

ZONING REGULATIONS

Introduction

Increased urban development and the use of land for nonagricultural purposes have created a need for the guidance and regulation of land use and land development. Zoning is the principal means of guiding land use because of its ability to regulate land and building use in relation to minimum standards for yard areas, width and area of building lots, height of structures, and off-street parking, in addition to other requirements.

The intent of zoning is to protect an area from incompatible land use encroachments by restricting actions only when contrary to use and development standards established by the ordinance and deemed detrimental to the community as a whole. Zoning does not regulate the style of architecture, types of materials, methods of construction, and does not take the place of the building, plumbing, electrical, fire, or housing codes. (These codes, although not a part of the zoning ordinance, are also necessary to maintain minimum housing and building construction standards.)

Zoning regulations should be based on a comprehensive plan and reflect existing land use patterns, future land use plans, and anticipated land use changes that are desired. Zoning should not be adopted for the singular purpose of keeping certain uses out of a county, but rather utilized to provide a proper place for all uses.

Zoning is not retroactive and cannot correct undesirable conditions, which may already exist. Over time, zoning can improve conditions resulting from improper land use, overcrowding, or other conditions. When zoning is adopted, there will be some uses (or structures) that do not conform to the provisions of the ordinance. These are called nonconforming uses (or structures). It is the intent of the ordinance to permit nonconforming uses that presently exist to continue for their useful life, but not to encourage their existence or permit them to become even more nonconforming.

New development is encouraged to take place in areas that are best suited for such use, and where necessary utilities and public facilities can be made available. Although new land uses are usually welcome, new growth also brings additional costs and responsibility related to construction and maintenance of additional water and sewer facilities, schools, parks, roads, and increased police and fire protection. Land is one of our most valuable natural resources, and greater efforts must be made to protect agricultural land from the unwise conversion to urban use. Once land is developed for urban use, whether it is a residential subdivision, industrial complex, or commercial use, it is unlikely that the land will ever be returned to agricultural production even if the great expense to do so were not a factor.

Through proper planning, administration, and enforcement of the zoning ordinance, future development that does take place in Winneshiek County can become an asset to the region and not a liability.

Zoning Enabling Legislation

The County Zoning Enabling act (Iowa Code Chapter 335) was first passed in 1947. Following several amendments, the statute became available to all Iowa counties at the option of the Board of Supervisors in 1958. County Zoning is intended to promote the health, safety, morals, and general welfare of a county. Section 335.2 states:

"No ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used . . ." Code of Iowa, Chapter 335, Section 2

As part of the power to zone, counties are empowered to regulate and restrict:

". . . the height, number of structures, and size of the buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes . . ." Code of Iowa, Chapter 335, Section 3

This regulation is accomplished by dividing the county into districts "of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter." (Code of Iowa, Chapter 335, Section 4.) The districts must provide uniform or equal treatment of similar buildings and land within any particular district; but, of course, the regulations may vary from one district to another.

A comprehensive plan lays the groundwork for a zoning regulation. By a comprehensive plan it is meant that the zoning concept must be developed for the entire county and the regulations must be designed to accomplish this total plan, rather than just be a piecemeal attempt to resolve a problem in one location. The objectives of the plan are also spelled out in Code of Iowa, (Chapter 335, Section 5) as:

". . . to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population;. . .to facilitate the provision of transportation, water, sewerage, schools, parks, and other public requirements. . .Such regulations shall be made with reasonable considerations, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout such county." Chapter 335, Section 5

Thus, it is apparent that a Zoning Ordinance cannot be the result of an arbitrary decision or contain unreasonable restrictions. It must be the result of careful study and should effectively promote the most appropriate, permanent, productive use of land.

Benefits of Good Zoning Practice

The Zoning Ordinance is the primary means of implementing the future land use plan. The zoning plan or Official Zoning Map can be considered as reflecting the current stage of the county's evolution from its existing land use pattern to the future land use plan. The districts are intended to recognize as much of the present development that is in accord with future plans and to allow enough room for growth and change. Changes in the zoning plan should be based upon a logical extension of an existing district, or on the establishment of a new district in a location that will accomplish the objectives of the future land use plan.

Premature zoning, over zoning, spot zoning, and strip zoning will destroy the value and integrity of the Zoning Ordinance and should be avoided. Properly administered, the Zoning Ordinance can be a valuable tool in achieving the following objectives:

1. To protect agricultural land uses from encroachment by incompatible land uses.
2. To establish areas of compatible land use which will provide attractive, healthy, orderly, convenient, and safe locations for residential, commercial, industrial, agricultural, and public development.
3. To encourage the eventual discontinuance or relocation of incompatible or detrimental land uses.

An Ordinance which is designed and administered to accomplish these objectives and those outlined in the enabling legislation will benefit every person, individually and collectively, and will help create a better environment in which to live.

The Zoning Ordinance for Winneshiek County consists of three basic parts - a text, schedules of district regulations, and an official zoning district map. A Zoning Ordinance for the county is presented on the following pages.

WINNESHIEK COUNTY, IOWA
ZONING ORDINANCE
AND
SUBDIVISION REGULATIONS V

CHAPTER 1: TITLE

101 TITLE

This Ordinance shall be known and may be cited and referred to as the "Winneshiek County, Iowa, Zoning Ordinance and Subdivision Regulations" and may also be cited and referred to as the "Zoning Ordinance" or "Ordinance" to the same effect as if the full title were stated.

CHAPTER 2: PURPOSE

201 PURPOSE

This Ordinance is adopted for the following purposes:

- (1) To support and promote the creation of orderly land development patterns consistent with the goals and objectives outlined in the Winneshiek County Comprehensive Smart Plan, 2012.
- (2) To protect the agricultural interests of Winneshiek County.
- (3) To protect and encourage the maintenance and operation of the “family farm.”
- (4) To provide for the compatibility of different land uses and the most appropriate use of different land throughout Winneshiek County.
- (5) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (6) To enhance the beauty of the natural resources of Winneshiek County.
- (7) To increase the economic resources of the County by making the area more attractive to industry.
- (8) To protect the public health, safety, comfort, convenience and general welfare.
- (9) To protect the natural environment.
- (10) To encourage cooperation between private and public sectors and to establish conservation measures that would be beneficial to Winneshiek County.

CHAPTER 3: JURISDICTION, SCOPE, AND NONCONFORMING USES

301 JURISDICTION

The jurisdiction of this Ordinance shall apply to all areas of Winneshiek County outside the incorporated limits of municipalities

302 SCOPE

From and after the effective date of this Ordinance and subsequent amendments, the use of all and every building and portion of building erected, altered in respect to height and areas, added to or relocated, and every use within a building or use accessory thereto in Winneshiek County shall be in conformity with the provisions of this Ordinance, except “Farms” as defined in Chapter 335, Section 2 of the Code of Iowa. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, subject to the special regulations herein provided with respect to nonconforming properties or 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, the most restrictive or that imposing the higher standards shall govern. This authority is granted in the Code of Iowa 335.24.

304 SEVERABILITY CLAUSE

Should any Section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

305 APPLICATION OF DISTRICT REGULATIONS

The regulations and restrictions of this Ordinance shall apply as follows:

- (1) Regulations to be uniformly applied. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.
- (2) All uses and structures to conform. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

- (3) Height, density or yards shall not be violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this Ordinance.
- (4) Separate yards, open space and off-street parking required. No part of a yard, other than open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- (5) Minimum yards and lot areas may not be reduced. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- (6) New areas. All territory which may hereafter become a part of the incorporated area of a city through annexation shall be classified in the A-1 Agricultural District until otherwise classified, provided that the Commission may recommend the appropriate district classification prior to such territory becoming a part of the city and upon holding of a public hearing and approval by the council the territory upon becoming part of the community may immediately be so classified.

306 NONCONFORMITIES

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to allow nonconforming uses to continue until their normal expiration but subject to the nonconforming performance standards.

306.1 Nonconformities May Continue

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

306.2 Nonconformities May Not Be Enlarged

A nonconforming use of land, a nonconforming use of a structure, or a nonconforming use of land and a structure in combination shall not be extended or enlarged after the date of the passage of this Ordinance by attachment on a building or premises of additional

signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

306.3 Nonconformities of Adoption

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried an until completion of the building involved.

306.4 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width of the lot, or both, shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

306.5 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- (1) No such nonconforming use shall be enlarged nor increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

306.6 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued for as long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way that increases its nonconformity.
- (2) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

306.7 Nonconforming Uses of Structures

If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- (1) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) If no structural alterations are made, any nonconforming use of a structure or structures and premises in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

- (4) Any structure or structure and land in combination in, or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (5) When a nonconforming use of a structure or structure and premises in combination is discontinued for twelve consecutive months or for eighteen months during any three-year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
- (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

306.8 Repairs and Maintenance

Nothing in this Ordinance shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that no structural enlargement, extension, alteration or change shall be made to increase the degree of nonconformity.

Nothing in this Ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

306.9 Uses Under Exception Provisions Not Nonconforming Uses

Any uses for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

307 SEPARATE OFFENSES MAY BE CHARGED

The owners or tenant of any building, structure, land or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

308 OTHER REMEDIES

Nothing herein contained shall prevent the Board of Supervisors or its agents from taking other lawful action as is necessary to prevent or remedy any violation.

309 REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

CHAPTER 4: RULES AND DEFINITIONS

401 RULES

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- (1) The word “person” includes firm, association, organization, partnership, trust, governmental agencies, company or corporation as well as an individual.
- (2) The word “shall” is mandatory; the word “may” is permissive.
- (3) Words used in the present tense shall include the future tense and words used in the singular shall include the plural, and the plural the singular.
- (4) The masculine gender shall include the feminine and neuter.
- (5) All stated and measured distance shall be taken to the nearest integral foot. If a fraction is less than one-half (1/2) foot, the integral next below shall be taken.

402 PERMITTED USES

Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any other use than a use permitted hereunder in the zoning district in which such buildings, structure or land shall be located, except the following:

- (1) Uses lawfully established prior to the effective date of this Ordinance.
- (2) Conditional uses allowed in accordance with the Ordinance.

403 CONDITIONAL USES AND SPECIAL EXCEPTIONS

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of this Ordinance.

Special Exceptions as hereinafter listed, may be allowed in the districts indicated, subject to the review of the Board of Adjustment and in accordance with the provisions of this Ordinance.

404 DEFINITIONS

404.1 Accessory Use of Structure

A use of structure subordinate to the principal use of a structure or land on the same lot, parcel or tract of ground and serving a purpose customarily incidental to the use of the principal building or use of land.

404.2 Adult Entertainment Businesses

The following definitions shall apply to adult entertainment businesses:

- (1) "Adult bookstore" means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."
- (2) "Adult Establishment, Cabaret or Juice Bar" means an establishment or cabaret, which features exotic dancers, strippers, male or female impersonators, or similar entertainers which excludes minors by virtue of age.
- (3) "Adult motel" means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "sex act(s)" or "specified anatomical areas."
- (4) "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."
- (5) "Adult motion picture theater" means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas" for observation by patrons therein.
- (6) For purposes of the foregoing, the term: "specified anatomical areas" means as follows: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

404.3 Agricultural Building or Structure

Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

404.4 Agricultural Use

The use of land for the growing and/or production of vegetable crops, field crops, tree products, 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, 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.
- (5) Tree products including but not limited to nuts, fruits and maple syrup.

404.5 Anchor

Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

404.6 Animal Feeding Operation

A lot, yard, corral, building, or other area where animals are confined, fed and maintained for forty-five (45) days or more in any twelve (12) month period. These include:

- (1) "Open Feedlot." An unroofed or partially roofed animal feeding operation in which no crop, vegetation, or forage growth or residue is maintained during the period that animals are confined in the operation.
- (2) "Confinement Feeding Operation." A totally roofed animal feeding operation in which wastes are stored or removed as a liquid or semi-liquid.
- (3) Any other special terms or conditions as defined by Chapter 455B of the Code of Iowa.

404.7 Basement

A story having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulations.

404.8 Bed and Breakfast Home

An accessory use of a single-family residence for the accommodation of overnight guests.

404.9 Billboard

Signs that advertise goods, products, or services not necessarily sold on the premises in which the sign is located and are of three (3) main types:

- (1) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper.
- (2) Multi-prism sign, same as above, and alternating advertising messages on the one display area.
- (3) Painted bulletins, where the advertiser's message is printed directly on the background of a wall-mounted or freestanding display area.

404.10 Board

Board of Adjustment.

404.11 Board of Supervisors

The Board of Supervisors for Winneshiek County, Iowa.

404.12 Building

Anything constructed, erected or built, the use of which requires location on the ground and is designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including, but without limiting the generality of the foregoing installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.

- (1) Building height - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- (2) Building line - The line of the outside wall of the building or any projection thereof nearest the street.

404.13 Building, Temporary

A structure equal to, or less than, one hundred forty-four (144) square feet and a height of fourteen (14) feet or less that has no electrical or water connections, no permanent foundation, is built on skids and can be moved.

404.14 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.

404.15 Cabin

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

404.16 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.

404.17 Campsite

An individual camping space set aside in the campground for a camping unit.

404.18 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.

404.19 Carport

A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this Ordinance, a carport attached to a building shall be considered as part of the building and subject to all yard requirements herein.

404.20 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.

404.21 Commission

The Planning and Zoning Commission of Winneshiek County, Iowa.

404.22 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 Iowa Department of Natural Resources.

404.23 Common Water System

A water supply system available to multiple dwelling units from a shared well or public water supply.

404.24 Condominium

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

404.25 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.

404.26 Corn Suitability Rating (CSR)

The corn suitability rating provides an index for ranking the suitability for row crop production in Iowa. Corn suitability ratings range from zero (0) to one hundred (100), with one hundred (100) reserved for those soils a) located in areas of most favorable weather conditions for Iowa, b) that have high yield potential, and c) that can be continuously row cropped. (A description of the CSR system, including CSR estimates for various soil types, may be found in the "Winneshiek County Soil Survey Report Supplement.")

404.27 County

Winneshiek County, Iowa.

404.28 Development

A man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

404.29 District

A section or sections of the County within which regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

404.30 Dwelling

Any building or portion thereof which is designed or used exclusively for primary residential purposes but not including a tent, cabin, trailer or mobile home.

404.31 Dwelling, Multiple Family

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

404.32 Dwelling, Single-Family

A detached residence designed for or occupied by one (1) family only.

404.33 Dwelling, Two-Family

A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

404.34 Dwelling, Unit

A room or group of rooms that are arranged, designed or used as living quarters for the occupancy of one (1) family containing bathroom and/or kitchen facilities.

404.35 Factory-Built Home

Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly purpose and installation, on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than one hundred eighty (180) consecutive days and may or may not be fully licensed and ready for highway use.

404.36 Factory-Built Structure

Any structure which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. Factory-built structure includes the terms "mobile home" and "manufactured home."

404.37 Family

An individual, or two or more persons related to one another by blood, marriage or legal adoption, including foster children and not more than two (2) roomers; or in the alternative, not more than three (3) unrelated persons, or as defined by Section 335.25 "Family Homes" by the Code of Iowa.

404.38 Farm

An area which is primarily adapted for use as farmland used for the growing of farm products such as row crops, vegetables, fruits, trees and grain, and their storage on the area as well as for the raising thereon of farm poultry and farm animals. The term "farming" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing the produce.

404.39 Farmstead

A combination of structures, with dwelling, yards, windbreaks, well and other improvements which are held and operated in conjunction with agricultural crop and/or livestock production.

404.40 Flood

A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

404.41 Flood Plain

Any land area susceptible to being inundated by water as a result of a flood.

404.42 Floodway

The channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

404.43 Frontage

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.

404.44 Garage, Private

An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

404.45 Garage, 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.

404.46 Garage, Storage

Any building or premises used for storage pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

404.47 Government Lot

A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

404.48 Grade

The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

404.49 Hazardous Waste

Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

404.50 Historic Structure

Any structure that meets one (1) of the following criteria:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

404.51 Home Occupation

An occupation or profession which:

- (1) is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and
- (2) is carried on by a member of the family residing in the dwelling unit; and
- (3) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- (4) does not employ more than two (2) persons outside the immediate family; and
- (5) has no exterior display, no exterior storage of materials and no other exterior indication from the residential character of the principal building, except for not

- more than one (1) exterior sign mounted flush with the face of the building, which sign shall not exceed three (3) square feet in area; and
- (6) does not occupy more than fifty percent (50%) of the area of one floor of the dwelling unit; and
 - (7) produces no offensive noise, vibration, smoke, dust, odor, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood and causes no electrical interference with radio and television reception in the neighborhood.

404.52 Home Occupation, Farmstead

An occupation customarily engaged in on a farm, as a supplementary source of income, which:

- (1) is clearly incidental and secondary to the operation of the farm; and
- (2) is carried on by a member of the family residing in the farmstead dwelling; and
- (3) does not employ more than two (2) additional persons outside the resident family on the premises; and
- (4) is conducted within or adjacent to the farmstead dwelling or customary farm outbuildings; and
- (5) has no exterior storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than not more than one (1) sign identifying the product or service available, which sign shall not exceed twelve (12) square feet in area; and
- (6) produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.

404.53 Junk or Salvage

Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, appliances, furniture, equipment, building demolition materials or structural steel materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material.

404.54 Junk or Salvage Yard

- (1) Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition shall also include auto or other vehicle or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property.
- (2) The presence on any lot, parcel or tract of land of three (3) or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie

evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building.

404.55 Kennel

Any lot or premises used for the commercial sale, boarding or breeding of dogs, cats, or other household pets.

404.56 Land Division, Agricultural

Any division of land for agricultural purposes.

404.57 Land Division, Minor

Any division of land that fronts on an existing street and that does not require the construction of any improvements and that does not adversely affect the remainder of the parcel.

404.58 Livestock

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

404.59 Livestock Waste Lagoon

A diked enclosure for disposal of livestock wastes by natural process as regulated by the Iowa Department of Natural Resources.

