership and management of which may be separate and distinct from land ownership.

### **Common Sewer System**

A central sewer collection system available to each platted lot and discharging into a treatment facility, the construction and location of which is approved by the ~~County Board of Health and/or the State Board of Health.~~ Iowa Department of Natural Resources.

### **Common Water System**

A ~~central~~ water supply system available to multiple dwelling units ~~each platted lot from a shared well or public water supply.~~ ~~one or more single source approved by the County Board of Health.~~

~~Dwelling, Condominium~~

A multiple unit structure ~~dwelling~~ as defined herein whereby the fee title to each ~~dwelling~~ unit is held independently of the others regulated by Chapter 499, Code of Iowa.

**Dwelling, Multiple Family**

A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

~~Dwelling, Row~~ (Does not exist in Ordinance, redundant with Multifamily).

~~Flood, Base~~ (Does not exist in the Zoning Ordinance, should be defined in the Flood Control Ordinance).

~~Flood, One Hundred Year~~ (Does not exist in the Zoning Ordinance, should be defined in the Flood Control Ordinance).

~~Flood Protection System~~ (Does not exist in the Zoning Ordinance, should be defined in the Flood Control Ordinance).

~~Flood Plan Management~~ (Does not exist in the Zoning Ordinance, should be defined in the Flood Control Ordinance).

~~Floodfringe~~ (Does not exist in the Zoning Ordinance, should be defined in the Flood Control Ordinance).

~~Floodproofing~~ (Does not exist in the Zoning Ordinance, should be defined in the Flood Control Ordinance).

**Frontage**

~~All the property on one side of a street between two intersecting streets, crossing or terminating, measured along the line of the street or if the street is dead-ended then all the property abutting an one side between an intersecting street and the dead end of the street.~~ **The length of a lot abutting a public-right-of-way, measured along the right-of-way line between two lot lines that intersect the right-of-way line.**

**Garage, Public Commercial**

A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.

~~Industrial Waste~~ (Does not exist in the Zoning Ordinance).

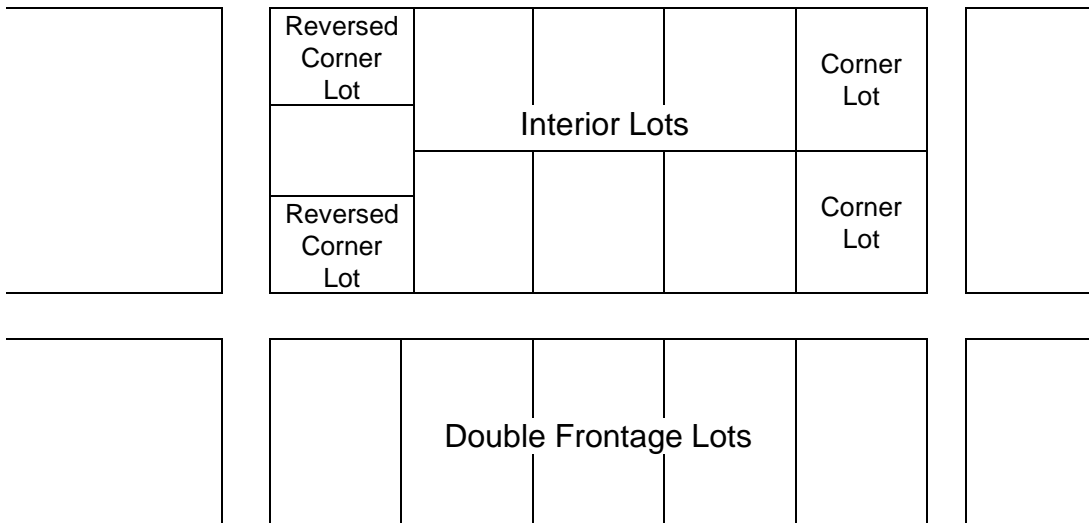
**Livestock**

Cattle, horses, sheep, swine and poultry. Any other animal ~~or~~ fish or aquatic animal that are being produced ~~primarily~~ for use as food ~~or~~ food products for human consumption, **production of fiber and pelts or working animals.**

## Lot of Record

### Illustration of Lot Types

(Change diagram to from Reverse ~~Frontage~~-Lot to Reverse Corner Lot).



~~Mobile Home Converted~~ (Redundant with Manufactured Home).

~~Mobil Home Subdivision~~ (Does not exist in the Zoning Ordinance and is redundant with Manufactured Home).

~~Place~~ (This definition does not match any use of Place in the entire ordinance).

### Principal Structure or Use

~~The structure or use determines the predominant use as distinguished from an accessory use.~~ **A structure or use conforming to the primary allowed elements unique to a zoning district.**

### Processing

**The treatment of material in a prescribed method to produce a desired product.**

### Recreational Camping Vehicle

**Motorized vehicles that include a compartment for living accommodations and are commonly used for temporary recreational travel and touring. This category of vehicle is multiform, commonly known as: travel trailers, tent trailers, and camping trailers, all of which must be towed by another vehicle; and truck campers, motorized homes and camper vehicles, all of which have a motor within the body of the vehicle and are self-propelled.**

### Recreational Facilities

**Land and structures, along with accessory equipment, designated and utilized for leisure time activities of a predominant outdoor nature and of having a specific**

purpose including but not limited to: swimming beaches, tennis courts, swimming pools, basketball or racquetball courts, ice rinks, other than passive park-like open areas, and further classified as follows:

- (1) Public: Facilities owned and operated by a governmental agency for general public use.
- (2) Private Commercial: Facilities owned and operated by an individual, group, or corporation for profit as a business whether or not open to general public use.
- (3) Private Non-commercial Group: Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.

### **Protective Restrictive Covenant**

A contract entered into between private parties that constitutes a restriction of the use of a particular parcel or property. Such covenants shall be considered valid only when they are recorded and filed in the office of the Winneshiek County Recorder and meeting other legal requirements of Iowa law.

### **Recycling Plant**

~~A totally view obscured or a~~ **An** enclosed building within which the receipt, separation, storage, conversion, bailing and/or processing of paper, metal, glass, newspaper, **electronics, plastic** and other non-biodegradable recyclable materials are collected for the purpose of reutilization of such materials.

### **Setback**

~~See building line.~~ **Dimensional offset from property lines created in compliance with yard restrictions and zoning district regulations.**

~~**Substantial Damage**~~ (Does not exist in the Zoning Ordinance)

~~**Substantial Improvement**~~ (Does not exist in the Zoning Ordinance)

~~**Townhouse/Rowhouse**~~ (Does not exist in the Zoning Ordinance, is consistent with the definition of Multi-family).

~~**Travel Trailer**~~ (Redundant with recreational Camping Vehicle).

~~**Use, Accessory**~~ (Redundant with 404.1)

~~**Use, Principal**~~ (Redundant with 404.88)

**Yard** An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty inches above the ground upward except as otherwise provided herein. **A yard shall be determined by a line parallel to the lot line, measured perpendicular to a lot line, to a depth as defined in the zoning district**

**regulations.** ~~In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot lines and the main building or any projection thereof shall be used.~~

### **Yard , Front**

A yard extending across the front of a lot and being the minimum horizontal distance between the street and ~~the main building~~ **any structure** or any projections thereof other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimension **and a postal address is established consistent with this configuration.**

### **Yard, Rear**

A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and ~~the rear of the main building~~ **any structure** or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed ~~parches~~ **porches**. On all lots, the rear yard shall be in the rear of the front yard.

### **Yard, Side**

A yard between ~~the main building and~~ the side line of the lot **and any structure**, and extending from the required front yard to the required rear yard, and being a minimum horizontal distance between a side lot line and ~~the side of the main building~~ **any structure** or any projection thereto.

### **Zoning Construction Compliance Certificate**

A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

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## **CHAPTER 5: ADMINISTRATION**

### **501 ZONING ADMINISTRATOR**

#### **501.2 (1) Power and Duties of Zoning Administrator**

Duties of the Zoning Administrator shall include, but not be limited to, the following:

- (1) The review of applications for Certificate of Temporary Operation and construction compliance certificates, and the issuance of permits and certificates upon finding the provisions of this Ordinance would not be violated.

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### **502 ZONING COMMISSION**

## 502.2 Commission Membership

The Planning and Zoning Commission shall consist of nine (9) members appointed by the Winneshiek County Board of Supervisors. **An effort should be made to keep Commission membership geographically balanced.** ~~The nine (9) members first appointed shall serve terms of the following: three (3) members for one (1) year; three (3) members for three (3) years; and three (3) members for five (5) years. Thereafter terms shall be for five years.~~ **The term of appointment shall be five (5) years.** Any vacancy shall be filled in the same manner for the unexpired portion of the term. In the event of the absence from the County or in the incapacity of a member, the Board of Supervisors may appoint a substitute who shall serve as a member of the Commission, with the same powers and authority as the regular member, until such regular member has returned.