404.60 Lot

For the purpose of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street, and may consist of:

- (1) A single lot of record or a portion of a lot of record.
- (2) A combination of complete lots of record, and/or portions of lots of record.
- (3) A parcel of land described by metes and bounds, provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

404.61 Lot Measurement

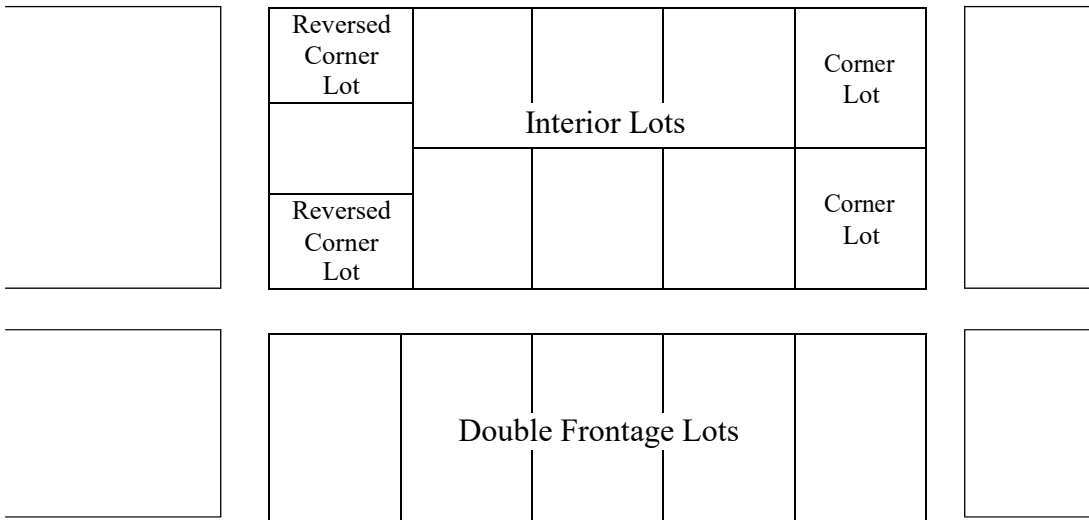
- (1) Area - The area of a lot in a horizontal plane bounded by the lot lines.
- (2) Depth - The mean horizontal distance between the front and rear lot lines.

- (3) Width - The distance between straight lines connecting front and rear lot lines at each side of the lot lines at each side of the lot measured at the minimum building setback line.

404.62 Lot of Record

A lot which is part of a subdivision which is recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the deed to which has been so recorded prior to the effective date of this Ordinance.

Illustration of Lot Types



404.63 Lot Types

(See Illustration) Terminology used in this Ordinance with reference to various types of lots is as follows:

- (1) "Corner" lot - A lot located at the intersection of two (2) or more streets.
- (2) "Interior" lot - A lot other than a corner lot with only one (1) frontage on a street other than an alley.
- (3) "Double frontage" lot - A lot other than a corner lot with frontage on two (2) nonintersecting streets may be referred to as "through" lots.
- (4) "Reversed corner" lot - A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

404.64 Manufactured Home

A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

404.65 Mobile Home

A vehicle used, or so originally constructed as to permit being used as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for family; provided further, that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own powers, towed or transported by another vehicle. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein.

404.66 Mobile Home Park

Any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored either free of charge or for revenue purposes, including any building, structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.

404.67 Motel or Tourist Home

A permanent building, or group of buildings, designed or arranged primarily for temporary occupancy (thirty (30) days or less) as a dwelling for transient guests and arranged to provide space for parking vehicles used by the traveling public. Such building, or group of buildings, may include quarters for the use of operating personnel.

404.68 Museums

An institution devoted to the procurement, care, study and display of objects of lasting historical, educational, or cultural interest or value. Museums may be indoor/outdoor facilities and may include such amenities as restaurant/banquet facilities, meeting rooms, demonstration areas, tourist convenience and souvenir items.

404.69 Nonconforming Use

Any building or land lawfully occupied by a use at the time of passage of this Zoning Ordinance (or any amendment thereto) which does not conform after the passage of the Zoning Ordinance (or any amendment thereto) with the use regulations of the district in which it is situated.

404.70 Nuisance

Any nuisance as listed in Chapter 657, Code of Iowa.

404.71 Nursery, Landscape

A business growing and selling trees, flowering and decorative plants and shrubs, which may be conducted within a building or without, for the purpose of landscape construction.

404.72 Overlay District

A district that acts in conjunction with the underlying Zoning District or Districts. Development within the overlay district must conform to the requirements of both zones or the more restrictive of the two (2).

404.73 Parcel

A part of a tract of land.

404.74 Parcel of Record

A parcel for which the contract or deed has been recorded in the office of the County Recorder prior to the effective date of this Ordinance.

404.75 Parking Space

A surfaced area enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred and eighty square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

404.76 Permanent Site

Any lot or parcel of land on which a mobile home or manufactured home is located, on a permanent foundation or pad, for one hundred eighty (180) consecutive days except a construction site when the mobile home or manufactured home is used by a commercial contractor as a construction or storage room.

404.77 Principal Structure or Use

A structure or use conforming to the primary allowed elements unique to a zoning district.

404.78 Processing

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

404.79 Public Land

Land owned or operated by municipal, school district, county, state, or other governmental unit.

404.80 Recreation, Public

Includes all uses such as tennis courts, ball fields, and picnic areas commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

404.81 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.

404.82 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.

404.83 Recycling Plant

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.

404.84 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 all other legal requirements of Iowa law.

404.85 Sanitary Landfill

A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principals of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

404.86 Setback

Dimensional offset from property lines created in compliance with yard restrictions and zoning district regulations.

404.87 Sign

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- (1) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants at premises, or other identification of premises not having commercial promotion.
- (2) Flags and insignia of any government except when displayed in connection with commercial promotion.
- (3) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

404.88 Sign, Off-Site

A sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located.

404.89 Sign, On-Site

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

404.90 Solar Access Space

That airspace above all parcels within the District necessary for a solar collector to access solar energy. Any future improvement, vegetation or tree located on a neighboring parcel shall not cast a shadow upon any solar collector located within said parcel greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property line between said parcels between the hours of 9:30 a.m. and 3:30 p.m., Central Standard Time on December 21. Existing improvement(s), tree(s), or other vegetation that cast a shadow upon a solar collector at the time of installation of said solar collector shall be allowed to remain.

404.91 Story

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

404.92 Story, Half

A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

404.93 Street

A public or private thoroughfare which affords the principal means of access to abutting property, and shall also include avenue, highway, road, or way.

404.94 Street-Width

The width of the right-of-way measured at right angles to the centerline of the street.

404.95 Structural Alteration

Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

404.96 Structure

See definitions of "Building".

404.97 Subdivision

The division of land into three or more lots, or other division of land, for the purpose, whether immediate or future, of transfer of ownership or building development. The term relates to the process of subdividing or to the land subdivided, or the re-subdivision of land previously divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

404.98 Tract

A part of a section, a lot within an official plat, or a government lot.

404.99 Use, Conditional

A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

- (1) Certain conditions as detailed in the zoning ordinance exist;
- (2) The use or development conforms to the Comprehensive Plan of the County; and
- (3) The use or development is compatible with adjacent land use.

404.100 Variance

A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

404.101 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.

404.102 Yard, Front

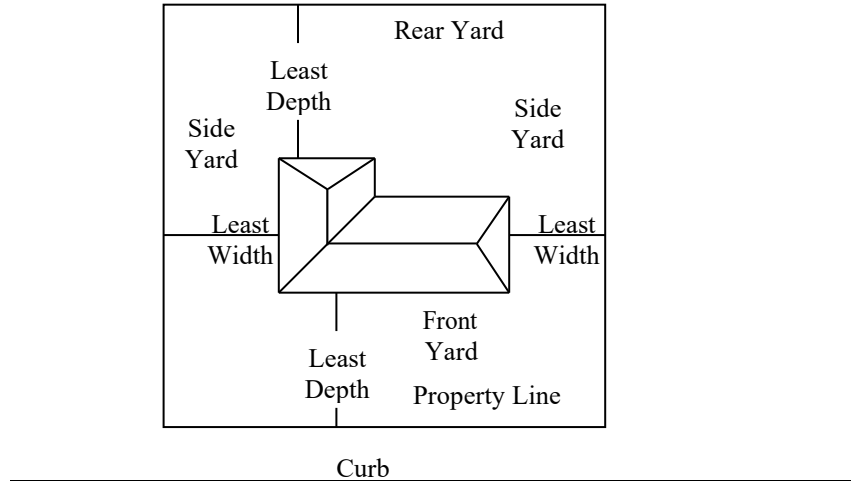
A yard extending across the front of a lot and being the minimum horizontal distance between the street and any structure or any projections thereof other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel 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.

404.103 Yard, Rear

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

404.104 Yard, Side

A yard between 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 any structure or any projection thereto.



404.105 Zoning Administrator

The administrative officer designated or appointed by the Winneshiek County Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

404.106 Zoning Map

The Official Zoning Map of Winneshiek County establishing the boundaries of land use zones within the unincorporated areas of Winneshiek County.

404.107 Zoning Update Journal

A detailed record of land use boundaries and changes to the Zoning Map.

CHAPTER 5: ADMINISTRATION

501 ZONING ADMINISTRATOR

501.1 Appointment and Duties of the Zoning Administrator

A Zoning Administrator (Administrator) shall be designated by the Board of Supervisors to administer and enforce this Ordinance. Assistants to the Zoning Administrator shall be provided as the Board of Supervisors direct.

501.2 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.
- (2) Upon finding that a provision of this Ordinance is violated, the Zoning Administrator shall notify the person responsible for the violation in writing indicating the nature of the violation and ordering the action necessary to correct it. The order for corrective action shall require discontinuance of illegal use of land or buildings; removal of illegal buildings, illegal additions to buildings, or illegal structural alternations; discontinuance of illegal work being done; other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.
- (3) Keeping a record of all fee schedules, permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

501.3 Appeals from Decision of Zoning Administrator

Appeals from any decision of the Zone Administrator may be made to the Board of Adjustment as provided for in this Ordinance.

502 ZONING COMMISSION

502.1 Zoning Commission Created

A Planning and Zoning Commission is hereby established, as provided by Iowa Code Section 335.8.

502.2 Zoning Commission Powers and Duties

The Zoning Commission shall have the following powers and duties:

- (1) To recommend to the Board of Supervisors amendments, supplements, changes or modifications to the County Zoning Ordinance.

- (2) To hear matters related to zoning regulations arising from the County Zoning Ordinance.
- (3) To review and make recommendation to the Board of Supervisors on amendments to the County Comprehensive Smart Plan.

502.3 Commission Membership

The Planning and Zoning Commission shall consist of seven (7) members appointed by the Winneshiek County Board of Supervisors. An effort should be made to keep Commission membership geographically balanced. 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.

502.4 Officers

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

502.5 Selection

On the first regular meeting in January of each year, the Commission will pick its officers from its membership. All current officers are eligible for re-election.

502.6 Tenure

The Chair and Vice Chair 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.

502.7 Duties of the Officers

The Chair will preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. The Vice Chair shall act in the capacity of the Chair in his/her absence and in the event the office of the Chair becomes vacant, the Vice Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice Chair for the unexpired term. A Secretary shall be appointed by the Chair. 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.

502.8 Meetings

All regular and special meetings, subcommittee meetings, hearings, records and accounts shall be open to the public, and shall comply with the open meetings law. Meetings may be called at the request of the Chair, or four (4) members of the Commission, or the Zoning Administrator. Notice of the meeting shall be given by the 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.

502.9 Quorum

The presence of four (4) Commission members shall be necessary to constitute a quorum. The concurring vote of the four (4) members shall be necessary on all matters upon which it is required to pass under the provisions of this Ordinance.

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.
- (2) Roll call.
- (3) Approval of Minutes.
- (4) Report of the Zoning Administrator.
- (5) Public comments on items not on the agenda.
- (6) New Business.
- (7) Old Business.
- (8) Adjournment.

502.11 Motions

Motions may be made by anyone on the Commission except the Chair and Zoning Administrator. The 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 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.

502.13 Commission Action

Action by the Commission on any matter on which a hearing is held will not be taken until the hearing has been conducted.

502.14 Parliamentary Procedure

Roberts Rules of Order, Revised, will govern the Commission meetings in all cases where these rules do not provide the procedures to be followed.

502.15 Comprehensive Plan and Zoning Hearings

Before the adoption or amendment of any part of the Comprehensive Plan, or recommending approval of an amendment to the Zoning Ordinance to the Board of Supervisors, the Commission will hold a public hearing on the matter. Notice of the time and place of the hearing will be given, not less than four (4) and no more than twenty (20) days prior to such hearing, by publication in the official newspaper(s) designated by the Board of Supervisors.

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 (3) consecutive absences without notification from a regular, special, or subcommittee meeting, or if total absences exceed forty percent (40%) of the total meetings in a twelve (12) month period. A record of attendance will be made by the Secretary on an ongoing basis.

502.17 Amendments

These rules may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

503 BOARD OF ADJUSTMENT

503.1 Board of Adjustment Created

A Board of Adjustment is hereby established, as provided by Iowa Code Section 335.10.

503.2 Board of Adjustment Powers and Duties

The Board of Adjustment shall have the following powers and duties.

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any Ordinance adopted pursuant thereto.
- (2) To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under such Ordinance.
- (3) To authorize upon appeal, in specific cases, such variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

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. 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 Officers

The Board shall annually elect its own Chair and Vice Chair at the first meeting on or after January 1 of each year.

503.5 Quorum

The presence of three (3) members shall be necessary to constitute a quorum.

503.6 Proceedings of the Board of Adjustment

There shall be a fixed place of meeting and all meetings shall be open to the public.

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 Chair, the Zoning Administrator, or at such other times as the Board may determine. The Chair or in his/her absence, the Vice Chair, may administer oaths and compel attendance of witnesses.

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.

503.7 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 or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinances 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.

503.8 Hearings, Appeals and Notice

Appeals of the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by a decision of the administrative officer. Such appeals shall be taken within a reasonable time not to exceed thirty (30) days by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

503.9 Notice

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The Board shall publish public notice thereof not less than four (4) and not more than twenty (20) days in the official newspaper(s) designated by the Board of Supervisors for the purpose of conducting a public hearing as determined appropriate.

503.10 Appeal Fee

A 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 shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

503.11 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.

504 AMENDMENTS TO THE COMPREHENSIVE PLAN AND OFFICIAL CONTROLS

504.1 Initiation of Amendments

Amendments to this Ordinance may be initiated in one of four ways, as follows:

- (1) The Administrator or Commission has the primary responsibility for reviewing the need for amendments. The Commission may initiate the review of such amendment by motion.
- (2) The Board of Supervisors may on its own motion initiate amendments by referring them to the Zoning Administrator and Commission for review.
- (3) Any owner of land may formally petition the Board of Supervisors to grant an amendment to the zoning map for land for which they own. The petition shall be filed with the Zoning Administrator and reviewed by the Commission according to Section 504.4 of this ordinance.
- (4) Any individual may suggest to the Board or the Commission that it initiates an amendment on its own motion. Such suggestions are entitled to such consideration as the Board or Commission deems appropriate.

504.2 Changes and Amendments

No such amendment shall be made without public hearing before the Board of Supervisors and without a report made upon the amendment by the Zoning Commission following a public hearing. At least four (4) and no more than twenty (20) days notice of the time and place of such hearing shall be published in the official newspaper(s) designated by the Board of Supervisors. 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 (20%) or more of the property which is located within five hundred (500) feet in non-agricultural areas and within one-quarter (1/4) mile 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 sixty percent (60%) of all the members of the Board of Supervisors.

504.3 Style of Amendment

Amendments, supplements, or changes of the boundaries of districts, as shown on the Official Zoning Map and Zoning Update Journal, shall be made by an Ordinance amending the Zoning Ordinance and Zoning Update Journal, shall refer to the Official Zoning Map, and shall set out the identification of the area affected by legal description and identify the zoning district as it exists and the new district designation applicable to said property. Said Ordinance shall, after adoption and publication, be recorded by the County Recorder as other Ordinance and the Official Zoning Map and Zoning Update Journal changed as provided for in this Ordinance. Such amendatory Ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map and

Zoning Update Journal, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the county.

Amendments, supplements, or changes to the text of the Ordinance shall be known as "text amendments". They shall be made by an Ordinance amending the Winneshiek County Zoning Ordinance and shall set out the identification of the area affected by reference to a specific Section and paragraph, identify the current text as it exists and the new text as proposed for change. Said Ordinance shall, after adoption and publication, be recorded by the County Recorder as other Ordinance and the Winneshiek County Zoning Ordinance changed as provided for by adding the text amendment to the Appendix of said document. Such amendatory Ordinance shall, however, not repeal or reenact said Ordinance, but only amend it. The Official Zoning Ordinance, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the county.

504.4 Application for Change of Zoning District Boundaries

Any person may submit to the Board of Supervisors, an application requesting a change in the zoning district boundaries as shown on the Official Zoning Map and Zoning Update Journal.

- (1) Such application shall be filed with the Administrator accompanied by a 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 and shall contain the following information.
 - (a) The legal description and local address of the property, and
 - (b) The present zoning classification and the zoning classification requested for the property, and
 - (c) The existing use and proposed use of the property, and
 - (d) The names and addresses of all property owners within five hundred (500) feet in non-agricultural areas and within one-quarter (1/4) mile in rural (non-developed) areas of the exterior boundaries of the property for which the change is requested will be contacted by mail.
 - (e) A statement of the reasons why the applicant feels the present zoning classification is no longer valid, and
 - (f) A plat showing the locations, dimensions and use of the applicant's property and all property within one hundred (100) feet in non-agricultural areas and within five hundred (500) feet in rural (non-developed) areas of the exterior boundaries thereof, including streets, alleys, railroads and other physical features.
- (2) Upon receipt of the application by the Administrator a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
 - (a) Whether or not the current district classification of the property to be rezoned is valid, and

- (b) Whether there is a need for additional land zoned for the purpose requested, and
- (c) Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - (i) Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area, and
 - (ii) Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity, and
 - (iii) Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- (3) The Commission shall report its determinations and recommendations to the Board of Supervisors within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. The Board of Supervisors shall then call a public hearing as provided by this Ordinance.

505 CONDITIONAL USE PERMITS

505.1 Criteria for Granting Conditional Use Permits

In granting a Conditional Use Permit, the Board of Adjustment shall consider the 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 Board may, in addition to the standards and requirements expressly specified by this Ordinance, recommend the imposition of additional conditions which the Board

considers 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.