## 502.3 Officers

The Commission shall annually select from its membership a ~~Chairman~~ **Chair** and **Vice Chair** ~~Chairman~~, who will perform the usual duties pertaining to such offices.

## 502.5 Tenure

The ~~Chairman~~ **Chair** and **Vice Chair** ~~Chairman~~ shall take office immediately following their selection and shall hold office for a term of one year or until their successors are selected and assume office.

## 502.6 Duties of the Officers

The ~~Chairman~~ **Chair** will preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. The **Vice Chair** ~~Chairman~~ shall act in the capacity of the ~~Chairman~~ **Chair** in his/her absence and in the event the office of the ~~Chairman~~ **Chair** becomes vacant, the **Vice Chair** ~~Chairman~~ shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of **Vice Chair** ~~Chairman~~ for the unexpired term. A Secretary shall be appointed **by the Chair,** ~~who shall perform all duties of the Secretary of the Commission.~~ The Secretary will record and maintain minutes of the meetings, insure that the minutes and adopted recommendations are properly published and recorded, and perform such other duties as the Commission may determine.

## 502.7 Meetings

Meetings may be called at the request of the ~~Chairman~~ **Chair**, or four (4) members of the Commission, or the ~~Secretary~~ **Zoning Administrator**. Notice of the meeting shall be given by the ~~Secretary~~ **Zoning Administrator** to the members of the Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose and time of the meeting.

## 502.10 Order of Business

Agenda. The Zoning Administrator will prepare an agenda for each meeting and send it to each Commissioner five (5) days before the meeting. The order of business shall be as follows:



- (1) **Call to Order.** ~~Roll call.~~
- (2) **Roll call.** ~~Approval of minutes~~
- (3) **Approval of Minutes.** ~~Time open for citizens wishing to address the Commission on matters not on the established agenda~~
- (4) **Report of the Zoning Administrator.** ~~Advertised Public Hearing(s). The Chairman will declare such a public hearing open and state its purpose. The petitioner (or his/her representative) will be heard first.~~
- (5) **Public comments on items not on the agenda.** ~~Unfinished business of Commission.~~
- (6) **New Business.** ~~Consideration of matters heard under "4" above.~~
- (7) **Old Business.** ~~Reports from Zoning Administrator, planning agency, etc.~~
- (8) **Adjournment.** ~~New business.~~
- (9) ~~Adjournment.~~

### 502.11 Motions

Motions may be made by anyone on the Commission except the ~~Chairman~~ **Chair** and Zoning Administrator. The ~~Chairman~~ **Chair** will restate the motion before a vote is taken.

### 502.12 Voting

Voting will be by roll call and will be recorded by yeas and nays. Every member of the Commission, including the ~~Chairman~~ **Chair**, is required to cast a vote upon each motion. However, a member may abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting. During the discussion of the matter under consideration, a member who plans to abstain from voting should so inform the Commission, so that other Commission members can properly weigh the opinions given by a member who believes a conflict of interest exists.

### 502.16 Meeting Attendance

Commission members are expected to attend all regular and special meetings of the Commission. If a member has a valid excuse for nonattendance, the member shall notify the Zoning Administrator prior to the meeting. A Commission member will be asked to resign if at any time, the member has three consecutive ~~unexcused~~ absences **without notification** from a regular, special, or subcommittee meeting, or if total absences ~~(whether excused or not)~~ exceed forty percent (40%) of the total meetings in a ~~calendar year~~ **twelve month period**. A ~~review~~ **record** of attendance will be made ~~at the end of each year.~~ **by the Secretary on an ongoing basis.**

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## 503 BOARD OF ADJUSTMENT

### 503.3 Board Membership



The Board shall consist of five **(5)** members to be appointed by the Board of Supervisors for a term of five **(5)** years. ~~except that when the Board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year.~~ The Board of Supervisors may remove members of the Board of Adjustment from office for cause upon written charges and after public hearing. The Board of Supervisors shall fill vacancies for the unexpired term of the member.

#### **503.4 Election of ~~Chairman~~ Officers**

The Board shall annually elect its own ~~chairman~~ **Chair and Vice Chair** at the first meeting on or after January 1 of each year. ~~Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.~~ There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of three (3) members shall be necessary to constitute a quorum. ~~The concurring vote of the three (3) members shall be necessary on all matters upon which it is required to pass under the provisions of this Ordinance.~~

#### **503.5 Decisions**

The concurring vote of three (3) members of the Board shall be necessary to reverse any orders, requirement, decision, or determination of the Zoning Administrator; to decide in favor of the applicant ~~an~~ **on** any matter upon which it is required to pass under this Ordinance; or to affect any variation of this Ordinance. On all appeals, applications, and other matters brought before the Board, said Board shall inform, in writing all the parties involved of its decisions and the reasons therefore.

#### **503.6 Proceedings of the Board of Adjustment**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the ~~Chairman~~ **Chair**, the Zoning Administrator, or at such other times as the Board may determine. The ~~chairman~~ **Chair** or in his/her absence, the ~~acting chairman~~ **Vice Chair**, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

#### **503.8 Notice**

The Board of Adjustment shall fix a reasonable time for the hearing of **an** appeal, give ~~public notice thereof of not less than four (4) and not more than twenty (20) days in the newspapers of record, as well as~~ due notice to the parties in interest, and decide the ~~some~~ **same** within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. **The Board may publish public notice thereof not less than four (4) and not more than twenty (20) days in**

**the newspapers of record for the purpose of conducting a public hearing as determined appropriate.**

### **503.10 Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him/her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

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## **505 CONDITIONAL USE PERMITS**

### **505.1 Criteria for Granting Conditional Use Permits**

In granting a conditional use permit, the County Board of ~~Supervisors~~ Adjustment shall consider the ~~advice and recommendation of the Commission and the affect~~ effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the following findings may be considered:

- (1) The use will not create an excessive burden on existing infrastructure systems including county parks, highway and roads and other public facilities and utilities which serve or are proposed to service the area.
- (2) The use will be sufficiently compatible or separated by distance or screening from adjacent land so that existing properties will not be depreciated in value and there will be no deterrence to development of vacant land.
- (3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- (4) The use is reasonable related to the overall needs of the County and to the existing land use.
- (5) The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- (6) The use is in conformance with the Comprehensive Plan of the County.
- (7) The use will not cause traffic hazard or congestion.

### **505.2 Additional Conditions**

In permitting a new conditional use or in the alteration of an existing conditional use, the ~~Commission~~ Board may, in addition to the standards and requirements expressly specified by this Ordinance, recommend the imposition of additional conditions which the ~~Commission~~ Board considered necessary to protect the best interest of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designing sites for open space.
- (9) Establishing a time period for the conditional use.

~~Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the County and time limits, review dates, and such information as may be appropriate.~~

### 505.3 Required Information and Exhibits

- (1) Completed application and fee, as outlined in a "Fee Schedule" as approved by the Board of Supervisors and placed on file in the office of the Zoning Administrator, including the names and addresses of the petitioner or petitioners and their signature to the petition, and a statement of the requested conditional use.
- (2) A legal description of the property for which the conditional use is requested.
- (3) A statement of conditions warranting the proposed use in the zoning district used to insure compatibility of the proposed use with the County Comprehensive Plan.
- (4) A site plan of the property to be in general compliance with Section 703 of this Ordinance. The site plan shall include, as pertinent, but not limited to, the following information: the location of proposed structures, existing structures, geological features, architectural plans, traffic generation, signs, drainage, water table, flood proofing, landscaping vegetation, soils information, adjacent land uses, roads, property lines, waterways, sewage treatment areas, water supply systems, parking, road access and floodplains.
- (5) Any other relevant information and material requested by the Administrator or the ~~Commission~~ **Board**.

### 505.4 Procedure

- (1) The person applying for a conditional use permit shall fill out and submit to the Administrator a Conditional Use Permit application form **and all items listed in 505.3, at least 30 days prior to the next regularly scheduled meeting of the Board of Adjustment. The Administrator shall place the**

**application on the next regularly scheduled Board meeting agenda after it is determined that the application and materials are complete.**

- (2) ~~The Administrator shall file the application with the Commission for review. Review shall occur within thirty (30) working days of the dated receipt of the conditional use permit application form.~~
- (3) The ~~Commission~~ **Board** shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board of Supervisors not less than four (4) and not more than twenty (20) days prior to the hearing. Property owners of record within five hundred (500) feet in rural (non-developed) areas, and property owners of record within one hundred (100) feet in non-agricultural (developed) areas shall be notified in writing of the public hearing on the request for a conditional use permit. Written notice shall also be given to the affected Board of town supervisors, and the municipal council of any municipality within two miles of the affected property.
- (4) The ~~Commission~~ **Board** may require a review of the conditional use permit **application**, when appropriate, by the Winneshiek County Department of Health or the County Engineer to determine the adequacy of the soils in the area for the proposed conditional use or possible conflicts with capacity or condition of county owned infrastructure facilities.
- (5) The ~~Commission~~ **Board** shall ~~make a recommendation to the County Board of Supervisors along with its report of findings~~ **take action on the conditional use permit application** within thirty (30) ~~working~~ days after ~~holding~~ **completion of** the public hearing. ~~Such recommendation may include any conditions for the issuance of the permit.~~
- (6) ~~The County Board of Supervisors shall take action of the conditional use permit application within fourteen (14) calendar days following receipt of the findings and recommendation by the Commission.~~ The person making application for conditional use permit shall be notified in writing of the Board of ~~Supervisors~~ **Adjustment** action and the reason for approval or denial. ~~If it grants the conditional use permit, the County Board of Supervisors may impose conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.~~

**Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit.**

An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.