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 be 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 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 thirty (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 Board shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper(s) 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 one-quarter (1/4) mile in

rural (non-developed) areas, and property owners of record within five hundred (500) 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 any municipality within two (2) miles of the affected property.

- (3) The 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.
- (4) The Board shall take action on the Conditional Use Permit application within thirty (30) days after completion of the public hearing.
- (5) The person making application for Conditional Use Permit shall be notified in writing of the Board of Adjustment action and the reason for approval or denial.

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

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

Zoning Districts

	A-1	A-2	A-R	R-1	R-2	C-1	C-2	M-1	M-2
Adaptive reuse of existing nonresidential buildings, where a proposed use(s) occupies one building, multiple buildings, or shares a building in a commercial condominium	C	C	C	C	C	C	C	C	C
Any land or building used by a private utility service for the purpose of generating or converting power	C	C				C		C	C
Campgrounds not operated for profit	C	C				C	C		
Commercial campgrounds	C	C				C	C		
Commercial sawmills and lumber processing and treatment plants	C	C							
Commercial towers: microwave, radio and television	C	C				C	C	C	C
Commercial renewable energy systems: solar, wind, biomass, etc.	C	C				C	C	C	C
Personal large wind energy conversion systems (PL-WECS)	C	C				C	C	C	C
Golf courses, miniature golf, driving ranges, gun and archery shooting ranges, and similar uses	C	C	C	C	C	C	C		
Government buildings and operations	C	C	C	C	C	C	C	C	C
Lodges and fraternal organizations	C	C							
Lodging establishments with less than 6 units	C		C						
Mineral extraction and primary mineral processing, quarries, extraction pits, land alterations	C	C						C	C
Mobile / manufactured home parks			C	C	C				
Motorsports facilities and events	C					C		C	
Museums, planetaria, art galleries, arboreta, botanical and zoological gardens	C	C							
Nursery and greenhouse retail sales	C	C							
Paving material production plants including manufacture and sales of ancillary products produced from paving material or by-products	C	C						C	
Private, non-commercial landing fields	C	C				C		C	C
Public water supply and sewage treatment facilities	C	C	C	C	C	C	C	C	C
Salvage yard in conjunction with an owner-occupied single-family dwelling	C	C							
Stables, riding academies and equestrian clubs	C						C		
State licensed childcare facilities	C	C	C	C	C		C		
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

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:

- (1) A written application, including a 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, for a variance shall have been submitted demonstrating:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district, and
 - (b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, and
 - (c) That the special conditions and circumstances do not result from the action or actions of the applicant, and
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance, and
 - (e) The names and addresses of all property owners within five hundred (500) feet in non-agricultural areas and within one-quarter (1/4) mile in rural (non-developed) areas of the exterior boundaries of the property for which the variance is required indicating their approval or denial will be contacted by mail.
- (2) Notice of public hearing shall have been given not less than four (4) and not more than twenty (20) days prior to the hearing, and
- (3) The public hearing shall have been held at which time any party shall have been permitted to appear in person, or by agent or by attorney, and
- (4) The Board shall have made findings that the requirements described above in this Section have been met by the applicant for a variance, and
- (5) The Board shall further have made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure, and
- (6) The Board shall further have made a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

506.2 Conditions of Variance

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the guidelines established by this Ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

506.3 Decisions of the Board of Adjustment

In exercising the above-mentioned powers, the Board may so long as such action is in conformity with the terms of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

506.4 Appeals from the Board of Adjustment

Any person or persons or any taxpayer, department, board or bureau of the community aggrieved by any decision of the Board may seek review of such decision of the Board by a court of record in the manner provided by the laws of the state and particularly by Chapter 335.18, Code of Iowa.

507 SPECIAL EXCEPTIONS

507.1 Conditions for Review and Approval

A Special Exception shall not be granted by the Board unless and until:

- (1) A written 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, for a Special Exception has been submitted indicating the section of this chapter under which the Special Exception is sought and stating the grounds on which it is requested, and
- (2) Notice shall have been given at least four (4) and no more than twenty (20) days in advance of the public hearing on said application for the Special Exception by publication in the official newspaper(s) designated by the Board of Supervisors, and
- (3) Notice shall be given to all property owners within five hundred (500) feet in non-agricultural areas and within one-quarter (1/4) mile in rural (non-developed) areas of the exterior boundaries of the property for which the special exception is requested.
- (4) The public hearing shall have been held at which time any party shall have been permitted to appear in person, or by agent or attorney, and

- (5) The Board shall have made a finding that it is empowered under the Section of this chapter described in the application to grant the special exception, and the Board shall have determined that in the granting of the special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted shall be deemed a violation of this chapter and punishable under Section 510. The Board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

508 CONSTRUCTION COMPLIANCE CERTIFICATE

A Construction Compliance Certificate shall be obtained from the Zoning Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height or floor area, or remodeled to increase the number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this Ordinance, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this Ordinance.

Any maintenance item such as a new roof, windows, siding, doors, and other repairs that do not enlarge the structure, shall not require a Construction Compliance Certificate.

508.1 Application for Construction Compliance Certificate

Application for a Construction Compliance Certificate shall be made prior to beginning construction on fully completed application forms obtained from the Zoning Administrator, and accompanied by such plans and information necessary to determine that the proposed construction complies with all applicable provisions of this Ordinance. The signature of the applicant on the Construction Compliance Certificate shall certify that the new occupancy complies with all provisions of this Ordinance, and no subsequent modifications shall be made to occupancy, use, method or operation that would be in violation of this Ordinance.

508.2 Fees

The Zoning Administrator is directed to issue a Construction Compliance Certificate as required by this Ordinance for proposed construction, reconstruction or alteration which complies with all provisions contained herein. The Zoning Administrator is authorized to charge a fee as established by the Board of Supervisors and as outlined in a "Fee Schedule" to be approved by resolution and placed on file in the Office of Zoning Administrator. The Board of Supervisors has the authority to consider changes to the fee

schedule, as needed, as they determine, or as provided for as a recommendation from the Zoning Administrator.

There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof.

All fees as are required shall be paid to the Zoning Administrator, who shall keep a complete and accurate record of fees received and shall credit the rural fund of the county.

Any zoning permit, under which no construction work has been commenced within six (1) months after the date of issue of said permit or under which the proposed construction, reconstruction or alteration has not been completed within two (2) years of the date of issue, shall expire by limitations and no work or operation shall take place under such permit after such expiration. Upon request by permit holder, the Zoning Administrator may extend a zoning permit for a period not exceeding six (6) months.

508.3 Construction Compliance Certificate Required

- (1) Except as provided in subsection 2 of this Section, a Construction Compliance Certificate shall be required and obtained in accordance with the provisions of Section 507.1 of this Ordinance as follows:
 - (a) Prior to construction of a structure or structural alteration of a structure that increases the exterior dimensions, height, or floor area or that increases the number of dwelling units or that accommodates a change in the use of the structure or a part of the structure.
 - (b) Prior to construction of a farmhouse. No fee will be charged.
- (2) A Construction Compliance Certificate shall not be required for the following:
 - (a) Construction or structural alteration of any land, farm barn, farm outbuildings, or other structures provided they meet all of the following:
 - (i) They are primarily adopted by reason of nature and area for use for agriculture.
 - (ii) They are used for agriculture.
- (3) The following nonagricultural uses and buildings, though customarily found in the agricultural areas of the County, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Construction Compliance Certificate in accordance with the provision of this Ordinance:
 - (a) Private golf courses
 - (b) Private lakes or ponds for recreational use by the general public, or a private club, lodge, or association
 - (c) Stables or kennels operated as a business, club, or association
 - (d) Sawmills
 - (e) Gravel and sand pits and rock quarries
 - (f) Travel trailer park; commercial campground
 - (g) Private parks

- (h) Private or commercial hunting preserves
- (i) Sanitary landfills
- (4) Any farm dwelling, building, or structure intended for permanent human habitation shall comply with the same flood plain zoning regulations as nonagricultural single-family dwellings.
- (5) The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this title, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this title.
- (6) The Construction Compliance Certificate shall be accompanied by a site plan, showing existing and proposed structure, uses, open spaces, parking and loading facilities and other features affecting the use of the property.
- (7) The Administrator shall not issue a Construction Compliance Certificate as contemplated hereunder for any building or structure requiring special access for handicapped persons as required by Chapter 104A of the 1983 Code of Iowa or the Americans with Disabilities Act as subsequently amended, or for any building or structure subject to thermal efficient energy conservation standards as set out in the State of Iowa Building Code as subsequently amended, until such time as the applicant has provided in writing to the Administrator a Compliance Certificate from the State of Iowa Department of Public Safety stating that all applicable regulations thereunder have been complied with. The applicant shall be solely responsible for providing this certificate to the administrative officer. The County shall not be responsible for any inspections or certifications thereunder but shall rely upon the certifications of the department of public safety indicating that compliance with the aforementioned Sections has been determined.
- (8) Applications for compliance certificates shall be made prior to beginning construction on duly completed application forms obtained from the Zoning Administrator, accompanied by such plans and information necessary to determine that the proposed construction complies with all applicable provisions of this title.
- (9) The Zoning Administrator is directed to issue a Construction Compliance Certificate as required by this Ordinance for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge a fee. All fees required shall be paid through the Zoning Administrator to the county, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue under the county.

509 APPLICATION FOR LAND DIVISION

The owner/proprietor proposing to divide land must submit an Application for Land Division to the County through the Auditor's Office or the Planning and Zoning Office. Said application shall detail the proposed division to determine if it is a minor land division, agricultural land division or subdivision. This determination will dictate standards to be followed for approval of the proposed division.

510 VIOLATION 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 municipal infraction. A municipal infraction is punishable by a civil penalty consistent with Iowa Code Section 331.302 paragraph 16. 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.

All reasonable expenses incurred by Winneshiek County in proceeding to enforce any order issued by the Zoning Administrator may be recovered by suit in the event Winneshiek County is the prevailing party. Winneshiek County may certify the amount of such expense to the extent awarded, together with a description of the property, to the County Auditor, who shall enter the same upon the tax books as cost for obtaining compliance with the order of the Zoning Administrator and said amount shall be collected as other taxes;

Peace officers, when called upon by Winneshiek County or its authorized representatives, including the Zoning Administrator, shall assist in the enforcement of the rules, regulations and lawful orders of the Commission.

No person shall interfere with the authorized agents of Winneshiek County or peace officers in the discharge of any duty imposed by law or rules of the County Zoning Ordinance or Subdivision Regulations.

In the event any person is aggrieved by any decision or order made by the Zoning Administrator, he/she may appeal to the Board of Adjustment as provided by Iowa Code Sections 335.10 through 335.17, and as provided by the rules of the Board promulgated pursuant thereto. Any person or persons aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the county, may present to a court of record a petition, duly verified, within thirty days after the filing of the decision in the office of the Board, in the manner set forth in Iowa Code Section 335.18, and judicial review may then take place as provided by Iowa Code Sections 335.18 through 335.22.

511 PUBLIC HEARINGS

TABLE OF PROCEDURES

	BOARD OF ADJUSTMENT	PLANNING & ZONING COM.	BOARD OF SUPERVISORS	PUBLIC HEARING	NOTICE BY MAIL	PLAT	SITE PLAN
VARIANCES	1 st Tuesday of the Month			Published 4 – 20 days	Adjoining Landowners		Yes
SPECIAL EXCEPTIONS & CONDITIONAL USES	1 st Tuesday of the Month			Published 4 – 20 days	Adjoining Landowners		Yes
ZONING CHANGES		2 nd Tuesday of the Month	2 Weeks after P&Z Approval	Published 4 – 20 days	Adjoining Landowners		Yes
SUBDIVISION REQUEST		2 nd Tuesday of the Month	Next Meeting after P&Z			Yes	
LOT DIVISION IN SUBDIVISION		2 nd Tuesday of the Month	Next Meeting after P&Z			Yes	

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.

512.1 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.

512.2 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.

- (1) Name and address of the operator, business or institution
- (2) Name, address and signature of property owner
- (3) The proposed dates and hours of operation
- (4) The number of full-time employees, part-time employees, and volunteer workers.
- (5) Proof of insurance, as determined necessary.
- (6) Site plan illustrating proposed elements in relation to existing features
- (7) Proposed signage

512.3 Criteria for Certificate of Temporary Operation Approval

The following criteria will be used by the Zoning Administrator in reviewing applications for a Certificate of Temporary Operation permit:

- (1) Compatibility of the operation with surrounding uses, proximity to residential uses, and the potential for disturbing and disrupting residential uses.
- (2) Adequacy of the principal building and other structures on the site for the proposed activity. A Certificate of Temporary Operation permit 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.
- (3) Availability of adequate parking to meet the needs of employees and customers.
- (4) Adequacy of street access.

512.4 Display of Permit

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

512.5 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.

CHAPTER 6: ZONING DISTRICTS, PROVISIONS AND MAP

601 ZONING DISTRICTS

For the purposes of this chapter, the following zoning districts have been designed to assist in carrying out the intents and purposes of this Zoning Ordinance, and are hereby established for the unincorporated areas of Winneshiek County.

The use, height, and area regulations are uniform in each district, and shall be divided into the following 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
C-2	Limited Commercial District
M-1	Limited Industrial District
M-2	General Industrial District

602 ZONING MAP AND ZONING UPDATE JOURNAL

The boundaries of these districts are hereby established as shown on the Zoning Map of the unincorporated area of Winneshiek County, Iowa, with updated detail recorded in the Zoning Update Journal. The said Zoning Map and Journal and all notions and references and other matters shown thereon shall be and are hereby made a part of this Ordinance.

603 IDENTIFICATION OF OFFICIAL ZONING MAP AND ZONING UPDATE JOURNAL

The Official Zoning Map shall be on file in the office of the County Zoning Administrator, the 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.

604 CHANGES IN OFFICIAL ZONING MAP AND ZONING UPDATE JOURNAL

No changes in the Official Zoning Map and Zoning Update Journal shall be made except as may be required by amendments to this Ordinance and following separate public hearings held by both the Commission and the Board of Supervisors as per Section 504 of

this Ordinance. If required, such changes shall be promptly made and the Ordinance number, nature of change, and date of change shall be noted on maps and in the Zoning Update Journal, with the signature of the Chair of the Board of Supervisors approving such change on maps and in the Zoning Update Journal. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map and Zoning Update Journal shall become effective until after such change and entry has been made in said Journal.

605 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map and Zoning Update Journal, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
- d. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.
- f. Boundaries indicated as parallel to or extensions of features indicated in subsections "a." through "e." above shall be so construed.
- g. Distances not specifically indicated on the Official Zoning Map and Zoning Update Journal shall be determined by the scale of the map.
- h. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map and / or Zoning Update Journal or in other circumstances not covered by subsections "a." through "e." above, the Board of Adjustment shall interpret the district boundaries.
- i. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary.

606 CONSTRUCTION COMPLIANCE CERTIFICATE REQUIRED

Pursuant to provisions of Section 508 of this Ordinance, a Construction Compliance Certificate shall be required prior to initiation of any construction or development within any district.

607 OVERLAY DISTRICT COMPLIANCE REQUIRED

All development is subject to the Bluffland Protection Overlay District as described in Section 708 and the Public Water Well Overlay District as described in Section 712. In addition, all land use applications affecting parcels within 10,000 linear feet of the runway centerline for Decorah Municipal Airport may be subject to additional regulatory guidelines prescribed by Chapter 9: Airport Overlay Zone.

608 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
C-2	Limited Commercial District
M-1	Limited Industrial District
M-2	General Industrial District

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, livestock 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, public recreational facilities, and wildlife preserves.
5. Lakes and ponds.
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 (1) year with one (1) six (6) month extension or a maximum of eighteen (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 (1) 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.

Conditional Uses See Section 505

Special Exception Uses and Structure

The Board of Adjustment may approve Special Exception Uses and Structures as listed below and provided in accordance with provisions of this Ordinance.

- 1. Sanitary landfill or waste disposal area provided the owner/developer shall follow the standards as adopted by the Iowa Department of Natural Resources and the Winneshiek County Board of Supervisors. Parking shall consist of one (1) space per employee and one (1) space per business vehicle.
- 2. Conversion of existing single-family farmstead dwellings to a two (2) family dwelling.
- 3. A lot of record created prior to Zoning Ordinance amendment providing that the lot meets minimum requirements of one (1) acre excluding right of way.

Minimum Bulk Requirements

- 1. Density
Non-farm single-family dwellings other than severed farmstead dwellings.
One unit per thirty-five (35) acres using quarter quarter section boundaries.
- 2. Lot area
 - a. Non-farm single-family dwellings other than severed farmstead dwellings. One acre minimum (exclusive of road right-of-way and easements) or greater based on recommendation of County Sanitarian and shall contain no more than one (1) non-farm residential use with a front lot width not less than one hundred twenty (120) feet.
 - b. Farmstead severed from farm. A farmstead in existence at the time of adoption of this Ordinance may be severed from the farm. The severed farmstead shall contain no more than two (2) existing dwelling units with a minimum of one (1) acre of land for each dwelling unit, exclusive of road right-of-way / easement, with all side and rear yard setback requirements being met.
- 3. Structure width
For all single-family dwellings, the minimum width of the main body of the dwelling unit shall not be less than fourteen (14) feet and shall be placed on a permanent foundation.
- 4. Minimum required front, side and rear yards and maximum height

a. Non-farm dwellings and other non-institutional uses:

Yard	Minimum Standard
Front	25 feet
Rear	30 feet
Side	15 feet
Street side, corner lot	30 feet
Maximum height	35 feet or 2 ½ stories

b. Schools, churches or other public or institutional buildings:

Yard	Minimum Standard
Front	50 feet
Rear	40 feet
Side	30 feet
Street side, corner lot	40 feet
Maximum height	35 feet or 2 ½ stories

5. Building lot lines for all non-farm residential uses within an A-1 District shall be kept a minimum distance of twelve hundred fifty (1250) feet from the edge of an animal wastewater treatment lagoon or wastewater storage facility for an existing poultry, livestock, or fur-bearing animal feeding / confinement operation.

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 704

Special Requirements

1. New non-farm dwellings and public or institutional buildings shall be kept a minimum distance of twelve hundred fifty (1250) feet from the property line of an existing poultry, livestock, or fur-bearing animal confinement facility or feedlot. This does not apply to pasture land or the usual keeping of household pets not for commercial use.
2. No building permit shall be issued for a dwelling in the A-1 District for any parcel of land that is designated for commercial or industrial uses on the future land use plan of the county.
3. 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.

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 an A-1 district.

Allowed Principal Uses and Structures

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.

Allowed Accessory Uses and Structures

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

Conditional Uses See Section 505

Special Exception Uses and Structure

All those Special Exception Uses and Structures permitted in and as regulated by the A-1 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 the particular use in this ordinance. The minimum lot area shall be not less one (1) acre

(exclusive of road right-of-way and easements) depending on review by County Health Department and the lot width not less than one hundred twenty (120) feet.

2. Lot Coverage Regulations: Not more than fifty percent (50%) of the lot shall be occupied by a building.
3. Minimum required front, side and rear yards and maximum height

Yard	Minimum Standard
Front	50 feet
Rear	40 feet
Side	30 feet
Street side, corner lot	40 feet
Maximum height	35 feet or 2 ½ stories

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 704

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.

A-R AGRICULTURAL 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, public recreational facilities and open space.

Allowed Accessory Uses and Structures

All those Accessory Uses and Structures permitted in and as regulated by the A-1 District regulations except roadside stands used for the sale of produce raised on the premises.

Conditional Uses See Section 505

Special Exception Uses and Structure

All those Special Exception Uses and Structures permitted in and as regulated by the A-1 District regulations.

Minimum Bulk Requirements

1. Rezoning developments – Five (5) acre minimum required for rezoning, in addition all cluster developments are also subject to density standards established by Section 709: Cluster Development. The maximum number of residential units in a cluster subdivision, regardless of the maximum number of acres rezoned, shall not exceed ten (10). Minimum front footage for rezoning parcel along a public roadway is one hundred (100) feet.
2. Minimum lot area
 - a. Single-family dwelling(s) with private septic system(s) and private well(s). One (1) acre (exclusive of road right-of-way and easements) or greater depending on review of County Sanitarian and a front lot width not less than one hundred twenty (120) feet along a public street,
 - b. Single-family cluster development with common septic systems and common wells. 12,000 sq. ft., (exclusive of road right-of-way and easements) and a front lot width not less than one hundred (100) feet along a public street.
3. Structure width
For all single-family dwellings, the minimum width of the main body of the dwelling unit shall not be less than twenty (20) feet and shall be placed on a permanent foundation.
4. Minimum required front, side and rear yards and maximum height

Yard	Minimum Standard
Front	25 feet
Rear	25 feet
Side	12 feet
Street side, corner lot	35 feet
Maximum height	35 feet or 2 ½ stories

5. Building lot lines for all non-farm residential uses within an A-R District shall be kept a minimum distance of twelve hundred fifty (1250) feet from the edge of a animal wastewater treatment lagoon or wastewater storage facility an existing poultry, livestock, or fur-bearing animal feeding / confinement operation.

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 704

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.

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 public recreational facilities.
4. Community meeting or recreation buildings.
5. Cemeteries.
6. Churches.
7. Elementary and secondary schools.

Allowed Accessory Uses and Structures

All those Accessory Uses and Structures permitted in and as regulated by the A-1 District regulations except roadside stands used for the sale of produce raised on the premises.

Conditional Uses See Section 505

Special Exception Uses and Structure

All those Special Exception Uses and Structures permitted in and as regulated by the A-1 District regulations.

Minimum Bulk Requirements

1. Lot area
 - a. Single and two-family dwellings with private septic systems and private wells. One (1) acre (exclusive of road right-of-way and easements) or greater depending on review of County Sanitarian, and a front lot width not less than one hundred twenty (120) feet.

- b. Single- and two-family dwellings with common septic systems and common wells. 12,000 sq. ft., exclusive of road right-of-way and easements and a front lot width not less than one hundred (100) feet.
 - c. Cluster development: one (1) acre or more on lots served by private sewer; 12,000 sq. ft. on lots served by common sewer; lot width not less than one hundred (100) feet along public roadways
2. Structure width
For all single-family dwellings, the minimum dimension of the main body of the dwelling unit shall not be less than twenty (20) feet.
3. Minimum required front, side and rear yards and maximum height

a. Non-farm dwellings and other non-institutional uses:

Yard	Minimum Standard
Front	25 feet
Rear	25 feet
Side	12 feet
Street side, corner lot	35 feet
Maximum height	35 feet or 2 ½ stories

b. Schools, churches or other public or institutional buildings:

Yard	Minimum Standard
Front	50 feet
Rear	40 feet
Side	30 feet
Street side, corner lot	40 feet
Maximum height	35 feet or 2 ½ stories

4. Building lot lines for all non-farm residential uses within an R-1 District shall be kept a minimum distance of twelve hundred fifty (1250) feet from the edge of a animal wastewater treatment lagoon or wastewater storage facility for an existing poultry, livestock, or fur-bearing animal feeding / confinement operation.

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 704

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.

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 public recreational facilities.
4. Community meeting or recreation buildings.
5. Cemeteries.
6. Churches.
7. Elementary schools and secondary schools.

Allowed Accessory Uses and Structures

All those Accessory Uses and Structures permitted in and as regulated by the A-1 District regulations except roadside stands used for the sale of produce raised on the premises.

Conditional Use See Section 505.

Special Exception Uses and Structure

All those Special Exception Uses and Structures permitted in and as regulated by the A-1 District regulations.

Minimum Bulk Requirements

1. Lot area
 - a. Single-, two-, and multi-family dwellings with private septic systems and private wells. One (1) acre (exclusive of road right-of-way and easements) or greater depending on review of County Sanitarian, and a front lot width not less than one hundred twenty (120) feet.
 - b. Single-, two-, and multi-family dwellings with common septic systems and common wells. 12,000 sq. ft., exclusive of road right-of-way and easements and a front lot width not less than one hundred (100) feet.

- c. Cluster development: one (1) acre or more on lots served by private sewer; 12,000 sq. ft. on lots served by common sewer; lot width not less than one hundred (100) feet along public roadways.
 - d. Parcels served by a public sewer collection system and public water: 8,000 square foot.
2. Structure width
For all single-family dwellings, the minimum width of the main body of the dwelling unit shall not be less than twenty (20) feet. For all two- and multi-family dwellings, the minimum width of the main body of the dwelling unit shall not be less than forty (40) feet
3. Minimum required front, side and rear yards and maximum height

a. Single- and two-family dwellings and other non-institutional uses:

Yard	Minimum Standard
Front	25 feet
Rear	25 feet
Side	5 feet
Street side, corner lot	35 feet
Maximum height	35 feet or 2 ½ stories

b. Multi-family, schools, churches or other public or institutional buildings:

Yard	Minimum Standard
Front	50 feet
Rear	40 feet
Side	30 feet
Street side, corner lot	40 Feet
Maximum height	35 feet or 2 ½ stories

4. Building lot lines for all non-farm residential uses within an R-2 District shall be kept a minimum distance of twelve hundred fifty (1250) feet from the edge of a animal wastewater treatment lagoon or wastewater storage facility for an existing poultry, livestock, or fur-bearing animal feeding / confinement operation.

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 704

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.

C-1 HIGHWAY 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.
7. Bowling alley.
8. Drive-in bank.
9. Motel and hotel.
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.
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.
- 23. Lodges and fraternal organizations.
- 24. Private commercial recreational facilities.
- 25. Private non-commercial recreational facilities.
- 26. Arboreta/botanical garden.
- 27. Zoological garden.

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.
- 5. Recycling drop boxes.

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 be not less than one (1) acre and the lot width be not less than one hundred twenty-five (125) feet.
- 2. Lot coverage regulations: Not more than fifty percent (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 twenty-five (25) feet.)

Yard	Minimum Standard
Front	25 feet
Rear	20 feet
Side	20 feet
Street side, corner lot	25 feet
Maximum height	40 feet

4. Commercial condominiums - Zero lot line structures-condominium units which share a common wall with another similar such structure shall have no side yard requirements on any side of such unit which is used as a common wall with another such structure. Any such unit which does not have a common wall, but does have a side yard, shall maintain a twenty (20) foot setback in that side yard. All other yard requirements shall apply to each respective unit.

Off-Street Parking and Loading See Section 706

Allowed Signs 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.

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 forty (40) seats.
4. Cave tours.
5. Fee fishing.

6. Ice skating rink.
7. Lodge and 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 gardens.
17. Lodging establishments with less than six (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 one (1) acre and the lot width be not less than one hundred twenty-five (125) feet.
2. Lot coverage regulations: Not more than fifty percent (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.).

Yard	Minimum Standard
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.

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.

Allowed Accessory Uses and Structures

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2400 square feet is reserved and maintained by the occupants.
4. Recycling drop boxes.

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 one (1) acre and the lot width be not less than one hundred twenty-five (125) feet.
2. Lot coverage regulations: Not more than fifty percent (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 be not less than twenty-five (25) feet.)

Yard	Minimum Standard
Front	25 feet
Rear	20 feet
Side	20 feet
Street side, corner lot	20 feet
Maximum height	60 feet

- Rear or side yards are not required where such yard adjoins a railroad.

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 705

Special Requirements

- 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.
- 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.
- Material storage yards shall be enclosed, where required, by planting screens or fences or other structures approved by the Planning and Zoning Commission.
- 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.
- All unsurfaced yard areas shall be covered with a suitable, well maintained perennial groundcover and landscape plantings.
- 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.
- No person shall cause or permit the establishment of any adult entertainment business, as defined in this ordinance, within seven hundred fifty (750) feet from another such business, any school, church, public park, public playground, public plaza or area zoned for residential use. Measurement shall be taken on a direct line from the main entrance of such adult entertainment business to the point of the property line of such other business, school, church, public park, public playground, public plaza or area zoned for residential use which is closest to the main entrance of such adult entertainment business. The "establishment" of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described in this ordinance.
- 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.

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 percent (15%) 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, 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.

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 one hundred twenty-five (125) feet.
2. Lot coverage regulations: Not more than fifty percent (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 be not less than twenty-five (25) feet.)

Yard	Minimum Standard
Front	20 feet
Rear	20 feet
Side	15 feet
Street side, corner lot	20 feet
Maximum height	60 feet

4. Rear or side yards are not required where such yard adjoins a railroad.

Off-Street Parking and Loading See Section 706

Allowed Signs See Section 705

Special Requirements

1. No required parking space, driveway, other than direct connection to 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. No person shall cause or permit the establishment of any adult entertainment business, as defined in this ordinance, within seven hundred fifty (750) feet from another such business, any school, church, public park, public playground, public plaza, or area zoned for residential use. Measurement shall be taken on a direct line from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park, public playground, public plaza or area zoned for residential use which is closest to the main entrance of such adult entertainment business. The "establishment" of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described in this Ordinance.
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.

CHAPTER 7: PERFORMANCE STANDARDS

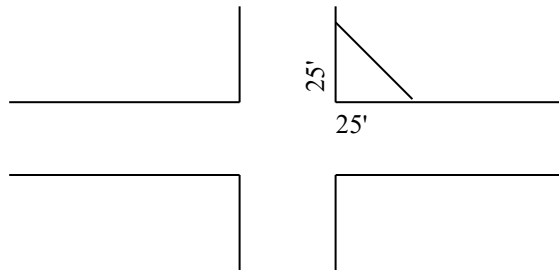
701 APPLICATION OF STANDARDS

The following provisions, regulations or exceptions listed in the Chapter shall apply equally to all districts except as hereinafter provided.

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 (2) feet and ten (10) 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 (25) feet distant from the intersecting of the right-of-way lines, and measured along the right-of-way lines.



702.2 Accessory Buildings/Structures

No accessory building/structure shall be erected in any required front, rear or side yard setback and no separate accessory buildings shall be erected within five (5) feet of any main building.

702.3 More Than One Principal Structure on a Lot

In any district, no more than one principal structure housing a permitted principal use may be erected on a single lot, except in the case of agricultural farmsteads within the A-1 District.

702.4 Height Regulation Exception

The height limitations contained in the schedules of district regulations do not apply to grain storage bins, grain elevators, feed mills, or to spires, wind generator towers, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings or other structures placed above the roof level and not intended for human occupancy.

702.5 Use of Public Right-of-Way

No portion of the public road, street or alley rights-of-way shall be used or occupied by any abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. Mailboxes shall be exempt.

702.6 Proposed Use Not Covered in Ordinance

Any proposed use not covered in this Ordinance as a permitted use, special exception, or conditional use shall be referred to the Commission for a recommendation as to the proper district in which such use should be permitted and the Ordinance amended as provided in Section 504.2 before a permit is issued for such proposed use.

702.7 Buildings to Have Access

Every building hereafter erected or structurally altered, shall be on a lot or parcel having access to a street, road, or easement.

702.8 Mobile Homes or Trailers

Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park with the exception of those occupied by the immediate family or persons involved in the farming operation either full-time or part-time.

702.9 Traffic Control

The traffic generated by any use shall be channeled and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward moving with no backing onto streets. Traffic control plans must be reviewed by the County Engineer. Costs incurred for traffic control shall be the responsibility of the developer.

702.10 Access Drives and Access

Access drives onto any public roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

Access drive to principal structures that traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. All driveways shall have a minimum width capable of

supporting emergency and fire vehicles. Access drives to principal structures in excess of two hundred (200) feet in length from its intersection with state and county roadways shall provide an adequate turn around at the end of the access drive for emergency vehicles.

702.11 Exterior Storage

In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles and pickup trucks, and firewood.

In all districts, the County may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is hazardous to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

702.12 Glare

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential property or from the public street.

702.13 Permitted Encroachments

The following shall be considered as permitted encroachments in any yard:

Posts, off-street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, and fences, and all other similar devices incidental and appurtenant to the principal structure.

703 SITE PLAN REQUIRED

In rezoning, variance, conditional use, and special exception issues, it is essential that new developments meet established minimum standards for the design of such developments to protect existing developments, to insure adequate provisions for public/private utilities, such as sewer, water, and roads, and to promote the health, safety, and general welfare of the public.

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, 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

The standards of site design listed below are intended only as minimum requirements, so that the general development pattern in rural Winneshiek County may be adjusted to provide a variety of circumstances and topography, and to insure reasonable and orderly growth in rural Winneshiek County.

- (1) Internal roads and streets shall be adequately constructed to accommodate the traffic generated. Entrances and exits onto public streets shall not unduly increase congestion or traffic hazards on the public streets and the proposed site.
- (2) The proposed development shall be designed with appropriate regard for topography, surface drainage, drainage ways and streams, wooded areas, and other naturally sensitive areas that lend themselves to protection from degradation.
- (3) The proposed development shall be designed with adequate water supply and sewage treatment facilities and storm water drains and structures necessary to protect the public health and welfare by not overloading existing public utilities. Runoff from development shall not be outletted into roadside drainage facilities or adjacent lands in excess of the existing runoff prior to development.
- (4) The proposed development shall be designed, and the buildings and improvement shall be located within the tract or parcel in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property. And to such end, the developer shall provide for such fences, landscaping and other improvements as are proper and necessary to buffer the proposed use from the existing or potential surrounding land uses.

- (5) The proposed development shall be designed not to unduly increase the danger of fire, explosion, and other safety hazards on the general public and the persons residing or working in adjoining or surrounding property.

703.4 Information on Site Plan

The purpose of the Site Plan is to show the facts needed to enable the Planning and Zoning Commission and/or Board of Adjustment to determine whether the proposed development complies with the standards of this Ordinance.

- (1) Location map showing relationship to surrounding roads, streams and public facilities.
- (2) Scale of Site Plan shall not be more than one (1) inch to equal fifty (50) feet. Scale shall be shown in legend.
- (3) Home and address of landowner and developer.
- (4) Date, north marker, name of proposed development.
- (5) Existing buildings, utilities, railroads, rights-of-way, easements, location, and name of existing roads, stands of trees, and drainage ways.
- (6) Location and name of adjoining subdivisions, subdivision lots therein, and names of the adjoining landowners.
- (7) Zoning district classification; type of water supply and sewage disposal and storm sewer disposal.
- (8) Proposed location of buildings, parking lots, etc.
- (9) Determination of slope conditions and applicability of Bluffland Protection Overlay Zone.
- (10) Determination of flood elevations and relationship of proposed development to flood prone areas, if applicable.

704 ALLOWED SIGNS - RESIDENTIAL

All required signs must have an approved permit from the Zoning Administrator before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five (5) years. Sign permit fee is outlined in a "Fee Schedule" as approved by the Board of Supervisors and placed on file in the office of the Zoning Administrator.

704.1 General Regulations

- (1) Nameplates attached flat against the wall of the main building not to exceed six (6) square feet in area. Said nameplates will not be subject to the permit requirements of the code.
- (2) For home occupation uses, one identification sign for each developed parcel or business not exceeding thirty-two (32) square feet in area. Said sign will not be subject to the permit requirements of the code.
- (3) Church or public bulletin boards not to exceed thirty-two (32) square feet in area. Said sign will not be subject to the permit requirements of the code.

- (4) All signs prohibited on boulevard with the following exceptions: traffic signs, street identification (both put up by the county or local municipality), and nameplates on mailboxes, and noncommercial informational signs approved by the Zoning Administrator.
- (5) Permitted signs shall be located at least twenty (20) feet from the lot line, or not more than five (5) feet from the main building if such building is less than twenty-five (25) feet from the lot line.
- (6) Illumination of signs and bulletin boards shall not exceed eighty watts per face and shall be indirect, no intermittent lighting to exceed sixty (60) calendar days.
- (7) Billboards or advertising signs provided:
 - (a) They are not within five hundred (500) feet of an intersection, highway structure, or other billboard.
 - (b) They are not within five hundred (500) feet of a park, school, cemetery or semi-public building.
 - (c) They are not located closer than fifty (50) feet from public right-of-way.
 - (d) They do not exceed three hundred (300) square feet in area.
- (8) All signs and billboards shall be maintained in a neat, presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.
- (9) Trade, business or industry identification signs for the firm located on the site provided that:
 - (a) One freestanding sign per business not to exceed the figures in the following table:

Public Right-of-Way Width	Traffic Speed Allowed	Area Per Face	Maximum Height from Grade
60 feet or less	15-45 mph	75 sq. ft.	25 feet
	Over 45 mph	100 sq. ft.	30 feet
60 feet or more	15-45 mph	75 sq. ft.	25 feet
	Over 45 mph	100 sq. ft.	35 feet

- (b) Signs shall be at least twenty-five (25) feet from front or corner lot line and at least five feet from side lot line. If the building is closer than twenty (20) feet to the lot line, then sign must be five (5) feet from building, but must not in any event extend into public property.
- (c) In the case that it is erected between two (2) buildings within one hundred (100) feet of the sign, it shall not be erected closer to the street than a line drawn from the nearest front corner of the two (2) buildings.
- (d) Overhanging signs, attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building.
- (e) No attached sign shall be double-faced.