**The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions**

imposed by the County and time limits, review dates, and such information as may be appropriate

Conditional Use Table (See Attached)

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## 506 VARIANCES

### 506.1 Variances Conditions Governing Applications; Procedures

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in undue hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

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## 510 VIOLATIONS AND PENALTIES

In case a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the appropriate authorities of Winneshiek County, in addition to other remedies, may institute injunction, mandamus, civil infractions or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violations, or to prevent the occupancy of said building, structure or land.

In addition to the other legal remedies listed herein, any violation of the terms of the Zoning Ordinance shall constitute a ~~simple misdemeanor~~ **municipal infraction. A municipal infraction is punishable by a civil penalty consistent with Iowa Code Section 331.302 paragraph 16.** ~~and shall be prosecuted by the County Attorney in the manner provided for in Iowa Code Chapter 813 and the Iowa Rules of Criminal Procedure.~~ The prosecution for said violations shall be commenced by the **County Attorney upon the** filing of a complaint and affidavit by the Winneshiek County Zoning Administrator with the Iowa District Court.

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## 512 CERTIFICATE OF TEMPORARY OPERATION

**The Zoning Administrator may issue a Certificate of Temporary Operation to accommodate enterprises of limited duration not associated with permanent business operations. A Certificate of Temporary Operation shall not permit the erection of any permanent structure or earth altering activity.**

- (1) *Certificate of Temporary Operation review and approval requirements.* No person, business, home business, industry, nonprofit organization, or other nonresidential entity shall operate a commercial enterprise, without first obtaining the approval of a Certificate of Temporary Operation from the Zoning Administrator as set forth in this section, and no nonresidential activity shall be engaged in or carried on, except as approved in the Certificate of Temporary Operation Permit.

As operations requiring a Certificate of Temporary Operation add additional employees, change the nature of the product or service, or extend the hours of operation beyond those shown on the Certificate of Temporary Operation, approval of an amended Certificate of Temporary Operation shall be required.

- (2) *Required information for a Certificate of Temporary Operation permit.* All plans of operation shall be submitted to the Zoning Administrator on forms supplied by the County. The applications for Certificate of Temporary Operation permits shall provide the following information.

- (a) Name, type, and address of the operator, business or institution
- (b) Name, address and signature of property owner
- (c) The proposed dates and hours of operation
- (d) The number of full-time employees, part-time employees, and volunteer workers.
- (e) Proof of insurance, as determined necessary.
- (f) Site plan illustrating proposed elements in relation to existing features
- (g) Proposed signage

- (3) *Criteria for Certificate of Temporary Operation approval.* The following criteria will be used by the Zoning Administrator in reviewing applications for Certificate of Temporary Operation permits:

(a) Compatibility of the operation with surrounding uses, proximity to residential uses, and the potential for disturbing and disrupting residential uses.

(b) Adequacy of the principal building and other structures on the site for the proposed activity. Certificate of Temporary Operation permits may be issued, at the discretion of the Zoning Administrator for temporary structures or facilities not on a permanent foundation, such as wheeled trailers, vendor carts, and seasonal stands.

(c) Availability of adequate parking to meet the needs of employees and customers.

(d) Adequacy of street access.

- (4) *Display of Permit.*

Any Temporary Operation issued a Certificate of Temporary Operation must prominently display the Certificate during the approved hours of operation.

(5) Appeals from the Zoning Administrator's Decision.

Any person or persons, taxpayer, department, board or bureau of the community aggrieved by any decision of the Zoning Administrator may seek review of such decision by the Board of Adjustment.

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## CHAPTER 6: ZONING DISTRICTS, PROVISIONS AND MAPS

### 601 ZONING DISTRICTS

| Symbol        | Name                                |
|---------------|-------------------------------------|
| A-1           | Agricultural District               |
| A-2           | Agricultural District               |
| A-R           | Agricultural Residential District   |
| R-1           | Urban Fringe Residential District   |
| R-2           | Unincorporated Residential District |
| C-1           | Highway Commercial District         |
| <b>C-2</b>    | <b>Limited Commercial District</b>  |
| M-1           | Limited Industrial District         |
| M-2           | General Industrial District         |
| <del>WD</del> | <del>Water Resource District</del>  |

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### 603 IDENTIFICATION OF OFFICIAL ZONING MAP AND ZONING UPDATE JOURNAL

~~The Official Zoning Map and Zoning Update Journal shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:~~

~~"This is to certify that this is the Official Zoning Map and Zoning Update Journal referred to in Chapter 6 of the Zoning Ordinance and Subdivision Regulations of Winneshiek County, Iowa as adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2002"~~

The Official Zoning Map shall be on file in the office of the County Zoning Administrator, County Auditor and the Board of Supervisors, Winneshiek County, Iowa. The Zoning Update Journal shall be on file in the office of the County Zoning Administrator, Winneshiek County, Iowa. Together, these



**documents shall be the final authority as to the current zoning status of the land, buildings, and other structures in the County.**

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## **607 SCHEDULES OF DISTRICT REGULATIONS**

The following schedules of district regulations are hereby adopted and declared to be a part of this Ordinance:

| Symbol        | Name                                |
|---------------|-------------------------------------|
| A-1           | Agricultural District               |
| A-2           | Agricultural District               |
| A-R           | Agricultural Residential District   |
| R-1           | Urban Fringe Residential District   |
| R-2           | Unincorporated Residential District |
| C-1           | Highway Commercial District         |
| <b>C-2</b>    | <b>Limited Commercial District</b>  |
| M-1           | Limited Industrial District         |
| M-2           | General Industrial District         |
| <del>WD</del> | <del>Water Resource District</del>  |

### **A-1 Agricultural District**

The A-1 Agricultural District includes areas appropriate for agricultural and related uses, and is intended to reserve areas suitable for nonagricultural use until the land is needed for development in accordance with a future land use plan.

#### Allowed Principal Uses and Structures

1. Agriculture, horticulture, dairy farms, livestock farming, live-stock waste handling facilities, animal waste holding basins, general farming and other agricultural activities, including one farmstead dwelling and one (1) secondary dwelling on said farmstead of active farm operation.
2. Severed farmstead dwelling consisting of one acre or more with no more than two (2) existing dwelling units per farmstead.
3. Non-farm residential uses.
4. Parks, ~~playgrounds~~, **Public Recreational Facilities**, and wildlife preserves.
5. Lakes and ponds ~~and outdoor recreational facilities.~~
6. Elementary or secondary schools, certified preschools.
7. Churches, temples and associated buildings.
8. Cemeteries and mausoleums.

9. Railroads and public utility distribution systems, substations, terminal facilities and other essential facilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices.

**10. Petting zoos.**

Allowed Accessory Uses and Structures

1. Private garages, swimming pools, tennis courts and greenhouses not operated for commercial purpose.
2. Uses and structures clearly incidental to the permitted uses or structures of this district, not involving the conduct of business on the premises, except home occupations and farmstead home occupations and located on the same lot or a contiguous lot under the same ownership.
3. Roadside stands for the sale of produce raised on the premises.
4. Temporary buildings, (for one year with one six-month extension or a maximum of 18 months) used in conjunction with construction work, provided that such buildings are removed promptly upon the completion of the construction work.
5. Mobile and manufactured homes on a permanent foundation, with one mobile home per farmstead, and any additional homes inhabited by the immediate family or employees of the farming operation.
6. Recycling drop boxes.
7. Home-Occupation and Home-Occupation, farmstead.
8. Bed and Breakfast Home. A Certificate of Compliance must be applied for and may be issued upon meeting the following: Accommodations must be in the family home that the host/hostess is in residence.
  - a. Accommodations are limited to a maximum of one family per guest room at any one time.
  - b. Food shall be served only to overnight guests and not to the general public.
  - c. A sign not to exceed thirty two (32) square feet in area carrying the name of the bed and breakfast home and host/hostess is permitted on the premises.
  - d. In addition to the required parking spaces for the residence, one (1) additional parking space shall be provided for each family accommodated.
  - e. Upon arrival, guests shall register with the host/hostess their names, address and license plate number of the vehicle being used by the guests. Records shall be kept for a period of three years and shall be made available for examination by Winneshiek County officials upon request.
  - f. Compliance with the above certifies conformance to zoning regulations only. Other local and state regulations regarding any related permits and licenses are the responsibility of the applicant.