- (f) Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the face of the wall of the building on which they are located or two hundred (200) square feet, whichever is smaller.
 - (g) Rear entrance signs shall only be store identification signs. They shall not exceed twenty-five (25) square feet and shall not be included when figuring total signage for the building.
- (10) Any permanent sign larger than six (6) square feet shall require a sign permit except Items #1, 2, and 3.

705 ALLOWED SIGNS – COMMERCIAL AND INDUSTRIAL

All required signs must have an approved permit from the Zoning Administrator before being erected. All signs requiring a permit must be evaluated and issued a permit to continue every five (5) years. Sign permit fee is outlined in a "Fee Schedule" as approved by the Board of Supervisors and placed on file in the office of the Zoning Administrator.

705.1 General Regulations

- (1) Temporary signs advertising the sale or lease of a premises not to exceed thirty-two (32) square feet in area;
- (2) Advertising signs, trade, business, or industry identification signs for the business located on the site provided that:
 - (a) No more than five (5) freestanding signs, or one sign per each fifty (50) lineal feet of frontage per business not to exceed the figures in the following table:

Public Right-of-Way Width	Traffic Speed Allowed	Area Per Face	Maximum Height from Grade
60 feet or less	15-45 mph	75 sq. ft.	25 feet
	Over 45 mph	100 sq. ft.	30 feet
60 feet or more	15-45 mph	75 sq. ft.	25 feet
	Over 45 mph	100 sq. ft.	35 feet

- (b) Signs shall be at least five (5) feet from front or corner lot line and at least five (5) feet from side lot line. If the building is closer than twenty (20) feet to lot lines, then sign must be five (5) feet from building, but must not in any event extend into public property.
- (c) In the case that a sign is erected between two buildings within one hundred (100) feet of the sign, it shall not be erected closer to the street than a line drawn from the nearest front corner of the two buildings.
- (d) Signs attached to a building shall not project above the wall of the building.
- (e) No attached sign flush with the building shall be double-faced.

- (f) No sign shall exceed one hundred (100) square feet in area or cover more than ten percent (10%) of the building face on which it is located.
 - (g) The total combined area of all signs shall not exceed one hundred fifty (150) square feet per business or more than one (1) square foot of sign area for every two (2) lineal feet of lot frontage, whichever is greater.
 - (h) Rear entrance signs shall only be store identification signs. They shall not exceed twenty-five (25) square feet and shall not be included in the total combined area of “g.” above.
 - (i) Sidewalk signs shall not be permitted.
- (3) All signs prohibited on boulevard with the following exceptions: traffic signs, street identifications (both put up by the county or local municipality), nameplates on mailboxes, and noncommercial informational signs approved by the Zoning Administrator.
 - (4) All signs shall be maintained in a neat and presentable condition, and in the event their use shall be abandoned, they shall be removed within thirty (30) days of their abandonment.

706 OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements are intended to provide for efficient use of space, to protect and enhance the aesthetic environment, create an environment that attracts economic development, and to provide safe and convenient parking facilities for residents, consumers, and employees.

706.1 Applicability Effect

These regulations are set forth to provide minimum standards for parking stall dimensions and aisle widths and to regulate the number of parking stalls for all districts and uses

706.2 Definitions

For the purpose of these regulations the following terms shall be defined as follows:

- (1) Aisle; A passage for traffic separating rows of stalls
- (2) Stall; A space marked off for parking a motor vehicle

706.3 Minimum Parking Standards for the Physically Challenged

Minimum parking requirements for the physically challenged shall be provided in accordance with Chapter I of title 28 of the Code of Federal Regulations, Part 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.

706.4 Dimensions

The following are minimum guidelines for all parking stalls:

Parking Angle	Module wall to wall	Stall depth to wall	Stall depth to interlock	Aisle width
45° (1-way aisle)				
8.5 ft. stall	48 ft.	16.5 ft.	14.5 ft.	15 ft.
9.0 ft. stall				
60° (1-way aisle)				
8.5 ft. stall	54 ft.	18 ft.	16.5 ft.	18 ft.
9.0 ft. stall				
60° (2-way aisle)				
8.5 ft. stall	62 ft.	18 ft.	16.5 ft.	26 ft.
9.0 ft. stall				
75° (1-way aisle)				
8.5 ft. stall	59 ft.	18.5 ft.	17.5 ft.	22 ft.
9.0 ft. stall				
90° (2-way aisle)				
8.5 ft. stall	61 ft.	17.5 ft.	17.5 ft.	26 ft.
9.0 ft. stall				

Note: 8.5 ft. stalls should serve as compact car measurements.

706.5 Parking Stall Requirements

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

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) stalls 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 stall per each employee on the largest work shift
Bowling alleys	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 six (6) children
Churches and schools	1 stall for every four (4) seats of principal auditorium, including a balcony, if any, and 1 stall for each staff member
Commercial campgrounds	2 stalls for each campsite, plus five (5) additional stalls
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

Use	Requirement
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 1 stall for every two (2) employees, plus 1 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 percent (50%) 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
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.
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: 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
Miniature golf course	2 stalls for every hole and 1 stall for every employee on the maximum work shift
Mobile home	2 parking stalls for each lot.
Nursing, convalescent, and retirement homes	1 stall per eight (8) beds, plus 1 stall per three (3) employees, plus 1 stall for each resident staff member
Other dwelling units	2 stalls per unit.
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., 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

Use	Requirement
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 five (5) seats
Wholesale establishments or warehouses	1 stall for each two (2) employees, but in no case less than 1 stall for each one thousand (1,000)sq. ft. of gross floor area

706.6 Additional Requirements

- (1) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the parking requirements for a use that is mentioned and to which said use is similar shall apply.
- (2) Where a parking lot does not abut on a public or private street, road, alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such a manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural or residence district except where serving a permitted use in an agricultural or residential district.
- (3) Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
 - (a) No part of any parking stall shall be closer than five (5) feet to any established highway, road, or street right-of-way line. In case the parking lot adjoins a residential district, it shall be screened from adjacent property by a planting screen not less than ten (10) feet in width and six (6) feet in height or by a fence, wall, berm or other comparable means.
 - (b) Off-street parking area in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of these regulations, except that no required off-street parking or loading areas shall be located in any required front yard in a residential district.

706.7 Off-Street Loading Requirements

- (1) In any district in connection with every building or part thereof hereafter erected having a gross floor area of six thousand (6,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading stall, plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

- (a) Each loading stall shall be not less than twelve (12) feet in width and forty (40) feet in length.
- (b) Such space may occupy all or any part of a required yard or open space, except when adjoining a residential district it shall be set back ten (10) feet and screened from adjacent property by a planting screen not less than ten (10) feet in width and six (6) feet in height or by a fence, wall, berm, or other comparable means.

707 MOBILE/MANUFACTURED HOME PARKS

The following are the minimum additional requirements for manufactured housing subdivision development:

707.1 Allowed Accessory Uses and Structures

- (1) Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises except home occupation, not employing more than two (2) persons outside the immediate family and is located on same lot or a contiguous lot under same ownership that will not adversely affect surrounding properties, that all necessary precautions and safe guards be taken to minimize the non-residential character, traffic, parking and noise of the residential district.
- (2) Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
- (3) Subordinate buildings or structures that are in addition to or supplement the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, garages, carports, and porches.
- (4) Common facility service buildings or community buildings intended exclusively for the use of the manufactured housing development's residents, including recreational vehicle and boat storage area, laundry facilities, sanitary facilities, recreational facilities, storm shelter facilities, or non-automotive commercial uses supplying essential goods or services.
- (5) Management buildings, maintenance buildings, one dwelling unit to be occupied by the owner or administrator of the development and other uses similar in nature.

707.2 Common Open Space

A minimum of three hundred (300) square feet for each lot shall be provided for one (1) or more common open space areas that shall be easily accessible to all residents. The required area shall be computed in addition to the minimum lot area specified herein. At least fifty percent (50%) of the common open space shall be of a character suitable for active recreation and shall provide recreational equipment and facilities. Recreational equipment and facilities may include playgrounds, ball fields, indoor recreation areas, swimming pools, hobby shops, and similar uses.

707.3 Sewer and Water Utilities

Public or private sewer and water facilities shall be provided for each home in accordance with all applicable State statutes and regulations. No manufactured home shall be occupied unless it is served by common sanitary sewage and water supply. Any waste treatment lagoon or other common treatment facility constructed in conjunction with the development shall be located not less than seventy-five (75) feet from any public road, interior street or lot line. (In the case of a lagoon, this distance shall be measured from the outside toe of the levee slope.)

707.4 Home Site and Installations

Each home shall be installed on a site in accordance with the support and anchoring systems as prescribed by State statutes.

707.5 Utility Lines

The Commission and Board of Supervisors may require that all utility lines (electric, telephone, cable TV, etc.) be installed underground and in such a manner that does not interfere with basic road maintenance. If overhead utility lines or wires are permitted, they shall be placed in easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Commission or Board of Supervisors may consider that soil, topographical or other conditions make such installation within the development unreasonable or impractical.

707.6 Skirting

Skirting of a permanent type material and construction shall be installed within sixty (60) days of installation of the manufactured home to enclose the open space between the bottom of the home floor and the grade level. This skirting shall be maintained in an attractive manner consistent with the exterior of the home and to preserve the appearance of the development.

707.7 Walkways

Provision and maintenance of a common walkway system may be required between locations where pedestrian traffic is concentrated and where pedestrian and vehicular traffic might interfere with one another. Such common walks shall have a minimum width of three and one-half (3½) feet.

707.8 Streets

- (1) All streets within the development parcel shall be private.
- (2) Pavement widths for private streets shall meet the following requirements:
 - (a) Two-way with no on-street parking: 20 feet minimum.

- (b) Two-way with on-street parking one side: 31 feet minimum.
- (c) Two-way with on-street parking both sides: 36 feet minimum.
- (3) Street improvements:
 - (a) All streets shall be provided with a smooth, hard, dust-free and dense surface that shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes, and its edges shall be protected by a suitable means to prevent raveling of the wearing surface and shifting of the base.
 - (b) Interior streets with direct access onto a paved public road or highway shall be improved to either of the following standards:
 - (i) Portland cement concrete: Six (6) inches;
 - (ii) Asphaltic cement concrete: Four and one-half (4½) inch base course with a one and one-half (1½) inch surface course.
 - (iii) All construction work and materials incorporated into an approved development shall meet all requirements of the current Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation, and supplements thereto.
- (4) Relation to adjoining street systems:
 - (a) As appropriate, a new manufactured home development, or any expansion to an existing development, shall make provision for the continuation of existing streets in the adjoining area.

707.9 Lot Area

- (1) Single-wide unit. Three thousand, five hundred (3,500) square feet minimum (exclusive of road right-of-way and easements) with a front lot width not less than thirty-three (33) feet.
- (2) Double-wide unit (exceeding 19 feet wide). Six thousand (6,000) square feet minimum (exclusive of road right-of-way and easements) with a front lot width not less than forty-four (44) feet.

707.10 Set Backs

- (1) Mobile homes

Yard	Minimum Standard
Front	10 feet
Rear	5 feet
Side	10 feet
Maximum height	18 feet

(2) Permanent built homes and structures

Yard	Minimum Standard
Front	10 feet
Rear	5 feet
Side	10 feet
Maximum height	18 feet

(3) Building lot lines for all residential uses shall be kept a minimum distance of twelve hundred fifty feet (1,250) from the property line of an existing poultry, livestock or fur-bearing animal feeding/confinement facility.

707.11 Lighting

Adequate lighting shall be provided for all streets, walkways, buildings, and other facilities subject to night-time use. As a general guideline, street lights shall be placed at all street intersections and at other intermediate points as necessary.

707.12 Fire Protection Access

Access for fire protection services shall be such as to permit fire apparatus to approach within at least one hundred (100) feet of each manufactured home.

707.13 Site Development Plan

Prior to the issuance of a permit for the construction or expansion of a manufactured housing development, a comprehensive site plan shall be submitted for review and approval of the Board of Supervisors after review and recommendation of the Planning and Zoning Commission. The Board of Supervisors may approve the plan or require such changes as are deemed necessary to carry out the spirit and intent of this Ordinance. The site plan shall be at a scale of not more than one hundred (100) feet to the inch, and shall show at a minimum the following:

- (1) Name and address of the owner and developer and the title under which the proposed development is to be known. Also, north point, scale, date, name and address of the surveyor and engineer, as appropriate.
- (2) The complete legal description, including area, of the property to be developed.
- (3) A vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the site development plan. This sketch shall show how streets in the proposed development may connect with existing and proposed streets and roads in the surrounding area, and shall show the location of any nearby parks, schools, or other public facilities.
- (4) The location of property lines and boundary dimensions of the tract of land and all such surface and subsurface features as may affect the development of the land.
- (5) The number, location, and dimensions of all manufactured home lots, stands and parking areas.

- (6) The location and width of streets and walkways and proposed names for all streets in the development.
- (7) The location of recreation areas and facilities, including community buildings, playgrounds, ball fields, indoor recreation areas, swimming pools, hobby shops, and similar uses; the location of storm shelter facilities, if proposed.
- (8) The location of lighting to be provided for all streets, walkways, buildings and other facilities subject to common use.
- (9) The location and size of existing and proposed water, sewer, gas, electric, cable TV, telephone and other utility lines and facilities.
- (10) Approval by appropriate agencies of the plans for and specifications of the water supply and sewage treatment facilities.
- (11) Existing contours shown at intervals of not more than five (5) feet, provided, however that a minimum of two (2) contours shall be shown. Contour intervals of less than five (5) feet may be required at the County Engineer's discretion.
- (12) Landscape plan showing the location, size and description of all proposed and existing plant materials, existing plant materials to be removed, and existing plant materials to be retained. The objectives of the landscape plan are to:
 - (a) Define private outdoor living and recreation space;
 - (b) Screen undesirable views;
 - (c) Reduce adverse effects upon the subject property and adjacent and nearby property;
 - (d) Buffer noise and objectionable light; and
 - (e) Provide for shade, protection from elements and the comfort and convenience of residents.
- (13) Determination of slope conditions and applicability of Bluffland Protection Overlay Zone.
- (14) Determination of flood elevations and relationship of proposed development to flood prone areas, if applicable.
- (15) Traffic control plan.
- (16) For areas to be phased in at a later date, the site development plan shall show a conceptual layout illustrating general street and lot arrangements, location of open space areas, etc. All required plans, specifications and approvals must be received prior to development of each subsequent phase. The minimum size for any construction phase within an approved manufactured home development shall be as follows:
 - (a) Phase 1 shall include a minimum of twenty-five percent (25%) of the number of manufactured home spaces indicated in the total plan approved, but in no event less than ten (10) spaces, and shall be completed within one calendar year from the date of commencement of construction.
 - (b) Each subsequent construction phase shall contain a minimum of fifteen percent (15%) of the total number of mobile home spaces shown on the approved plan. Proportionate open space areas as required by this Ordinance shall be met for each construction phase.

707.14 Exceptions

- (1) Whenever the tract proposed to be developed is of such unusual size, character or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Commission may waive, vary or grant exceptions to the requirements to the end that the developer is allowed to develop the property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this Ordinance and granted with the view toward protecting the public interest or welfare. Application for such waiver, variation or exception to the requirements of this Ordinance shall be made in writing by the developer at the time of filing of the site development plan, and shall specifically state the requirements(s) and the section(s) of the Ordinance to be considered.
- (2) In no case shall any waiver, variation or exception be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street or be in conflict with any Zoning Ordinance or map.
- (3) Recommendation by the Commission for approval of such waiver, variation or exception must be the affirmative vote of the majority of the Commission membership.
- (4) In recommending waivers, variances and exceptions, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived, varied or excepted.

707.15 Modifications

- (1) Minor modifications to the approved site development plan are permissible upon authorization by the Zoning Administrator. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
- (2) All other requests for modifications to the approved site development plan will be processed as new applications. New conditions may be imposed by the Board of Supervisors, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.
- (3) The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) for such approval to the Zoning Administrator, and the request shall specifically identify the modifications. The Zoning Administrator shall determine whether the proposed modification is minor.
- (4) Approval of all modifications must be given in writing.

708 BLUFFLAND PROTECTION OVERLAY DISTRICT

708.1 Purpose

The purpose of the Bluffland Protection Overlay District is to preserve the scenic qualities of bluffs, protect sensitive natural features and groundwater and prevent the process of erosion.

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 forty-five percent (45%) or greater.
- (2) Bluff Protection Zone: All land located between the toe and the top of the bluff and the land located within two hundred (200) feet measured horizontally beyond the highest point of the top of the bluff and one hundred (100) feet measured horizontally beyond the lowest point of the toe of the bluff.
- (3) Bluff Impact Zone: The bluff and land located within fifty (50) feet measured horizontally beyond the highest point of the top of the bluff and thirty (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 twelve percent (12%), as measured over a horizontal distance of fifty (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 fifty (50) foot, or greater, segment with an average slope of forty-five percent (45%) 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 fifty (50) foot, or greater, segment, measured on the ground, with an average slope of forty-five percent (45%) or greater.

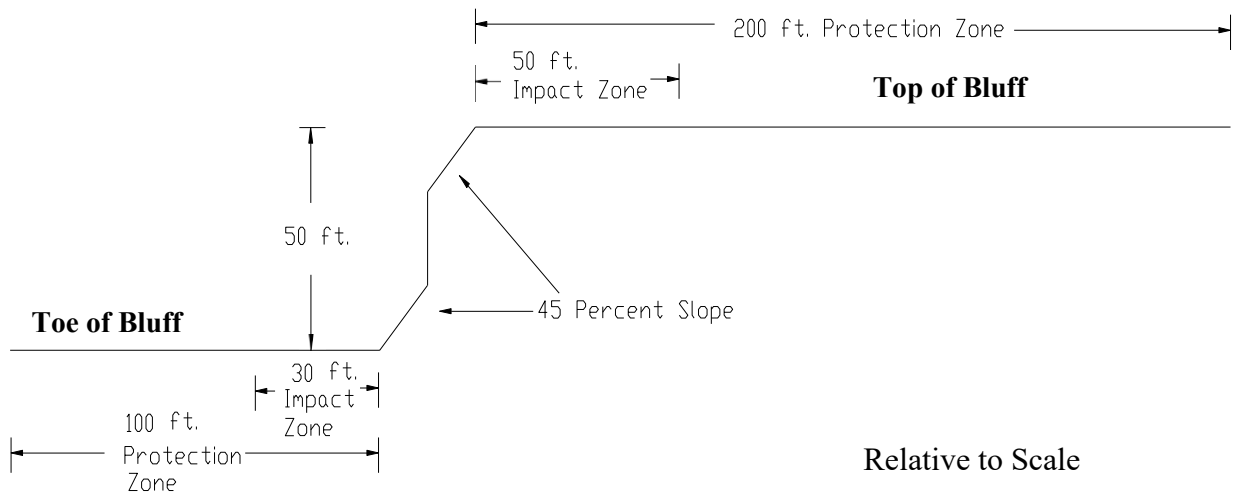
708.3 District Application

The Bluffland Protection (BP) Overlay District shall be applied to and superimposed upon all zoning districts as contained herein as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the BP Overlay District shall be in addition to those established for districts, which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

708.4 Boundaries

The boundaries of the BP Overlay District shall be defined as those lots in the County, which contain bluffs and/or steep slopes. The boundaries of Bluff Impact Zones shall be graphically represented on individual site plans, preliminary and final subdivision plats as slope easements

Bluff Zones



708.5 Development Regulations

- (1) Persons desiring to construct a structure, perform grading or earth moving activities or destroy or remove vegetation from land located within the BP

- Overlay Zone, but not within the Bluff Impact Zone, shall only do so following review and approval by the Commission.
- (2) Persons desiring to construct a structure, perform grading or earth moving activities or destroy or remove vegetation from land located within a Bluff Impact Zone, shall only do so following issuance of a Conditional Use Permit as prescribed in this Ordinance.
 - (3) The plan to be submitted for consideration with regard to Commission review or a Conditional Use Permit shall include the following information:
 - (a) Existing site conditions including all structures, shrub masses, trees and topographic conditions and site boundaries.
 - (b) Proposed structures and site improvements, grading changes, tree and vegetation removal and landscaping improvements, including trees, shrubs and ground covers.
 - (c) Height and size of any structures proposed to be constructed.
 - (d) Timetable for anticipated dates of construction.
 - (e) Location and design of any private sewage and other sanitary waste disposal systems.
 - (f) Erosion control plan during and following construction.
 - (4) Considerations for approval or denial of a Conditional Use Permit shall include but not be limited to the following:
 - (a) Degree to which the intent of this Ordinance is addressed in the proposal.
 - (b) Compliance with the bulk and setback requirements of this district.
 - (c) Degree to which tree and vegetation removal and slope alteration has been minimized in the proposed development.
 - (d) Appropriateness of the proposed plant material for the site for slope protection purposes.
 - (e) The degree to which dislocated vegetation can be relocated or replanted on the site.
 - (f) Minimization of hard surfacing or other impervious materials within thirty-five (35) feet of the bluff or steep slope.

708.6 General Regulations

The following requirements shall be imposed on all development in the BP Overlay District:

- (1) Structures shall not be placed within Bluff Impact Zones, except for permissible yard setback encroachments as permitted in this Ordinance.
- (2) The maximum height of any structure shall be no more than thirty-five (35) feet.
- (3) No person may conduct a mining or quarry activity or expand a mining or quarry activity within fifty (50) feet of the toe or top of a bluff or in a BP Overlay District.
- (4) No tower shall be located within one-quarter (1/4) mile of the Bluff Impact Zone, except for water reservoirs owned and constructed by the city.
- (5) No grading, excavating or filling shall be allowed within the Bluff Impact Zone.

- (6) Grading and filling within the BP Overlay District, but not within a Bluff Impact Zone, shall comply with the following conditions:
 - (a) No more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time.
 - (b) Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
 - (c) Methods, such as silt fences, hay bales, etc., must be employed to minimize soil erosion and to trap sediments before they reach water surfaces in accordance with regulations of the Iowa Department of Natural Resources and acceptable engineering practices.
 - (d) Fill or excavated material must not be placed in a manner that creates an unstable slope and must be stabilized according to accepted engineering standards.
 - (e) A soil erosion control plan must be submitted to the Zoning Administrator before grading or construction begins on any lot affected by the regulations of this Ordinance.
 - (f) Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- (7) The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil and to preserve steep slope aesthetics.
- (8) Only the minimum amount of vegetation necessary for placing roads, utilities, structures and parking areas may be approved for removal.
- (9) Natural vegetation shall be restored insofar as feasible after any construction project.
- (10) All stairways and lifts on bluffs shall be visually inconspicuous. Stairways and lifts are the preferred alternatives to major topographic alterations for achieving access up and down bluffs and steep slopes. Stairways, lifts and landings shall meet the following design requirements:
 - (a) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space, and recreational properties, and open space areas within cluster developments.
 - (b) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space, recreational properties and open space areas within cluster developments.
 - (c) Canopies or roofs are not allowed on stairways, lifts or landings.
 - (d) Stairways, lifts and landings may be either constructed on posts or pilings, or placed into the ground, provided they are designed in a manner that ensures control of soil erosion.
 - (e) Stairways, lifts and landings must be located in the most visually inconspicuous portion of lots, as viewed from adjacent areas, assuming summer, leaf-on conditions whenever practical.

- (11) Vegetation alterations necessary for the construction of structures and sewage treatment systems are exempt from the vegetation alteration standards.
- (12) Vegetation alterations necessary for the construction of roads and parking areas are exempt from the vegetation alteration standards.
- (13) Limited removal of vegetation is allowed subject to the following standards:
 - (a) On steep slopes, which are not located in Bluff Impact Zones, selective clearing, cutting, pruning and trimming of trees and shrubs is allowed to provide a view from the dwelling site and to accommodate the placement of stairways, lifts, landings, picnic areas, access paths, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:
 - (i) The screening of structures, vehicles or other facilities as viewed from adjacent areas, assuming summer, leaf on conditions, is not reduced by more than twenty-five percent (25%).
 - (ii) Along waterways, existing shading of water surface is reserved.
 - (b) The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

709 CLUSTER DEVELOPEMNT

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.

709.1 Standards

Except for minimum front setbacks and height limitations for the district in which the development is proposed, altered dimensional standards may be allowed as exceptions to this Ordinance for cluster development, provided that:

- (1) The maximum number of residential units in a cluster subdivision, regardless of the maximum number of acres rezoned, shall not exceed ten (10). Less than ten (10) units may be required depending on review by County Sanitarian and ability of development to support a common sewer system and reserve treatment back up area.
- (2) Cluster development lots served by a common sewer system shall not be less than 12,000 square feet in area. Cluster development lots served by private septic systems shall not be less than one (1) acre, exclusive of ROW and easements, and must also contain a reserve backup area for a replacement septic system.
- (3) Open space shall be preserved. At least forty percent (40%) of the site acreage, exclusive of ROW and easements, shall be kept in its natural state or utilized for recreation or agricultural purposes. Open space can be used for the placement of drainfields for common sewer systems.

- (4) Common open space shall be preserved as agricultural land, open recreational space for recreational facilities, or for preservation of natural or scenic resources.
- (5) No more than one (1) access point will be allowed to a public road for a cluster development.
- (6) Public roadways shall be designed and constructed to meet County Subdivision Standards and be certified by a professional engineer.
- (7) A statement of intent is required on whether the road(s) are to be public or private. Private roadways shall reserve a sixty-six (66) foot right-of-way necessary to accommodate a construction standard for public roadways and be of sufficient paved width to accommodate emergency access vehicles.
- (8) In areas where public sewer and water are not available, adequate soil area shall be shown on the preliminary plat for two (2) individual septic drainfields for each dwelling unit with private septic system, or plans and tests which provide adequate space for one (1) reserve or back-up area for common systems.
- (9) Complete plans and documents of the homeowners association shall be submitted which explain:
 - (a) Ownership and membership requirements.
 - (b) Organization of the association.
 - (c) Time at which the developer turns the association over to the homeowners.
 - (d) Approximate monthly or yearly association fee for homeowners.
 - (e) Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, utilities and central sewer system.
 - (f) A statement of intent whether the roads are to be private or public.
- (10) The developer shall be responsible to pay all cost for any sewer, water or utility services that cross any agricultural lands to service the proposed cluster development.

710 COMMERCIAL 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 Administration

The establishment and operation of a commercial campground is allowed by Conditional Use Permit, see Section 505. In addition to the Conditional Use Permit required information and exhibits, the following campground specific information is required:

- (1) Location and size of campground.
- (2) Location and size of all campsites, storage areas, recreation areas, laundry drying areas, roadways, parking spaces, and all setback dimensions.
- (3) Detailed grading plan with ten (10) foot contour intervals.
- (4) Plans for sanitary sewerage disposal, surface drainage, water systems, electrical service, and gas service.
- (5) Plans for a park lighting system.

- (6) The method of disposing of garbage and refuse.
- (7) Location and size of all streets servicing the campgrounds.
- (8) Construction plans and specifications for roadways within the campgrounds.
- (9) Plans for any and all structures.
- (10) Such other information as may be required or requested by the County.

710.2 Performance Standards for Commercial Campgrounds

- (1) All campgrounds must have an approved Emergency Evacuation Plan on file with the County Zoning Department and Sheriff's Department.
- (2) All campgrounds planned within the 100-year floodplain shall submit an Iowa Department of Natural Resources Floodplain Permit to the County Zoning Administrator.
- (3) All water supply and sanitary facilities must conform to the Iowa Department of Natural Resources' health standards and all applicable Federal, State and local regulations.
- (4) 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.
- (5) All permanent structures shall require a Construction Compliance Certificate.
- (6) 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.
- (7) Each campsite will be plainly identified by a number both on the map of the campground and at the campsite.
- (8) No campsite shall be located within twenty (20) feet of any property line.
- (9) Parking – five (5) spaces, plus two (2) spaces for each campsite to ensure all roadways are open for emergency vehicles at all times.
- (10) All land area shall be adequately drained and properly maintained; free of refuse, garbage, rubbish or debris.
- (11) 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.
- (12) All centralized refuse collection containers and equipment and park maintenance equipment shall be stored in a screened and fenced service yard within the campground.
- (13) All campgrounds shall have an illuminated area displaying the following information at all times:
 - (a) Instructions on how to reach law enforcement officers.
 - (b) Instructions on how to reach the owner or adult caretaker of the campground.
 - (c) A labeled map of the campground which includes numbering of each campsite.
- (14) Quiet hours from 10:00 p.m. to 7:00 a.m. will be posted and enforced by the owner or adult caretaker of the campground.

- (15) Cabins shall not be occupied when the campground is not open to the public.
- (16) Unoccupied recreational camping vehicles or similar devices may be located in designated campground storage areas.

711 EXTRACTION PITS/LAND ALTERATIONS

The objective of this provision is to control alterations of land surfaces, minimize soil erosion and land scarring, to monitor the consumption of natural resources, and minimize its impact on the adjacent lands and persons residing in the area.

711.1 Administration

- (1) A Conditional Use Permit shall be required for all extraction pits and land alteration operations. The County Board of Adjustment may also require a performance bond from the landowner.
- (2) The crushing, washing, refining, or processing other than the initial removal of material shall be considered a conditional use. Quarries producing or manufacturing veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a conditional use. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes that might be related to the mining operation shall be considered as a conditional use.

711.2 Required Information

The following information shall be provided by the person requesting the permit:

- (1) Name and address of person requesting the mining permit.
- (2) The exact legal property description and acreage of area to be mined.
- (3) The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below:

Map A – Existing conditions to include:

Contour lines at five (5) foot intervals.
Existing vegetation.
Existing drainage and permanent water areas.
Existing structures.
Existing wells.

Map B – Proposed operations to include:

Structures to be erected.

Location of sites to be excavated showing depth of proposed excavation.

Location of excavated deposits showing maximum height of deposits.

Location of storage of excavated materials, showing the height of storage deposits.

Location of vehicle parking.

Location of storage of explosives.

Erosion and sediment control structures.

Map C – End of plan to include:

Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.

Location and species of vegetation to be replanted.

Location and nature of any structures to be erected in relation to the end use plan.

- (4) A soil erosion and sediment control plan.
- (5) A plan for dust and noise control.
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
- (7) Any other information requested by the Board of Adjustment or governing body.

711.3 Performance Standards

- (1) Water Resources:
 - (a) The extraction pit or land alteration operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the operation.
 - (b) The work done shall not adversely affect the quality of surface or subsurface water resources.
 - (c) Surface water originating outside and passing through the mining district shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site.
- (2) Safety Fencing:

Any operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:

 - (a) Where collections of water occur that are one and one-half (1 1/2) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence of at least four (4) feet in height.
 - (b) In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more,

access to such slopes shall be barred by a fence or some similarity effective barrier such as a snow fence at least four (4) feet in height.

- (3) Access Roads:
The location of the intersection of access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance or public road in view so that any turns onto the public road can be completed with a margin of safety.
- (4) Setback:
 - (a) Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures.
 - (b) Mining operations shall not be conducted closer than one hundred (100) feet to the boundary of any zone where such operations are not permitted, nor shall such production, processing, or mining be conducted closer than one hundred (100) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is obtained first.
 - (c) Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of an existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, or highway.
 - (d) Mining operations shall not be conducted within a Bluff Impact Zone as determined and regulated by Section 708: Bluffland Protection Overlay District.
- (5) Appearance:
 - (a) All buildings, structures and plants used for the production of processing of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
- (6) Hours of operation:
 - (a) All operations shall be conducted between the hours of 6:00 a.m. and 10:00 p.m. Permission may be granted for operations beyond these hours to respond to public or private emergencies or whenever any reasonable request is made to extend the hours of operation or whenever necessary repairs to equipment are required to be made.

711.4 Land Rehabilitation

All sites shall be rehabilitated immediately after operations cease. Rehabilitation shall be complete within one (1) calendar year after operation ceases. The following standards shall apply:

- (1) Within a period of three (3) months after the termination of a operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants.

711.5 Non-Conforming Extraction Pits

Existing non-conforming pits shall be required to submit a reclamation and rehabilitation plan following the standards in this Section.

712 PUBLIC WATER WELL OVERLAY DISTRICT

The Public Water Well 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 Public Water Well 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 two hundred (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 two hundred to five hundred (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 and campgrounds.
2. Wildlife areas.
3. Residential, excluding fuel and oil storage within four hundred (400) feet (LP allowed).
4. Lakes, ponds, fee fishing and outdoor recreational facilities.
5. Golf driving range, miniature golf and 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 one thousand (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.

713 EXCAVATION AND MINING OF INDUSTRIAL MINERALS

713.1 Purpose

The purpose of this section 713 regarding excavation and mining of industrial minerals is to (i) minimize road and bridge damage from high-volume and heavy truck traffic hauling industrial minerals, (ii) protect natural landscapes from scarring and damage of excessive excavation and mining activity (iii) protect fragile karst features, water resources, aquifers, streams (including trout streams), and rivers from excessive contamination and appropriation, (iv) minimize soil erosion, (v) protect agricultural land and farming activity, (vi) protect existing recreational and tourist businesses, (vii) protect residents from unhealthy air emissions of mining activity, and (viii) monitor and control the extraction and mining of industrial minerals.

713.2 Definitions

- (1) Excavation and Mining. The term “excavation and mining” includes any process or method of digging, excavating, mining, drilling, blasting, tunneling, dredging, stripping, or removing industrial minerals from the land surface or underground. The term “excavation and mining” applies to all activity occurring at excavation or mining sites, including sites commonly identified as quarries and sand pits.
- (2) Construction Minerals. The term “construction minerals” includes natural, common quartz rock, stone, aggregate, gravel and sand that is produced and used for local construction purposes, including road pavement, unpaved road gravel or cover, concrete, asphalt, building and dimension stone, railroad ballast, decorative stone, retaining walls, revetment stone, riprap, mortar sand, construction lime, agricultural lime and bedding sand for livestock operations, sewer and septic systems, landfills, and sand blasting. The term “construction minerals” does not include “industrial minerals” as defined in Section 713.2(3).
- (3) Industrial Minerals. The term “industrial minerals” includes naturally existing, low impurity, high quartz level silica sand, quartz, graphite, diamonds, gemstones, kaolin, and other similar minerals used in industrial applications. Industrial minerals may be used, among several industrial uses, as a proppant for the hydraulic fracturing of shale for oil and gas production. Silica sand is categorized as an industrial mineral by the North American Industry Classification System under classification no. 212322. The term “industrial minerals” does not include “construction minerals” as defined in Section 713.2(2).

- (4) Processing of Industrial Minerals. The term “processing of industrial minerals” includes the processing, washing, cleaning, screening, filtering, sorting, stockpiling and storage of all excavated or mined industrial minerals.
- (5) Transfer of Industrial Minerals. The term “transfer of industrial minerals” includes the removal, transfer or hauling of excavated and mined industrial minerals from the mining site to any other location.
- (6) Transfer Facility. The term “transfer facility” means a developed facility designed for transfer and loading extracted or mined industrial minerals onto rail, barge or truck for destinations outside Winneshiek County.
- (7) Industrial Minerals Project. The term “industrial minerals project” means any project or development that involves the (i) excavation and mining of industrial minerals, (ii) processing of industrial minerals, (iii) stockpiling of industrial minerals, and/or (iv) transfer of industrial minerals.