## Special Requirements

Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

## **A-2 Agricultural District**

The A-2 Agricultural District is intended and designed to provide for activities that are strongly interrelated with agricultural, open space or recreational uses that are best suited for location in agricultural areas. When possible, it is intended that an A-2 district will be surrounded on all sides by the A-1 district.

### Allowed Principal Uses and Structures

~~1. Only the use of structures or land listed in this Section shall be permitted in the A-2 District.~~

1. All those Allowed Principal Uses and Structures permitted in and as regulated by the A-1 District regulations with the exception of non-farm, single-family dwellings not part of a farmstead.
2. Convenience commercial and gas sales associated with ag-related support services such as seed and supply sales, feed supplies, and farm supplies.
3. Animal hospitals, veterinary clinics, and kennels.
4. Stables, riding academies and equestrian clubs.
5. Anhydrous ammonia storage and/or pumping facilities.
6. Fertilizer and agricultural chemical and seed sales.
7. Grain elevators.
8. Livestock feed and grain sales providing dust is effectively controlled.
9. Seed Research Facility including lab facilities, storage and refrigeration.
10. Agricultural service businesses involving the processing, storage and sale of grain for seed or for livestock and poultry feed.
11. The sale of feed supplies.
12. The sale of dry or slurry mix fertilizers, liquid fertilizer under pressure, agricultural lime and agricultural chemicals.

### Special Requirements

1. Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

## **A-R Agriculture Residential District**

The A-R Agricultural Residential District is intended to provide for single-family residential uses on a minimum of five (5) acres. Cluster development as described in Section 709

is encouraged in the A-R District. This District is not intended to permit isolated rural dwellings.

#### Allowed Principal Uses and Structures

1. Non-farm, single-family dwellings and cluster developments subject to Section 709: Cluster Development on not less than five (5) acres, exclusive of right-of-way and easements. (To include manufactured homes when placed on a permanent foundation and converted to real property and taxed as site-built dwellings as provided by law.)
2. Parks, ~~recreation areas~~ **Public Recreational Facilities** and open space.

#### Special Requirements

1. Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

### **R-1 Urban Fringe Residential District**

The R-1 Urban Fringe Residential District is intended for rural portions of the County where public utility systems are likely to occur over a period of 3 to 5 years. R-1 provides an opportunity for low density, single and two-family dwellings relying on individual wells and septic systems, and encourages clustered development on common wells and septic systems.

#### Allowed Principal Uses and Structures

1. Single- and two-family dwellings. (To include manufactured homes when placed on a permanent foundation and converted to real property and taxed as site-built dwellings as provided by law.)
2. Cluster Development on five (5) or more acres subject to Section 709.
3. Parks and ~~recreation areas~~ **Public Recreational Facilities**.
4. Community meeting or recreation buildings.
5. Cemeteries.
6. Churches.
7. Elementary and secondary schools.

#### Special Requirements

1. Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be

otherwise secured against floating away and shall not become a source of water pollution or contamination.

## **R-2 Unincorporated Residential District**

The R-2 Unincorporated Residential District is intended for already developed areas in the County, but may be expanded to include appropriate areas for new development of low-cost single-family and / or multifamily housing. R-2 provides an opportunity for low density, single-and two-family and multi-family dwellings relying on individual wells and septic systems, or common and / or public wells and wastewater collection and treatment systems.

### Allowed Principal Uses and Structures

1. Single-family, two-family and multi-family dwellings. (To include manufactured homes when placed on a permanent foundation and converted to real property and taxed as site-built dwellings as provided by law.)
2. Cluster Development on five (5) or more acres subject to Section 709.
3. Parks and ~~recreation areas~~ **Public Recreational Facilities.**
4. Community meeting or recreation buildings
5. Cemeteries
6. Churches
7. Elementary schools and secondary schools.

### Special Requirements

1. Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.

## **C-1 Commercial District**

The C-1 Highway Commercial District is intended to accommodate uses which ordinarily serve the traveling public and commercial uses which generally require substantial land area and access to a major traffic artery.

### Allowed Principal Uses and Structures

All those Allowed Principal Uses and Structures permitted in and regulated by the A-2 Agricultural District, **excluding those Allowed Principal Uses and Structures permitted in the A-1 Agricultural District.**

1. Automotive display, truck, boat, and manufactured display, sales, service, and repair.
2. Farm implement display, sales, service, and repair.

3. Plant, nursery and garden supplies sales.
4. Lumberyard or building materials sales.
5. Restaurant, bakery, nightclub, cafe or tavern, liquor store.
6. Dance hall and skating rink.
- ~~Drive-in eating and drinking establishment~~
7. Bowling alley.
8. Drive-in bank.
9. Motel and hotel, ~~tourist campground~~.
10. Bus terminal.
11. Funeral Home **and crematorium**.
12. Railroads and public utilities but not including storage or maintenance yards and buildings.
13. Monument marker display and sales.
14. Plumbing, heating and air conditioning sales, service and repair.
15. Drive-in theater.
- ~~Miniature golf and driving range~~
16. Radio or television broadcasting station.
17. Professional office buildings, business, rentals, general work and repair shops, supermarkets and storage areas for businesses.
18. Truck and freight terminals.
19. Commercial condominium.
20. Rental storage facilities.
21. Childcare facilities.
22. Museums, planetariums, art galleries. ~~arboreta, botanical and zoological gardens.~~
23. Lodges and fraternal organizations.
24. Private Commercial Recreational Facilities.
25. Private Non-commercial Recreational Facilities
- 26. Arboreta/Botanical garden**
- 27. Zoological garden**

### Minimum Bulk Requirements

1. Lot Area: The minimum total lot area shall be the area necessary to meet the stipulated yard setback and all parking, loading, buffering, sewage or other space requirements set forth **for** the particular use in this ordinance. Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall not be less than 1 acre and the lot width **be** not less than 125 feet.

#### Special Requirements

- 4 Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property **and to prevent light pollution.**
- 6 Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or, contamination.

### **C-2 Limited Commercial District**

**The C-2 Limited Commercial District is intended to accommodate low volume commercial establishments, retail sales, and customary entertainment and recreational destinations associated with tourism. Uses engaging in manufacturing, assembly, processing, production and warehousing are prohibited in the Limited Commercial District.**

#### **Allowed Principal Uses and Structures**

1. **Arboreta/botanical gardens**
2. **Bait/tackle/taxidermy/gun/archery shop**
3. **Café/coffee shop/ bakery, limited to 2,000 square feet maximum floor area and dining facilities not to exceed 40 seats**
4. **Cave Tours**
5. **Fee Fishing**
6. **Ice skating rink**
7. **Lodge or Fraternal Organization**
8. **Museum, Art gallery**
9. **Planetarium/Observatory**
10. **Private Commercial Recreational Facilities**
11. **Private Non-commercial Recreational Facilities**
12. **Roller-skating arena**
13. **Recreational Equipment Rental and repair**
14. **Recreational and Entertainment Facilities**
15. **Wedding venues**
16. **Zoological garden**
17. **Lodging establishments with less than 6 units**



**Allowed Accessory Uses and Structures**

1. **Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.**
2. **Dwelling unit in a commercial structure for the operator or caretaker of the business.**
3. **Storage warehouses used in conjunction with the permitted principal uses or structures of this district.**
4. **Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.**

**Conditional Uses See Section 505**

**Minimum Bulk Requirements**

1. **Lot Area: The minimum total lot area shall be the area necessary to meet the stipulated yard setback and all parking, loading, buffering, sewage or other space requirements set forth for the particular use in this ordinance. Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall not be less than 1 acre and the lot width be not less than 125 feet.**
2. **Lot Coverage Regulations: Not more than 50% of the lot shall be occupied by a building.**
3. **Minimum required front, side and rear yards and maximum height (Where adjacent to an "A" or "R" district the adjoining yard or yards shall not be less than 25 feet.)**

| <b>Yard</b>             | <b>Minimum Standard</b> |
|-------------------------|-------------------------|
| Front                   | 25 Feet                 |
| Rear                    | 20 Feet                 |
| Side                    | 20 Feet                 |
| Street Side, Corner Lot | 25 Feet                 |
| Maximum Height          | 40 feet                 |

**Off-Street Parking and Loading See Section 706**

**Signage See Section 705**

**Special Requirements**

1. **No required parking space, driveway, other than direct connection to a public street, nor any merchandise display or exterior storage shall be**

- provided in any required front yard or in the first ten feet inside the property line of any required side or rear yard.
2. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any junk, debris or waste material be permitted to accumulate on the site.
  3. Material storage yards shall be enclosed, where required, by planting screens or fences or other structures approved by the Planning and Zoning Commission.
  4. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property and to prevent light pollution.
  5. All unsurfaced yard areas shall be covered with a suitable, well maintained perennial groundcover and landscape plantings.
  6. Buildings or structures authorized in this District shall not obstruct drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or, contamination.
  7. All development is subject to the Bluffland Protection Overlay District as described in Section 708.
  8. All development is subject to the Water Resource Overlay District as described in Section 607.

Pursuant to a 28E agreement between the City of Decorah and the County dated 12/23/2002, all land use applications affecting parcels within 10,000 linear feet of the runway centerline for the Decorah Municipal Airport may be subject to additional regulatory guidelines prescribed by Chapter 9: Airport Overlay Zone. This determination will be made by the Administrator

## **M-1 Limited Industrial District**

The M-1 Limited Industrial District is designed to accommodate various industrial and warehousing uses and through the use of appropriate standards, encourage the development of an area that will have minimal adverse effects on adjoining properties.

### Allowed Principal Uses and Structures

1. All those Allowed Principal Uses and Structures permitted in and regulated by the A-2 Agricultural District excluding those Allowed Principal Uses and Structures permitted in the A-1 Agricultural District.

2. Manufacturing, fabrication and processing uses that are wholly contained within a building and create no offensive noise, dust, odor, vibration or electrical interference.
3. Wholesaling and warehousing uses but not including the bulk storage of anhydrous ammonia or petroleum products under pressure.
4. Contractor's shop and enclosed storage yard.
5. Public utilities including storage buildings and enclosed storage yards.
6. Appliance repair and service.
7. Truck and freight terminal.
8. Welding, machine and repair shops.
9. Plumbing, heating, air conditioning and sheet metal shops.
10. Automobile paint and body shops.
11. Automobile and farm implement display, sales, service and repair.
12. Lumberyards and building materials, sales and storage.
13. Frozen food lockers.
14. Railroads.
15. Adult entertainment business in compliance with Chapter 335 of the Code of Iowa.
16. Building fabrication, including manufactured homes, display and sales.
17. Recycling plant.
18. **Winery or Brewery.**

#### Minimum Bulk Requirements

1. Lot Area: The minimum total lot area shall be the area necessary to meet the stipulated yard setback and all parking, loading, buffering, sewage or other space requirements set forth **for** the particular use in this ordinance. Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall not be less than 1 acre ~~or greater depending on review by County Health Department~~ and the lot width **be** not less than 125 feet.

#### Special Requirements

4. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property **and to prevent light pollution.**
6. Buildings or structures authorized in this District shall not obstruct ~~natural~~ drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water

pollution or, contamination.

8. All building openings, entries, windows, etc., of any adult entertainment business shall be constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any pedestrian ~~sidewalk, walkway, street or other public or semi-public area~~ **accessible area**.

## **M-2 General Industrial District**

The M-2 Industrial District is intended to accommodate various types of industrial, warehousing and storage uses including heavy manufacturing and related uses.

### Allowed Principal Uses and Structures

Only the use of structure and/or land listed in this Section shall be permitted in the M-2 District:

1. **All those allowed Principal Uses and Structures permitted in, and as regulated by the M-1 District regulations.**
2. Bulk storage of petroleum products.
3. Cement, hydrated lime, gypsum, and other similar materials manufacture.
4. Fat rendering, fertilizer, or glue manufacture.
5. Garbage, offal, or dead animal reduction.
6. Refining or wholesale storage of petroleum or its products.
7. Salvage yards, and/or junkyards including auto wrecking and salvage, used parts sales, and junk, iron, rags, or paper storage or baling. No part of the front yard is to be used for the conduct of business in any manner except for the parking of customer or employee vehicles. Any premises on which such activities **are** conducted shall be wholly enclosed with a building or by a wall or fence, reasonably maintained, not less than six (6) feet in height, and in which the openings or cracks are less than fifteen (15) percent of the area.
8. Slaughter houses, meat packing and processing plants, and stockyards.
9. Hide-trading or tannery.
10. Building fabrication, including manufactured homes.
11. Ready mix concrete plants **and** asphalt paving mixture plants, ~~and small ancillary products manufacturers by the plant operators using excess material,~~ in conjunction with and adjacent to a mineral extraction and primary mineral processing operation.
12. Adult entertainment business in compliance with Chapter 335 of the Code of Iowa.
13. Other similar uses.

## Allowed Accessory Uses and Structures

All those Accessory Uses and Structures permitted in and as regulated by the M-1 Limited Industrial District regulations.

### Minimum Bulk Requirements

1. Lot Area: The minimum total lot area shall be the area necessary to meet the stipulated yard setback and all parking, loading, buffering, sewage or other space requirements set forth **for** the particular use in this ordinance. Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall not be less than 1 acre ~~or greater depending on review by County Health Department~~ and the lot width be not less than 125 feet.

### Special Requirements

4. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property **and to prevent light pollution.**
6. Buildings or structures authorized in this District shall not obstruct ~~natural~~-drainage courses and floodways. Equipment, materials and waste stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or, contamination.
8. All building openings, entries, windows, etc., of any adult entertainment business shall be constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any **pedestrian accessible area.**

## **~~WD - WATER RESOURCE DISTRICT~~**

### ~~Statement of Intent~~

~~The WD — Water Resource District is established to protect public water supplies as outlined in Iowa Administrative Code 567-40.1 (455B).~~

~~Safe and plentiful groundwater is one of the greatest natural resources available to Winneshiek County. Its protection is key to preserving the current quality of life and providing opportunities for the future. It is the intent of these regulations to recognize the key role of importance that groundwater plays in the life of Winneshiek County residents. Although these regulations cannot safeguard all sources of groundwater from potential sources of contamination, the intent is to create a regulatory environment that stresses awareness of groundwater contamination issues and the actions that can lead to the contamination of all sources of groundwater.~~

~~These wells typically serve a large population. Public water supplies can include, but are not limited to: churches, businesses, schools, towns, subdivisions, etc.~~

~~Two zones of protection are identified.~~

### Zone 1

~~Zone 1 is the area within 200 linear foot radius from the wellhead. This area is most sensitive to contamination and should be afforded the most restrictive land use.~~

### Zone 1 Allowable Uses

- ~~1. Non-sewered parks, campgrounds, playgrounds~~
- ~~2. Natural uses: farming, wildlife areas~~

### Zone 2

~~Zone 2 includes the area from 200-500 linear foot radius from the wellhead. This area is less restrictive due to longer flow times, dilution factor, and time for remediation actions.~~

### Zone 2 Allowable Uses

- ~~1. Parks, playgrounds, campgrounds~~
- ~~2. Natural uses: farming, wildlife areas~~
- ~~3. Residential, excluding fuel and oil storage within 400 feet (LP allowed)~~
- ~~4. Lakes, ponds, and outdoor recreation facilities~~
- ~~5. Golf driving range, miniature golf, golf courses~~
- ~~6. Stables and kennels, Veterinary Businesses~~
- ~~7. Elementary or secondary schools, certified preschools~~
- ~~8. Churches, temples, and associated buildings~~

### Prohibited Uses — Zones 1 & 2

- ~~1. Industrial or Animal Wastewater Treatment Lagoon within 1000 feet~~
- ~~2. Landfills~~
- ~~3. Junkyards~~
- ~~4. Gas stations, repair garages~~
- ~~5. Toxic, Hazardous waste facilities~~
- ~~6. Radioactive waste facilities~~
- ~~7. Bulk fertilizer, chemical facilities~~
- ~~8. Asphalt products manufacturing~~
- ~~9. Chemical manufacturing/storage/sale~~
- ~~10. Dry cleaning facilities~~
- ~~11. Paint/coating manufacturing~~
- ~~12. Printing/publishing facilities~~
- ~~13. All uses requiring use or storage of hazardous or toxic materials, except for household use~~

### Special Exception Uses and Structure

~~Some other uses are permitted only after the Board of Adjustment has approved such use, after a public hearing. Such approval shall be consistent with the general purpose of this district and shall be based upon evidence presented at a public hearing. Evidence shall be, but not limited to the desirability of specific uses from the standpoint of the public interest, addressing issues of groundwater pollution. Any special exception granted must conform to a plan approved by the Board of Adjustment and any other conditions the Board of Adjustment deems necessary.~~

### Special Requirements

- ~~1. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.~~
- ~~2. All development is subject to the Bluffland Protection Overlay District as described in Section 708.~~

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## CHAPTER 7: PERFORMANCE STANDARDS

### 702 GENERAL PROVISIONS

#### 702.1 Visibility at Intersection

On a corner lot in any non-agricultural district, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of two feet and ten feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty five feet distant from the intersecting of the right-of-way lines, and measured along the right-of-way lines.

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### 703 SITE PLAN REQUIRED

#### 703.1 Application

A site plan review is required whenever a person, firm, corporation or other group wishes to develop a tract of land for non-farm, single-family and multi-family dwelling units, commercial, ~~or~~ industrial, or conditional use. For special exceptions, conditional use permits and variances, the site plan will be reviewed by the Board of Adjustment.

#### 703.2 Procedure



A development plan for a proposal listed in Section 703.1 above shall be filed with the Zoning Administrator, who will determine if all the information is provided and adequate for review. Once all the required information is received, the Zoning Administrator shall immediately forward copies of the Site Plan to the County Engineer and the County Health Officer for their review and recommendation. A copy of the Site Plan shall also be sent to all adjoining property owners. The Site Plan will be reviewed by the Planning and Zoning Commission **and/or Board of Adjustment** at the next regular meeting for which the public hearing is being called for the rezoning, variance, or special exception.