713.3 Application of Section 713

- (1) This section 713 only applies to the (i) excavation and mining of industrial minerals, (ii) processing of industrial minerals, (iii) stockpiling of industrial minerals, and (iv) transfer of industrial minerals at any property or site located in Winneshiek County. The regulation, monitoring and control of the (i) excavation and mining of industrial minerals, (ii) processing of industrial minerals, (iii) stockpiling of industrial minerals, and (iv) transfer of industrial minerals are governed solely by this section 713 of the Zoning Ordinance.
- (2) This section 713 does not apply to the (i) excavation and mining of construction minerals (as that term is defined in Section 713.2(2)), (ii) processing of construction minerals, (iii) stockpiling of construction minerals, or (iv) transfer of construction minerals. The regulation, monitoring and control of (i) the excavation and mining of construction minerals, (ii) processing of construction minerals, (iii) stockpiling of construction minerals, and (iv) transfer of construction minerals are governed solely by Section 711 of the Zoning Ordinance.

713.4 Industrial Minerals Project Conditional Use Permit Required

- (1) No person shall (i) excavate or mine industrial minerals, (ii) process industrial minerals, (iii) stockpile industrial minerals, or (iv) transfer industrial minerals at any property or site located in Winneshiek County without first applying for and obtaining from the Board of Adjustment an Industrial Minerals Project Conditional Use Permit.
- (2) No person shall construct, develop or operate any industrial minerals project at any property or site located in Winneshiek County without first applying for and obtaining from the Board of Adjustment an Industrial Minerals Project Conditional Use Permit.

- (3) If any person proposes to excavate or mine industrial minerals at a site five (5) acres or less in size, such person shall first apply for and obtain from the Board of Adjustment an Industrial Minerals Project Conditional Use Permit.
- (4) If any person proposes to excavate or mine industrial minerals at a site greater than five (5) acres in size, such person shall first apply for and obtain from the Board of Supervisors a rezoning of such site to M2 General Industrial. If the rezoning of such site is granted, an Industrial Minerals Project Conditional Use Permit will need to be applied for and obtained from the Board of Adjustment pursuant to Section 713.4(3).
- (5) If the holder of a Conditional Use Permit is entitled to excavate or mine only construction minerals proposes to excavate and mine industrial minerals at the permitted excavation or mining site, the permit holder must first obtain a rezoning of such site to M2 General Industrial. If the rezoning of such site is granted, an Industrial Minerals Project Conditional Use Permit must be obtained, pursuant to this Section 713.
- (6) If the holder of a Conditional Use Permit is entitled to excavate or mine industrial minerals, the permit holder will not be obligated to obtain an Industrial Minerals Project Conditional Use Permit to continue excavating and mining industrial minerals.

713.5 Prohibited Industrial Minerals Project Activity

The following industrial minerals project activity is prohibited and will not be allowed under the terms or conditions of any Industrial Minerals Project Conditional Use Permit:

- (1) The use of any excavation or mining process that injects, applies or uses any chemical or toxic substance unless permitted in the Industrial Minerals Project Conditional Use Permit.
- (2) The use of any excavation or mining process or method of tunneling, augering, shafting, hydraulic dredging, or other similar process or method.
- (3) The use or application of any flocculants or chemicals to wash or process excavated and mined industrial minerals at a mining site.
- (4) The use or application of water to wash or process excavated and mined industrial minerals at a mining site. Mining operators will be entitled to dry screen and sort industrial minerals at the mining site, but must transfer all excavated and mined industrial minerals to sites outside the county jurisdiction of this Zoning Ordinance for further processing or washing.
- (5) The development of any transfer facility for the loading of extracted or mined industrial minerals onto rail, barge or truck for destinations outside Winneshiek County.
- (6) Any industrial minerals project proposed to be located within a floodplain or within a one (1) mile radius of any trout stream or river or within one-half (1/2) mile radius of any perennial stream or river.
- (7) Any industrial minerals project proposed to be located on any site containing identified karst features.

- (8) Any industrial minerals project proposed to be located on any portion of the Bluffland Protection Overlay District as defined in section 708.

713.6 Exceptions to Industrial Minerals Project Conditional Use Permit Requirements

No Industrial Minerals Project Conditional Use Permit will be required for any of the following activities:

- (1) The excavation of land necessary for the construction of a structure permitted under this Zoning Ordinance.
- (2) The impounding of water in an open pit or pond designed for agricultural uses, but not for excavation or mining purposes.
- (3) The excavation of land necessary for essential public services or public utility work.
- (4) The excavation and mining of industrial minerals for personal or farming use on the same property for up to one (1) acre in size.
- (5) The appropriation and use of water resources for residential, commercial or agricultural uses.

713.7 Siting and Location Restrictions

Any new or expanded site excavating or mining industrial minerals must comply with the following siting and location requirements:

- (1) No excavation or mining site shall exceed more than twenty (20) acres in size to the parcel boundaries.
- (2) No excavation or mining site shall be located within a five (5) mile radius of any existing mining site holding an Industrial Minerals Project Conditional Use Permit.
- (3) No excavation or mining site shall be located within two thousand (2,000) feet of any existing residence from the surveyed boundary of the excavation or mining site, unless the existing residence is owned by the applicant property owner.
- (4) No excavation or mining shall occur within two hundred (200) feet from the surveyed boundary lines of any excavation or mining site.
- (5) No excavation or mining site shall have access onto a gravel or unpaved road. All excavation and mining sites must abut a blacktop or concrete road, and all trucks hauling excavated or mined industrial minerals must enter and leave at the access point.
- (6) No excavation or mining will occur within one (1) mile from an existing platted residential subdivision or town.

713.8 Application for Industrial Minerals Project Conditional Use Permit

The applicants for an Industrial Minerals Project Conditional Use Permit must be all owners of the property and the operator of the proposed industrial minerals project. The applicants will prepare and submit an application for an Industrial Minerals Project

Conditional Use Permit to the Zoning Administrator. The application will contain the following information:

- (1) Names, addresses and contact information of all property owners and all managers of the operator of the proposed industrial minerals project and a listing of all mines owned or operated by said operator. List also any violations of any applicable regulation by said operator.
- (2) Property owner applicants must provide a deed or other proof of ownership of the property. Industrial minerals project applicants must provide a lease or other agreement with the property owner applicants.
- (3) The exact and surveyed legal description and boundaries of the proposed industrial minerals project.
- (4) The total acreage of the proposed industrial minerals project.
- (5) Maps of existing conditions of the property, including (i) contour lines at five (5) foot intervals, (ii) existing vegetation, (iii) existing drainage and permanent water areas, (iv) existing structures and existing wells on the property, and (v) existing structures and existing wells within one-half (1/2) mile of the property boundaries. The maps will be drawn to a scale of 1 inch to 100 feet.
- (6) Maps of proposed industrial minerals project operations at the property, including (i) structures to be built or constructed, (ii) location of sites to be excavated or mined showing the depth of proposed excavation, (iii) location of excavated deposits showing maximum height of deposits, (iv) location of storage of excavated minerals showing the height of storage deposits, (v) location of vehicle parking, and (vi) erosion and sediment control structures. The maps will be drawn to a scale of 1 inch to 100 feet.
- (7) Detailed photographs of the property and the surrounding area or additional photographs as requested by the Zoning Administrator.
- (8) A full and accurate narrative description of all phases of the proposed industrial minerals project operation, including a description of the industrial minerals to be excavated, mined, stockpiled and transferred, and an estimate of the project duration.
- (9) An excavation and mining operation plan consistent with the requirements contained in Section 713.9.
- (10) An Environmental Assessment Worksheet (EAW) of impacts of the proposed industrial minerals project consistent with the requirements contained in Section 713.11.
- (11) A geologic survey and karst features survey of the property and the surrounding area within one-half (1/2) mile of the property.
- (12) A survey of the hydrology of the property and the surrounding area within one-half (1/2) mile of the property, identifying (i) all surface water resources including streams, springs and rivers, (ii) the location and depth of groundwater resources at the property, and (iii) the location of all aquifers and underground water resources. The hydrogeologic survey shall include at least two (2) test wells on the proposed mining site or more test wells if required by the preparer of the hydrogeologic survey or the Zoning Administrator.
- (13) A survey of all wildlife habitat located on the property.

- (14) A survey and identification of all soil types and depths of topsoil on the property.
- (15) A survey of all wetlands located on the property and the surrounding area within one-half (1/2) mile of the property.
- (16) An archaeological survey of the proposed mining site to inspect for pre-historic and historic features, sites, monuments and burial grounds.
- (17) A soil erosion and sediment control plan.
- (18) A dust and noise control plan for the mine site.
- (19) A map of the proposed route for hauling excavated and mined industrial minerals from the mining site to the proposed processing and/or transfer destination.
- (20) A site reclamation plan consistent with the requirements contained in Section 713.10.
- (21) Mining operator will annually provide proof of mining liability insurance coverage for the period in which excavation and mining activities will be active.
- (22) Any additional information requested by the Zoning Administrator, Board of Supervisors or Board of Adjustment.

The application for an Industrial Minerals Project Conditional Use Permit will not be considered complete until all of the information required in sections 713.8 to 713.11 has been submitted to the Zoning Administrator.

713.9 Excavation and Mining Operation Plan

The excavation and mining operation plan submitted by applicants for an Industrial Minerals Project Conditional Use Permit will include the following information:

- (1) Dates of the planned commencement of the excavation and mining operation.
- (2) The sequence or phasing of excavation or mining operations.
- (3) Estimated volume of industrial minerals to be extracted annually and over the life of the mining operations.
- (4) Proposed location on site of all buildings, structures, equipment, stockpiles, storage, parking areas, and artificial lighting.
- (5) Offsite hauling plan, including (i) the proposed one way and round trip total number of trucks hauling industrial minerals daily from the property, (ii) identifying all proposed off-site trucking routes for transporting extracted materials from the site, (iii) an analysis of all intersections of township, county and state highways potentially affected by traffic generated from the property, (iv) proposed traffic safety and intensity solutions, including noise and dust control, and (v) parking layout and loading/staging areas at the property.
- (6) The location on the property for the storage, stabilization and erosion control of all topsoil, overburden and other vegetation removed during excavation and mining operations.
- (7) A statement indicating if blasting or explosives are proposed to be used at the property as a part of the excavation and mining operation plan.

No mining or excavation activity shall begin until the Board of Adjustment has approved the excavation and mining plan as a condition of issuing an Industrial Minerals Project Conditional Use Permit.

713.10 Site Reclamation Plan

The site reclamation plan submitted by applicants for an Industrial Minerals Project Conditional Use Permit will be prepared by a licensed environmental engineer and will include the following information:

- (1) A phased and on-going plan that provides for reclamation beginning during mining operations not later than after ten (10) acres of excavation and mining have occurred.
- (2) Maps at a scale of 1 inch to 100 feet showing the entire mine site that would include the final grade of the mining site with elevations and contour lines at five (5) foot intervals, location and species of vegetation to be replanted, location and nature of any structures to be erected as part of the reclamation plan.
- (3) A reclamation time schedule.
- (4) The method used to plug any exploratory or drill holes.
- (5) The method of grading, back filling and contouring the mining site and access road.
- (6) The method of waste management and disposal, including liquid and solid wastes and tailings.
- (7) The method of re-vegetation of the site.
- (8) The method of storm water control.
- (9) The method of slope stabilization.
- (10) Itemized cost estimate of total site reclamation.

No mining or excavation activity shall begin until the Board of Adjustment has approved the reclamation plan as a condition of issuing an Industrial Minerals Project Conditional Use Permit.

713.11 Environmental Assessment Worksheet (EAW)

The Environmental Assessment Worksheet (EAW) submitted by applicants for an Industrial Minerals Project Conditional Use Permit will include scientific assessments as specified in 713.8 by independent professionals of the potential effects within one (1) mile of the excavation and mining operation on:

- (1) Cover types.
- (2) Land use.
- (3) Geology, soils and topography.
- (4) Water resources.
- (5) Contaminatory hazardous materials/waste.
- (6) Fish, wildlife and plant communities.
- (7) Historic properties, artifacts and architectural features.
- (8) Landscapes and scenic vistas.

- (9) Air quality from migrating sand and dust/ Air quality from vehicle fuel emissions.
- (10) Noise levels.
- (11) Roads and highways from heavy equipment hauling excavated and mined industrial minerals.
- (12) Other existing projects in the immediate area.

No mining or excavation activity shall begin until the Board of Adjustment has approved the Environmental Assessment Worksheet as a condition of issuing an Industrial Mineral Project Conditional Use Permit. The Board of Adjustment shall have the right to require the applicant to submit additional independent surveys if deemed necessary or if the project has the potential to have significant effects on public health, safety and welfare.

713.12 Public Notice of Proposed Industrial Minerals Project

- (1) Within thirty (30) days following receipt of applicants' complete application for an Industrial Minerals Project Conditional Use Permit by the Zoning Administrator, the Zoning Administrator will send a notice to all property owners located (i) within a two (2) mile radius of the proposed mining site, and (ii) along the proposed route for hauling the excavated or mined industrial minerals from the mining site, informing such property owners and residents that Winneshiek County has received the application for an Industrial Minerals Project Conditional Use Permit. Applicants will pay the County's cost of preparing and delivering the notice to such property owners and residents.
- (2) Within thirty (30) days following the delivery of the notice to such property owners and residents, the Zoning Administrator and applicants will hold a public meeting to inform such property owners and residents about the nature of the proposed industrial minerals project. At such meeting, the Zoning Administrator will inform the public that a public comment period on the submitted Environmental Assessment Worksheet (EAW) will begin and the public has up to thirty (30) days to provide written comments to the Zoning Administrator in response to the Environmental Assessment Worksheet (EAW).
- (3) After the public comment period has ended, the Zoning Administrator will assemble the public comments received. The Zoning Administrator will make available to the public copies of the comments received.
- (4) The Zoning Administrator will not submit the application for an Industrial Minerals Project Conditional Use Permit to the Winneshiek County Board of Adjustment for consideration until at least thirty (30) days following the date on which the Zoning Administrator releases to the public copies of the comments received.
- (5) The Board of Adjustment may determine that additional information is justified for the proposed project due to the potential for significant risks to public health, safety and welfare. The Board of Adjustment may request a second survey by a separate independent professional for any or all sections of the EAW. The operator shall bear the cost.

713.13 Operational Requirements for Excavation and Mining Activities

All excavation and mining site operators/owners issued an Industrial Minerals Project Conditional Use Permit will conduct operations at the site according to the following requirements:

- (1) Mining operators will not excavate or mine vertically closer than a depth of forty (40) feet to an existing groundwater table.
- (2) Mining operators will not cause a significant reduction of surface water within two (2) miles of the mining site which serve as a water supply for agricultural, municipal or recreational uses.
- (3) Mining operators will assure that all loading and unloading of trucks and equipment occurs on-site and not on the public road. Trucks and equipment cannot park on the public road, and must park on site. No truck or equipment shall be driven on a public road unless its load is securely covered and has exited the mine over a one hundred (100) foot gravel pad constructed of three inch (3") washed rock.
- (4) Mining operations at the site will be Mondays through Fridays, 6:00 a.m. to 8:00 p.m. Central Daylight Time (CDT) and Mondays through Fridays, 7:00 a.m. to 5:00 p.m. Central Standard Time (CST). Hauling of excavated industrial minerals from mining sites will occur only on Mondays through Fridays, from 8:00 a.m. to 3:00 p.m. year round and from 5:00 p.m. to 8:00 p.m. (CDT). Mining and hauling operations will not be conducted on federally observed holidays or on Saturdays or Sundays.
- (5) All stockpiles will be stored at least two hundred fifty (250) feet from the right-of-way of a public road or neighboring driveways.
- (6) No stockpiles will be higher than twenty (20) feet.
- (7) Mining operators will properly guard and maintain the property so that it does not become a danger or nuisance. Mining operators will install safety fencing to prevent unauthorized access to the mining site.
- (8) Dust shall be controlled by such methods as berming, landscaping, enclosures for processing equipment and watering stockpiled materials and roads within the site.

Any conditions may be added to the Industrial Minerals Project Conditional Use Permit such as air quality monitoring, water monitoring, etc. that are intended to protect the health, safety, and general welfare of the public and to reduce the adverse impact of the conditional use being permitted.

713.14 Blasting Activity at the Mining Site

Blasting is the use of explosives and blasting agents to loosen, penetrate, move or shatter masses of solid materials as a part of excavation and mining operations. No blasting activity will be conducted at excavation and mining sites unless expressly approved in the Industrial Minerals Project Conditional Use Permit that authorizes excavation and mining

activity. All blasting activity must comply with the provisions of this section and all applicable Federal and State statutes and regulations.

Pre-Blasting Survey. Any mining operator who proposes to conduct authorized blasting at an excavation and mining site will first perform a pre-blasting survey conducted by an independent consultant to determine and map the specific location and general condition of all dwellings, buildings, monuments, wells, utilities, and other structures within a one (1) mile radius of the property boundary of the mine site.

Blasting Notification. At least seventy-two (72) hours prior to the initial blasting event at an excavation and mining site, the mining operator shall make a reasonable effort to notify all residents and land occupiers, within a radius of one-half (½) mile of the excavation and mining site, of the impending blasting event. Thereafter, the mining operator will be required to develop and maintain a blasting call list of adjacent residents and land occupiers, who request that they be notified at least seventy-two (72) hours prior to a blasting event. At least seventy-two (72) hours prior to all blasting events at the mining site, the mining operator will use the call list to contact all residents and land occupiers requesting blasting notification by written notice, phone call, email or verbally in person.

Control of Adverse Effects. The mining operator is obligated to take all reasonable actions necessary to control and minimize adverse effects of blasting events, including flyrocks, airblasts, ground vibrations and seismic damage to adjacent wells, dwellings, buildings, monuments and structures. An airblast shall not exceed one hundred thirty-three (133) peak dB at the location of any dwelling, buildings, monuments, wells, utilities or other structures. All flyrocks will remain within the excavation and mining site.

The Zoning Administrator has the authority to investigate complaints that blasting activity is damaging dwellings, utilities, structures, or water wells or injuring people or livestock, and to order the mining operator to suspend blasting activity at the excavation and mining site until (i) the alleged damage is verified, (ii) the blasting activity as the cause of such damage is verified, and (iii) a solution is approved to prevent future blasting damage. The Zoning Administrator's monitoring and investigation of blasting activity relates only to permit enforcement, and not to determining potential civil or criminal liability of the mining operator for the consequences of any blasting activity.