**703.3 Site Plan Review Standards**

(2) The proposed development shall be designed with appropriate regard for topography, surface drainage, ~~natural~~ drainage ways and streams, wooded areas, and other naturally sensitive areas that lend themselves to protection from degradation.

**706 OFF-STREET PARKING AND LOADING REQUIEREMNTS**

**706.5 Parking Stall Requirements**

The following uses shall be required to have the designated number of off street parking stalls:

| Use   | Requirement  |
|---|--|
| Single-family Dwelling  | 2 parking stalls for each family or dwelling unit  |
| Mobile Home   | 2 parking stalls for each lot  |
| Other Dwelling units  | 2 stalls per unit  |
| Shopping Center   | 5 stalls for each one thousand (1,000) sq. ft. gross leasable area   |
| Furniture Store   | 1 stall for each one thousand (1,000) sq. ft.  |
| Stores, — Shops, — Grocery Stores, — etc., — over two thousand (2,000) square ft. gross floor area  | 1 stall for every two hundred fifty (250) sq. ft. of gross floor area.   |
| Stores, — Shops, — Grocery Stores, — etc., — under two thousand (2,000) square ft. gross floor area | 1 stall for every one hundred (100) sq. ft. of gross floor area  |
| Auction House   | 1 stall for every four (4) seats   |
| Automobile Sales and Service Garages  | 1 stall for every six hundred (600) sq. ft. of gross floor area  |
| Junk Yard/Salvage Yard  | 1 stall for every employee on the largest work shift and 1 stall for every one thousand (1,000) sq. ft   |
| Farm Implement Dealership   | 1 stall for every nine hundred (900) sq. ft. of gross floor area and 1 stall for every full time employee  |
| Lumberyard  | 1 stall for ever five hundred (500) sq. ft. of floor area  |
| Art Galleries/Museums   | 1 stall for every one thousand (1,000) sq. ft  |
| Banks   | 1 stall for each two hundred (200) sq. ft. of gross floor area plus four (4) for each teller station within the bank   |
| Beauty Shops and Barbers  | 3 stalls for every operator or 1 stall per one hundred (100) square ft. of gross floor area, whichever is larger, plus 1 space per each employee on the largest work shift |

|   |   |
|---|---|
| <del>Community Center</del>                                   | <del>4 stalls for every one thousand (1,000) sq. ft.</del>  |
| <del>Funeral Home</del>                                       | <del>1 stall for every four (4) seats and one stall for every two (2) employees, plus one reserved stall for each hearse, ambulance or company vehicle</del>                              |
| <del>Home Businesses</del>                                    | <del>1 stall for every employee plus the required amount set otherwise in these regulations</del>   |
| <del>Kennels, dog</del>                                       | <del>1 stall for every employee on the largest work shift and 1 stall for every one thousand (1,000) sq. ft.</del>  |
| <del>Restaurants, Taverns, and Nightclubs</del>               | <del>1 stall for every fifty (50) sq. ft.</del>   |
| <del>Bowling Allies</del>                                     | <del>5 stalls for each lane</del>   |
| <del>Dance Halls, Assembly Halls</del>                        | <del>1 stall for every one hundred (100) sq. ft. of floor area used for dancing or assembly</del>   |
| <del>Golf Course</del>  | <del>36 stalls per 9 holes, plus 1 stall per employee on the largest work shift, plus fifty (50) percent of the space otherwise required for any accessory uses (bars, restaurants)</del> |
| <del>Miniature Golf Course</del>                              | <del>1 stall for every employee on the maximum work shift and 2 stalls for each hole</del>  |
| <del>Shooting/Rifle Range</del>                               | <del>1 stall for every target area</del>  |
| <del>Skating Rink, ice or roller</del>                        | <del>5 stalls for every one thousand (1,000) square ft. of floor area and 1 stall for every employee on the maximum work shift</del>  |
| <del>Swimming Pool</del>                                      | <del>1 stall for every employee on the maximum work shift and 1 stall for every seventy five (75) square ft. of water</del>   |
| <del>Stables, horses</del>                                    | <del>1 stall for every pen or stable</del>  |
| <del>Theaters and Sports Arenas</del>                         | <del>1 stall for every 5 seats</del>  |
| <del>Lodging</del>  | <del>Bed and Breakfast Home or Inn: 2 parking stalls plus 1 for each guest bedroom.</del>   |
| <del>Hotels, Motels, Tourist Courts, and Lodging Houses</del> | <del>1 stall for each bedroom and 1 stall for each employee on the maximum work shift.</del>  |
| <del>Churches and Schools</del>                               | <del>1 stall for every 4 seats of principal auditorium, including a balcony, if any, and 1 stall for each staff member</del>  |
| <del>Child Day Care Centers and Preschools</del>              | <del>1 stall for every principal teacher plus one space for every employee on the largest work shift plus 1 loading place for each 6 children</del>                                       |
| <del>Fire and Police Stations</del>                           | <del>1 stall for each person on duty during a normal shift</del>  |
| <del>Hospitals</del>  | <del>1 stall for each five (5) beds, plus 1 stall for each three (3) employees, plus 1 stall for each two (2) staff doctors</del>   |
| <del>Nursing, Convalescent, and Retirement Homes</del>        | <del>1 stall per eight (8) beds, plus 1 stall per three (3) employees, plus 1 for each resident staff member</del>  |
| <del>Post Office</del>  | <del>1 stall for every employee on the largest shift and 1 stall for every one thousand (1,000) sq. ft</del>  |
| <del>Research and Development Facilities</del>                | <del>1 stall for each employee on the greatest work shift</del>   |
| <del>Sororities and Fraternities</del>                        | <del>1 stall for each sleeping room</del>   |
| <del>Manufacturing Plants</del>                               | <del>1 stall for each three (3) employees on the maximum working shift but in no case less than 1 stall for each five hundred (500) square ft. of gross floor area.</del>                 |
| <del>Wholesale Establishments or Warehouses</del>             | <del>1 stall for each 2 employees, but in no case less than 1 stall for each one thousand (1,000) sq. ft of gross floor area</del>  |

| Use  | Requirement  |
|--|--|
| Art Galleries/Museums                              | 1 stall for every one thousand (1,000) sq. ft.   |
| Auction House                                      | 1 stall for every four (4) seats   |
| Automobile Sales and Service Garages               | 1 stall for every six hundred (600) sq. ft. of gross floor area  |
| Banks  | 1 stall for each two hundred (200) sq. ft. of gross floor area plus four (4) for each teller station within the bank   |
| Beauty Shops and Barbers                           | 3 stalls for every operator or 1 stall per one hundred (100) square ft. of gross floor area, whichever is larger, plus 1 space per each employee on the largest work shift     |
| Bowling Allies                                     | 5 stalls for each lane   |
| Child Day Care Centers and Preschools              | 1 stall for every principal teacher plus one space for every employee on the largest work shift plus 1 loading place for each 6 children                                       |
| Churches and Schools                               | 1 stall for every 4 seats of principal auditorium, including a balcony, if any, and 1 stall for each staff member  |
| Community Center                                   | 4 stalls for every one thousand (1,000) sq. ft.  |
| Dance Halls, Assembly Halls                        | 1 stall for every one hundred (100) sq. ft. of floor area used for dancing or assembly   |
| Farm Implement Dealership                          | 1 stall for every nine hundred (900) sq. ft. of gross floor area and 1 stall for every full time employee  |
| Fire and Police Stations                           | 1 stall for each person on duty during a normal shift  |
| Funeral Home                                       | 1 stall for every four (4) seats and one stall for every two (2) employees, plus one reserved stall for each hearse, ambulance or company vehicle                              |
| Furniture Store                                    | 1 stall for each one thousand (1,000) sq. ft.  |
| Golf Course  | 36 stalls per 9 holes, plus 1 stall per employee on the largest work shift, plus fifty (50) percent of the space otherwise required for any accessory uses (bars, restaurants) |
| Home Businesses                                    | 1 stall for every employee plus the required amount set otherwise in these regulations   |
| Hospitals  | 1 stall for each five (5) beds, plus 1 stall for each three (3) employees, plus 1 stall for each two (2) staff doctors   |
| Hotels, Motels, Tourist Courts, and Lodging Houses | 1 stall for each bedroom and 1 stall for each employee on the maximum work shift.  |
| Kennels, dog                                       | 1 stall for every employee on the largest work shift and 1 stall for every one thousand (1,000) sq. ft.  |
| Lodging  | Bed and Breakfast Home <del>or Inn</del> : 2 parking stalls plus 1 for each guest bedroom.   |
| Lumberyard   | 1 stall for every five hundred (500) sq. ft. of floor area   |
| Manufacturing Plants                               | 1 stall for each three (3) employees on the maximum working shift but in no case less than 1 stall for each five hundred (500) square ft. of gross floor area.                 |
| Nursing, Convalescent, and Retirement Homes        | 1 stall per eight (8) beds, plus 1 stall per three (3) employees, plus 1 for each resident staff member  |
| Post Office  | 1 stall for every employee on the largest shift and 1 stall for every one thousand (1,000) sq. ft  |
| Research and Development Facilities                | 1 stall for each employee on the greatest work shift   |
| Restaurants, Taverns, and Nightclubs               | 1 stall for every fifty (50) sq. ft.   |
| Shooting/Rifle Range                               | 1 stall for every target area  |

|   |   |
|---|---|
| Shopping Center   | 5 stalls for each one thousand (1,000) sq. ft. gross leasable area  |
| Single-family Dwelling  | 2 parking stalls for each family or dwelling unit   |
| Skating Rink, ice or roller   | 5 stalls for every one thousand (1,000) square ft. of floor area and 1 stall for every employee on the maximum work shift |
| Sororities and Fraternities   | 1 stall for each sleeping room  |
| Stables, horses   | 1 stall for every pen or stable   |
| Stores, Shops, Grocery Stores, etc., under two thousand (2,000) square ft. gross floor area | 1 stall for every one hundred (100) sq. ft. of gross floor area   |
| Swimming Pool   | 1 stall for every employee on the maximum work shift and 1 stall for every seventy five (75) square ft. of water          |
| Theaters and Sports Arenas  | 1 stall for every 5 seats   |
| Wholesale Establishments or Warehouses  | 1 stall for each 2 employees, but in no case less than 1 stall for each one thousand (1,000)sq. ft of gross floor area    |

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## **707 MOBILE/MANUFACTURED HOME PARKS**

### **MANUFACTURED HOUSING DEVELOPMENT STANDARDS**

Title change only

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## **708 BLUFFLAND PROTECTION OVERLAY DISTRICT**

### **708.2 Definitions**

- (1) Bluff: A topographic feature such as a hill, cliff or embankment that rises or drops fifty (50) feet or more from the horizontal and the slope averages 45 percent or greater.
- (2) Bluff Impact District: All land located between the toe and the top of the bluff and the land located within 200 feet measured horizontally beyond the highest point of the top of the bluff and 100 feet measured horizontally beyond the lowest point of the toe of the bluff.
- (3) Bluff Impact Zone: The bluff and land located within 50 feet measured horizontally beyond the highest point of the top of the bluff and 30 feet measured horizontally beyond the lowest point of the toe of the bluff.
- (4) Building Height: A distance to be measured from the mean ground level at the building perimeter to the top of the uppermost point of the roof on all roof types
- (5) Selective Cutting: The removal of single scattered trees, provided a continuous tree cover is maintained.
- (6) Steep Slopes: Land where agricultural activity or development is either not recommended or poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys

or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over a horizontal distance of 50 feet, that are not bluffs.

- (7) Toe of the Bluff: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent or if there is disagreement in the breaking point, the toe of the bluff shall be the lowest end of a 50-foot, or greater, segment with an average slope of 45 percent or greater.
- (8) Top of the Bluff: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent or if there is disagreement in the breaking point, the top of the bluff shall be the highest end of a 50 foot, or greater, segment, measured on the ground, with an average slope of 45 percent or greater.

#### **708.6(8) Bluffland Protection Overlay District**

~~Clearcutting is prohibited, except to remove~~ Only the minimum amount of vegetation necessary for placing roads, utilities, structures and parking areas may be approved for removal.

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## **709 CLUSTER DEVELOPMENT**

Cluster Development standards are intended to facilitate single family residential development in a manner that conforms to the goals and objectives of the Comprehensive Plan and underlying zoning districts while offering a flexible framework in place of conventional geometric lot regulations. By reducing and condensing lot configurations, open space may be preserved and infrastructure may be curtailed. Common ownership and maintenance responsibility of all open spaces and private subdivision amenities is mandatory.

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## **710 COMMERCIAL RECREATIONAL CAMPGROUND REGULATIONS**

The intent of these regulations is to provide for and promote the safe use and enjoyment of the natural environment as short term recreational lodging and associated activities.

### ~~710.1 Proposed Level of Service~~

- ~~(1) Full Service Campground~~
  - ~~(a) Electricity provided to each campsite.~~
  - ~~(b) Water provided by public water supply\* to every fifth campsite.~~
  - ~~(c) Sewage disposal approved by the Board of Health.~~
  - ~~(d) No campsite within 20 feet of any property line.~~

- ~~(e) — Pay showers may be provided.~~
- ~~(f) — Parking — 5 spaces, plus 1 for each campsite.~~
- ~~(2) — Medium Service Campground~~
  - ~~(a) — Electrical provided to each campsite.~~
  - ~~(b) — Water provided by public water supply\* at headquarters.~~
  - ~~(c) — Toilets provided.~~
  - ~~(d) — Sewage disposal approved by Board of Health.~~
  - ~~(e) — Pay showers need not be provided.~~
  - ~~(f) — No campsite within 20 feet of any property line.~~
  - ~~(g) — Parking — 5 spaces plus 1 for each campsite.~~
- ~~(3) — Primitive Campground~~
  - ~~(a) — Electricity provided to a central location.~~
  - ~~(b) — Access to water not necessary.~~
  - ~~(c) — Outhouse provided.~~
  - ~~(d) — Sewage disposal approved by Board of Health.~~
  - ~~(e) — No campsite within 20 feet of any property line.~~
  - ~~(f) — Parking — 5 spaces plus 1 for each campsite.~~

~~\* Public water supply defined as 15 or more service connections or serves 25 or more people 60 days out of the year.~~

### **710.1 Administration**

**The establishment and operation of a commercial campground is allowed by Conditional Use Permit, see Section 505. In addition to the CUP Required Information and Exhibits, the following campground specific information is required.**

- (1) Proposed level of service.**
- (2) Location and size of recreation campground.**
- (3) Location and size of all campsites, storage areas, recreation areas, laundry drying areas, roadways, parking spaces, and all setback dimensions.**
- (4) Detailed grading plan with ten (10) foot contour intervals.**
- (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, and gas service.**
- (6) Plans for a park lighting system.**
- (7) The method of disposing of garbage and refuse.**
- (8) Location and size of all streets servicing the campgrounds.**
- (9) Construction plans and specifications for roadways within the campgrounds.**
- (10) Plans for any and all structures.**
- (11) Such other information as may be required or requested by the County.**

### **710.2 Requirements for all Commercial Campgrounds**

- a) All Campgrounds must have an approved Emergency Evacuation Plan on file with the County Zoning Department and Sheriff's Department.
- b) All Campgrounds planned within the 100 year floodplain shall submit an Iowa Department of Natural Resources Floodplain Permit to the County Zoning Administrator.
- c) All water supply and sanitary facilities must conform to the Iowa Department of Health and Department of Natural Resources health standards.
- d) All campgrounds shall be well drained.
- e) The treatment of surface stormwater shall be approved by the County Engineer and Soil and Water Conservation District. Campgrounds shall not threaten contamination of any water supply.
- f) All permanent structures shall require a construction compliance certificate.
- g) All utilities, such as sewer, water, fuel, electric, telephone, and television antenna lead-ins, shall be buried, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
- h) No campsite shall be located within 20 feet of any property line.
- i) Parking – 5 spaces, plus 2 spaces at each camping unit.

#### 710.3 Proposed Level of Service

##### (1) Primitive Campground

- a) Electricity provided to a central location.
- b) Pit toilet or porta-potty provided.

##### (2) Medium Service Campground

- a) Electrical service provided to each campsite.
- b) Water provided at a central location.
- c) Flush toilets provided.

##### (3) Full Service Campground

- a. Electrical service provided to each campsite.
- b. Water service provided to every fifth campsite
- c. Flush toilets provided.
- d. Bathhouse provided at a central location.

#### 710.4 Performance Standards for Commercial Recreation Campgrounds

- 4 All land area shall be adequately drained and properly maintained; free of refuse, garbage, rubbish or debris.
- 5 Each pair of campsites shall contain adequate containers to store, collect and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution.



- 6 All centralized refuse collection containers and equipment and park maintenance equipment shall be stored in a screened and fenced service yard within the campground.
  - 7 All campgrounds shall have instructions on how to reach law enforcement officers posted at all times. Full Service and Medium Service Campgrounds shall have an adult caretaker and instruction on how to reach that person shall be posted at all times.
  - 8 Camping cabins shall not be occupied when the campground is not open to the public.
  - 9 Unoccupied recreational camping vehicles or similar devices may be located in designated campground storage areas.
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## **711 EXTRACTION PITS/LAND ALTERATIONS**

### **711.1 Administration**

A conditional use permit shall be required for all extraction pits and land alteration operations. The County ~~Board of Supervisors~~ Board of Adjustment may also require a performance bond from the landowner.

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## **712 WATER RESOURCE OVERLAY DISTRICT**

### **WD Water Resource Overlay District**

The WD – Water Resource Overlay District is established to protect public water supplies as outlined in Iowa Administrative Code 567-40.1 (455B).

Safe and plentiful groundwater is one of the greatest natural resources available to Winneshiek County. Its protection is key to preserving the current quality of life and providing opportunities for the future. It is the intent of these regulations to recognize the key role of importance that groundwater plays in the life of Winneshiek County residents. Although these regulations cannot safeguard all sources of groundwater from potential sources of contamination, the intent is to create a regulatory environment that stresses awareness of groundwater contamination issues and the actions that can lead to the contamination of all sources of groundwater.

Public water supply wells typically serve a large population. These can include, but are not limited to: churches, businesses, schools, towns, subdivisions, etc. Regulations and restrictions unique to the Water Resource Overlay District supersede the allowable structures and uses of all other districts within the identified zones of application.

Two zones of groundwater protection are identified.

## Zone 1

Zone 1 is the area within 200 linear foot radius from the wellhead. This area is most sensitive to contamination and should be afforded the most restrictive land use.

### Zone 1 Allowable Uses

1. Non-sewered parks, campgrounds, playgrounds
2. Wildlife areas

## Zone 2

Zone 2 includes the area from 200-500 linear foot radius from the wellhead. This area is less restrictive due to longer flow times, dilution factor, and time for remediation actions.

### Zone 2 Allowable Uses

1. Parks, playgrounds, campgrounds
2. Wildlife areas
3. Residential, excluding fuel and oil storage within 400 feet (LP allowed)
4. Lakes, ponds, fee fishing, and outdoor recreational facilities
5. Golf driving range, miniature golf, golf courses, by conditional use permit
6. Elementary or secondary schools, certified preschools
7. Churches, temples, and associated buildings

### Prohibited Uses – Zones 1 & 2

1. Industrial or Animal Wastewater Treatment Lagoon within 1000 feet
2. Landfills
3. Junkyards
4. Gas stations, Repair garages
5. Toxic, hazardous waste facilities
6. Radioactive waste facilities
7. Bulk fertilizer, Chemical facilities
8. Asphalt products manufacturing
9. Chemical manufacturing/storage/sale
10. Dry cleaning facilities
11. Paint/coating manufacturing
12. Printing/publishing facilities
13. All uses requiring use or storage of hazardous or toxic materials, except for household use
14. Stables and Kennels, Veterinary Businesses

### Special Exception Uses and Structure

Some other uses are permitted only after the Board of Adjustment has approved such use, after a public hearing. Such approval shall be consistent with the general purpose of this district and shall be based upon evidence presented at a public hearing. Evidence shall be, but not limited to the desirability of specific uses from the standpoint of the public interest, addressing issues of groundwater pollution. Any special exception granted must conform to a plan approved by the Board of Adjustment and any other conditions the Board of Adjustment deems necessary.

### Special Requirements

1. Buildings or structures authorized in this District shall not obstruct drainage courses and floodways. Equipment, materials and wastes stored in areas subject to flooding shall have a specific gravity substantially heavier than water, or shall be otherwise secured against floating away and shall not become a source of water pollution or contamination.
2. All development is subject to the Bluffland Protection Overlay District as described in Section 708.

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## CHAPTER 8: SUBDIVISIONS

### 819 CHANGES AND AMENDMENTS

~~Any regulations or provisions of this regulation may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than four nor more than twenty days before the date of the hearing~~ No such amendment shall be made without public hearing before the Board of Supervisors and without a report made upon the amendment by the Planning and Zoning Commission following a Public Hearing. At least four and no more than 20 days' notice of the time and place of such hearing shall be published in the County newspapers of record. In case the Commission does not approve the change, or in the case of a written protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty percent or more of the property which is located within one hundred (100) feet in non-agricultural areas and within five hundred (500) feet in rural (non-developed) areas of the exterior boundaries of the property for which the change or repeal is proposed, such amendment shall not be passed except by the favorable vote of 60% of all the members of the Board of Supervisors.

DOCUMENT END

CONDITIONAL USE TABLE

C = Conditional Use Permit is mandatory for this use in this District

| EXISTING LANGUAGE  | PROPOSED LANGUAGE  | Zoning Districts |     |     |     |     |     |     |     |     |  |
|--|--|------------------|-----|-----|-----|-----|-----|-----|-----|-----|--|
|  |  | A-1              | A-2 | A-R | R-1 | R-2 | C-1 | C-2 | M-1 | M-2 |  |
| Private, non-commercial airport landing fields   | Private, non-commercial landing fields   | C                | C   |     |     |     | C   |     | C   | C   |  |
| Golf Courses (except miniature golf courses or practice driving ranges operated for commercial purposes), private gun clubs, skeet shooting ranges, and similar uses.  | Golf Courses, miniature golf, driving ranges, gun and archery shooting ranges, and similar uses  | C                | C   | C   | C   | C   | C   | C   |     |     |  |
| Campgrounds not operated for profit.   | Campgrounds not operated for profit  | C                | C   |     |     |     | C   | C   |     |     |  |
| Lodges and fraternal organizations.  | Lodges and fraternal organizations   | C                | C   |     |     |     |     |     |     |     |  |
| Public water supply and sewage treatment facilities  | Public water supply and sewage treatment facilities  | C                | C   | C   | C   | C   | C   | C   | C   | C   |  |
| Commercial microwave, radio, television, and windmill towers. Also any alternative energy source used to generate electricity (biomass, solar, etc.).  | Commercial Towers: microwave, radio, television, and wind turbines. Also any commercial alternative energy source used to generate electricity (biomass, solar, etc.)            | C                | C   |     |     |     | C   | C   | C   | C   |  |
| Temporary facilities for music events, sports events, entertainment and religious meetings, and similar uses.  | Temporary events, where the operation does not conform to district allowed uses, expecting gatherings of 50 or more attendees  | C                | C   |     |     |     | C   | C   | C   | C   |  |
| Any land or building used by a private utility service for the purpose of generating or converting power.  | Any land or building used by a private utility service for the purpose of generating or converting power   | C                | C   |     |     |     | C   |     | C   | C   |  |
| Any public building or structure or facility erected and used by any department of the township, county, or city government, including but not limited to public aircraft landing fields and facilities, and sanitary landfills.                     | Government buildings and operations  | C                | C   | C   | C   | C   | C   | C   | C   | C   |  |
| Nurseries and greenhouses, including retail sales.   | Nursery and greenhouse retail sales  | C                | C   |     |     |     |     |     |     |     |  |
| Drag strips, go-cart tracks, courses, and / or other activity areas for motorcycles, minibikes, snowmobiles, and ATV's, provided that the minimum lot area shall be determined on a case to case basis.  | Motorsports facilities and events  | C                |     |     |     |     | C   |     | C   |     |  |
| Commercial campgrounds   | Commercial campgrounds   | C                | C   |     |     |     | C   | C   |     |     |  |
| Mineral extraction and primary mineral processing, quarries, extraction pits, land alterations.  | Mineral extraction and primary mineral processing, quarries, extraction pits, land alterations   | C                | C   |     |     |     |     |     | C   | C   |  |
| Ready mix concrete plants, asphalt paving mixture plants, and small ancillary products manufactures by the plant operators using excess material, in conjunction with and adjacent to a mineral extraction and primary mineral processing operation. | Paving material production plants including manufacture and sales of ancillary products produced from paving material or by-products   | C                | C   |     |     |     |     |     | C   |     |  |
| Adaptive reuse of abandoned schools, churches, and other institutional, commercial or industrial uses where a proposed use or proposed combination of two or more principal uses, on one lot within one building is not otherwise permitted.         | Adaptive reuse of existing nonresidential buildings, where a proposed use(s) <b>occupies</b> one building, multiple buildings, or shares a building in a commercial condominium. | C                | C   | C   | C   | C   | C   | C   | C   | C   |  |
| Rural salvage yard in conjunction with an owner-occupied single-family dwelling.   | Salvage yard in conjunction with an owner-occupied single-family dwelling.   | C                | C   |     |     |     |     |     |     |     |  |
| Museums, planetarium, art galleries, arboreta, botanical and zoological gardens.   | Museums, planetarium, art galleries, arboreta, botanical and zoological gardens  | C                | C   |     |     |     |     |     |     |     |  |
| Childcare facilities serving more than 6 children and operating only between the hours of 6:00 a.m. and 7:00 p.m.  | State licensed Child Care Facilities   | C                | C   | C   | C   | C   |     | C   |     |     |  |
| Commercial sawmills and lumber processing and treatment plants.  | Commercial sawmills and lumber processing and treatment plants   | C                | C   |     |     |     |     |     |     |     |  |
| Mobile / Manufactured home parks.  | Mobile / Manufactured home parks   |                  |     | C   | C   | C   |     |     |     |     |  |
| Stables, riding academies and equestrian clubs.  | Stables, riding academies and equestrian clubs   | C                |     |     |     |     |     | C   |     |     |  |
|  | <b>Lodging establishments with less than 6 units</b>   | C                |     | C   |     |     |     |     |     |     |  |