Blasting Log. The mining operator shall maintain an accurate and complete blasting log of each blasting event occurring at an excavation and mining site. The blasting log will be maintained at the excavation and mining site for not less than five (5) years, and will be furnished to the Zoning Administrator upon request. Each blasting log shall include the following information: (i) Name and license number of each blaster in charge, (ii) blast location, (iii) date and time of blasting event, (iv) weather conditions at time of the blasting event, (v) diagram and cross section of blast hole layout, (vi) blast hole depth, spacing and diameter, (vii) total pounds and type of explosives used, (viii) distance to nearest inhabited dwelling, and (ix) seismic recordings of vibration and air blast levels at

monitoring stations adjacent to the nearest structure on land not owned or controlled by the operator.

Storage of Explosives. The mining operator will not store any explosives or blasting agents at the excavation or mining site.

713.15 Reclamation of Excavation and Mining Sites

The property owners and mining operator will be responsible for reclaiming the mining site in compliance with the approved reclamation plan. Reclamation of mining sites must occur on a phased basis, and must begin during mining operations not later than after ten (10) acres of excavation and mining have occurred. Mining operators will not be entitled to excavate or mine more than ten (10) acres of the property until reclamation of the first ten (10) acres of the mined site has begun and continues.

Mining operators and property owners of the mining site will not be entitled to import or use any of the following materials to reclaim the mining site:

- (1) Any industrial minerals containing flocculants or any other chemical used in processing such industrial minerals, or
- (2) Any flyash or similar hazardous waste materials from industrial or utility sites.

Prior to the issuance of an Industrial Minerals Project Conditional Use Permit, property owners and mining operator will deliver to the Zoning Administrator a reclamation cash bond acceptable to the county, in an amount determined by the Board of Adjustment, to assure that sufficient funds will be available to fulfill all required elements of the reclamation plan. The reclamation cash bond will be valid and enforceable throughout the extraction or mining operation period and for a period of at least five (5) years following the end or abandonment of excavation or mining. The county will be entitled to claim such reclamation cash bond at any time when required elements of the reclamation plan are to be performed.

713.16 Control of Adverse Mining Effects

- (1) The mining operator will be obligated to take all reasonable actions necessary to control and minimize adverse effects of (i) excavation and mining, (ii) storing and processing excavated and mined industrial minerals, (iii) and hauling and transporting excavated and mined industrial minerals from the mining site.
- (2) Mining operator will assure that (i) excavation and mining of industrial minerals, (ii) storing and processing of industrial minerals, (iii) and hauling and transporting industrial minerals from the mining site will not become a nuisance, as such term is defined and enforced in Chapter 657 of the Iowa Code.
- (3) The Zoning Administrator has the authority to investigate complaints that mining activity is damaging dwellings, public roads, utilities, structures, or water wells or injuring people or livestock. The Zoning Administrator has the authority to issue

a stop work order to the mining operator and suspend further mining activity at the excavation and mining site.

713.17 Assignment of Industrial Minerals Project Conditional Use Permit

- (1) If the property owners intend to assign, sell or transfer all or any portion of their rights to the property, property owners will disclose their intention to transfer to the Zoning Administrator, not later than one hundred twenty (120) days prior to completing such transfer. The proposed transferee must agree to fulfill all of the property owner's terms and conditions of the Industrial Minerals Project Conditional Use Permit. If the transferee refuses to accept the terms and conditions of the Industrial Minerals Project Conditional Use Permit, the Industrial Minerals Project Conditional Use Permit will be automatically terminated without further action. The proposed property owner shall provide: (i) a list of names, addresses and contact information of all property owners and all managers of the operator of the proposed industrial minerals project, (ii) a list of all mines owned or operated by said operator, and (iii) a list of any violations of any applicable regulation by said operator.

The County reserves the right to refuse to approve the transfer of the Industrial Minerals Project Conditional Use Permit.

- (2) If the mining operator proposes to assign, sell, transfer, sublet or delegate all or any portion of mining operator's excavation or mining rights to the property, mining operator will disclose its intention to transfer to the Zoning Administrator, not later than one hundred twenty (120) days prior to completing such transfer. The proposed mining operator transferee must agree to fulfill all of the terms and conditions of the Industrial Minerals Project Conditional Use Permit. If the transferee refuses to accept the terms and conditions of the Industrial Minerals Project Conditional Use Permit, the Industrial Minerals Project Conditional Use Permit will be automatically terminated without further action. The proposed mining operator shall provide: (i) a list of names, addresses and contact information of all property owners and all managers of the operator of the proposed industrial minerals project, (ii) a list of all mines owned or operated by said operator, and (iii) a list of any violations of any applicable regulation by said operator.

The County reserves the right to refuse to approve the transfer of the Industrial Minerals Project Conditional Use Permit.

714 RENEWABLE SOLAR ENERGY SYSTEMS (SES)

714.1 Purpose

The purpose of this section 714 is to facilitate the construction, installation and operation of Solar Energy Systems (SES) in a manner that promotes local renewable energy production and economic development while protecting property values and ensuring the protection of the public health, safety and welfare. Renewable Solar Energy Systems enhance grid reliability and reduce peak power demands.

714.2 Definitions

- (1) Active Solar System: A system of devices for the collection and use of sunlight to generate electricity or to store and circulate heat.
- (2) Community Solar Energy System (CSES): A solar energy system developed by a utility or other third party that typically allows community members to subscribe to the project, to produce electricity for retail sales delivering it over its own distributive network.
- (3) Concentrating Solar Thermal (CST) Devices: Devices, such as mirrors and lenses, that collect and concentrate radiation from the sun to transform it into high-temperature thermal energy which can be for heating and cooling, heat for processing, material treatments, electricity production, or chemical processes.
- (4) Ground-Mounted System: A system where a rack(s) of panels is mounted on concrete posts or poles anchored in the ground and are wired or plumbed to an adjacent home or structure.
- (5) Personal Solar Energy System (PSES): A SES that generates power primarily for use on the property on which it is constructed. Often referred to as distributive generation and the owner as a distributive generator.
- (6) Photovoltaic (PV) Cells: Semiconductors which generate electricity whenever light strikes them; generally grouped on panels.
- (7) Solar Access Space: That airspace above all parcels within the District necessary for a solar collector to access solar energy. Any future improvement, vegetation or tree located on a neighboring parcel shall not cast a shadow upon any solar collector located within said parcel greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property line between said parcels between the hours of 9:30 a.m. and 3:30 p.m., Central Standard Time on December 21. Existing improvement(s), tree(s), or other vegetation that cast a shadow upon a solar collector at the time of installation of said solar collector shall be allowed to remain.
- (8) Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
- (9) Solar Easement: An easement created to protect a solar project from encroachment by adjacent properties which would shade panels. See

Iowa Code §564A.

- (10) Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (11) Solar Energy System (SES): Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar energy systems include solar thermal, photovoltaic and concentrated solar.
- (12) Solar Farm Energy System (SFES): A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology for the primary purpose of wholesale sales of generated electricity.
- (13) Solar Panel:
 - (a) A grouping of photovoltaic cells used to generate electricity directly from sunlight. A grouping of these panels is called an array.
 - (b) A panel circulating water or other liquid through tubes to collect, transfer and store the sun's heat for domestic hot water and building heat.
- (14) Solar Storage Battery: A device that stores energy from the sun and makes it available in an electrical form.
- (15) Solar Storage Unit: A component of a solar energy device that is used to store solar-generated electricity or heat for later use.
- (16) Solar Thermal Energy System (STES): A system that directly heats water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.
- (17) Structure-Mounted Solar Energy System: A system where photovoltaic panels or solar thermal panels are mounted on racks attached to the roof or sidewalls of a building. Panels can be flush-mounted or angled for optimal sun exposure.

714.3 Personal Solar Energy System (PSES)

Administration

Personal Solar Energy Systems provide electrical power for on-site use by the owner and shall be considered an accessory use to a principal permitted use in any zoning district. Construction of a PSES shall require a building permit if it is ground mounted. Such system may be connected to the electrical grid when the parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with the Iowa Administrative Code, Section 199, Chapter 15.11(5) on net metering.

The applicant must be the landowner(s) of the property of the proposed PSES. If the PSES does not meet all requirements, the applicant may apply for a variance to be granted by the Board of Adjustment.

Required Information

The applicant(s) requesting the building permit will provide the following information to the Zoning Administrator:

- (1) Name, address and contact information of applicant(s).
- (2) Plot plan sketch indicating: (a) property lines and physical dimensions of the subject property, (b) location and types of existing major structures on the property, (c) location of the proposed solar panels, (d) the right-of-way of any public road that is contiguous with the property.
- (3) Solar system specifications including (a) manufacturer and model of solar panels and inverters, (b) kW rating, (c) mounting system, (d) solar storage units, if applicable.
- (4) Electric solar energy system components must have an Underwriters Laboratory (UL) certification or approved equivalent.
- (5) Any additional information required by the Zoning Administrator.

General Requirements

- (1) Ground-mounted PSES height shall not be greater than twenty (20) feet at maximum tilt of the solar panel(s) in any zoning district.
- (2) Structure-mounted PSES height shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed.
- (3) Setbacks: PSES shall meet the setback requirements for accessory structures in the zoning district where the PSES is located.
- (4) On-site battery storage shall be reported to the Winneshiek County Emergency Management Coordinator.
- (5) Building Codes: All county, state, and national construction codes shall be followed.

714.4 Solar Thermal Energy System (STES)

Administration

Solar Thermal Energy Systems provide heated fluids for on-site use by the owner and shall be considered an accessory use to a principal permitted use in any zoning district. Construction of a STES shall require a building permit if it is ground mounted.

The applicant must be the landowner(s) of the property of the proposed STES. If the STES does not meet all requirements, the applicant may apply for a variance to be granted by the Board of Adjustment.

Required Information

The applicant(s) requesting the building permit will provide the following information to the Zoning Administrator:

- (1) Name, address and contact information of applicant(s).
- (2) Plot plan sketch indicating: (a) property lines and physical dimensions of the subject property, (b) location and types of existing major structures on the property, (c) location of the proposed solar thermal energy system and proposed pipelines to the structure utilizing the STES (d) the right-of-way of any public road that is contiguous with the property.
- (3) Solar thermal energy system specifications including (a) manufacturer and model of solar panels, (b) mounting system.
- (4) Electric solar energy system components must have an Underwriters Laboratory (UL) certification or approved equivalent.
- (5) Any additional information required by the Zoning Administrator.

General Requirements

- (1) Ground-mounted STES height shall not be greater than twenty (20) feet at maximum tilt of the solar panel(s) in any zoning district.
- (2) Structure-mounted STES height shall not be greater than the allowable height of any structure within the zoning district in which the STES is to be installed.
- (3) Setbacks: STES shall meet the setback requirements for accessory structures in the zoning district where the STES is located.
- (4) Building codes: All county, state, and national construction codes shall be followed.

714.5 Community Solar Energy System (CSES) and Solar Farm Energy System (SFES)

Administration

Community Solar Energy Systems and Solar Farm Energy Systems are allowed by Conditional Use Permit in zoning districts A-1, A-2, C-1, C-2, M-1, M-2.

The applicants must be the landowner(s) of the property, lessee(s), and the project owner(s), as applicable, of the proposed CSES or SFES.

Conditional Use Permit Requirements

- (1) Names, addresses and contact information of the landowner(s), lessee(s), developer(s) and project owner(s), as applicable, and a listing of all CSES and SFES owned or operated by said developer. The application shall designate the entity who will be the construction permit holder.
- (2) Landowner applicants must provide a deed or other proof of ownership of the

- property. The developer applicants must provide a lease or other agreement with the landowner applicants.
- (3) Surveyed legal description, boundaries and total acreage of proposed CSES or SFES project.
 - (4) Map to scale of existing conditions of the property including (a) contour lines at ten (10) foot intervals, (b) existing vegetation, (c) existing drainage and permanent water areas, (d) existing structures and wells on the property.
 - (5) Map to scale of proposed CSES or SFES including (a) placement of all modules including GPS coordinates of the center of the project area, (b) layout and size of all structures on the property, (c) setback lines, (d) feeder lines and other utility lines, both buried and above ground, (e) interconnection points with existing electrical grid, (f) existing easements, (g) roadways.
 - (6) Description of the project: (a) number of modules, (b) manufacturer, (c) mounting type, (d) system height, (e) system capacity, (f) total land area covered by the system, (g) information about associated facilities such as but not limited to substations, feeder lines, solar storage batteries, or other solar storage units.
 - (7) CSES or SFES shall conform to applicable industry standards, including those from the Underwriters laboratory (UL) and Federal Aviation Administration (FAA). All applicable county, state, and national construction and electrical codes shall be followed.
 - (8) Decommissioning Plan as specified at the end of this section.
 - (9) Plan for assurance of decommissioning financing as specified at the end of this section.
 - (10) Documentation of easement locations acquired for solar energy systems and associated facilities including easements to assure solar access space from adjacent property owners, as specified in Iowa Code 564A, for the life of the project. In the event that solar access space easement(s) are not accepted by the parties involved, the Board of Adjustment will serve as the Solar Regulatory Board per Iowa Code 564A.
 - (11) Compliance with all siting and location regulations specified as a General Requirement.
 - (12) An Emergency Response Plan filed with the Winneshiek County Emergency Management Coordinator.
 - (13) Any additional information required by the Zoning Administrator and/or Board of Adjustment.

Construction of a CSES or SFES shall not commence until the Conditional Use Permit has been approved by the Board of Adjustment and a Decommissioning Performance Bond has been delivered to the Auditor.

General Requirements

- (1) Height of solar panel(s) shall not exceed twenty (20) feet at maximum tilt of the solar panel(s).
- (2) Setbacks
 - (a) The setbacks shall be a minimum of fifty (50) feet from the property

- lines which form the outside perimeter of a CSES or SFES project area and one hundred (100) feet from a residence that is a part of the CSES or SFES project area. However, to the extent that a written waiver is permitted, the Board of Adjustment may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby; and if the participating or adjoining property owner affected by the reduced setback or separation completes a written waiver recorded with the Winneshiek County Recorder.
- (b) CSES or SFES to be built on more than one parcel, and parcels are abutting, a zero (0) side or rear setback shall be permitted to the property line in common with the abutting parcel(s).
 - (c) Solar panels shall be at least two hundred (200) feet from a residence that is not part of the CSES or SFES project area.
 - (d) Solar panels shall be eighty (80) feet from State rights-of-way and sixty (60) feet from County rights-of-way.
- (3) Screening: A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
 - (4) Fencing: A security fence of at least six (6) feet in height but no greater than eight (8) feet shall enclose the CSES or SFES. The security fence must be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the solar installation is dismantled and removed from the site.
 - (5) Lighting: If lighting is provided for the CSES or SFES, lighting shall be shielded and downcast such that the light does not project directly onto the adjacent parcels nor into the night sky.
 - (6) Signage: All CSES or SFES shall provide the following at all locked entrances: (a) a visible "High Voltage" warning sign, (b) name(s) and phone number(s) for the electric utility provider, (c) name(s) and phone number(s) for the site operator, (d) the facility's 911 address, (e) a lock box with keys as needed.
 - (7) Utility connections: Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
 - (8) Outdoor storage: Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the CSES or SFES shall be allowed.
 - (9) Endangered species and wetlands: Applicant shall seek natural resource consultation with the Winneshiek County Conservation Board and the Iowa Department of Natural Resources.
 - (10) Ground cover, buffer areas and weed control: Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated cover and meet the following standards:
 - (a) Topsoil shall not be removed during development, unless part of a

- remediation effort.
- (b) Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage runoff, and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in the buffer areas as appropriate for visual screening.
 - (c) Seed mixes and maintenance practices should be consistent with the recommendations made by qualified natural resource professionals such as those from the Iowa Department of Natural Resources, County Soil and Water Conservation District, or USDA Natural Resources Conservation Service.
 - (d) Applicant must present an acceptable weed control plan for property inside and outside fenced area for the entire property to be in compliance with Iowa's Noxious Weed Law, chapter 317 of the Iowa Code. The operating company during the operation of the project must maintain the fence and adhere to the weed control plan.
- (11) Waste: All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the CSES or SFES, shall be removed from the site and disposed of in an appropriate manner. All hazardous waste generated by the operation shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal requirements.
- (12) Road use agreements: All routes on county roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. The CSES or SFES developer must complete and provide a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development-related traffic. The developer shall provide a road repair plan to ameliorate any and all damage, including installation or replacement of roads that might be required of the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate highway authority official(s) when warranted. The provision of this subsection shall be subject to the approval of the Winneshiek County Engineer.
- (13) Soil erosion and sediment control: The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general "best management practices" for temporary erosion and sediment control (both during and after construction), and

permanent drainage and erosion control measures to prevent both damage to local roads/adjacent areas and sediment-laden runoff into waterways.

- (14) Stormwater management plan: For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed storm water management plan with analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
- (15) Administration and enforcement: In order to conduct an inspection to validate compliance with the building permit or conditional use permit, the Zoning Administrator shall make an appointment with the applicant to enter the property in question. The applicant may escort the Zoning Administrator and any other necessary personnel. Failure to provide access shall be deemed a violation of this Ordinance.

Discontinuation and Decommissioning

A CSES or SFES shall be considered a discontinued use after the project is terminated, or after one (1) year without production of energy unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the CSES or SFES to service. Once a developer/owner has determined that the facility will no longer be used, the developer/owner must notify the County Zoning Administrator of the intent to stop using the facility and to decommission the facility in accordance with the agreed-upon Decommissioning Plan.

All CSES or SFES panels, arrays, fencing, underground cables, and accessory facilities shall be re- moved to a depth of six (6) feet within six (6) months of discontinued use.

Discontinued use does not apply to the pre-construction or construction period and shall be measured from the initial commercial energy production and operation of the CSES or SFES. If, however, the CSES or SFES construction permit is revoked, the project will be designated a discontinued use, and construction shall be removed to a depth of six (6) feet below ground level and the surface restored within six (6) months of the permit revocation.

- (1) Decommissioning Plan: Each CSES or SFES shall have a Decommissioning Plan outlining the anticipated means and cost of removal at the end of its serviceable life or upon becoming a discontinued use. The plan shall include:
 - (a) The anticipated life of the CSES or SFES installation.
 - (b) The anticipated manner in which the project will be decommissioned, including how the project will be disconnected from the grid.
 - (c) The anticipated site restoration actions to restore the site to the same general topography that existed prior to construction of the facility including grading, top-soiling, re-seeding, and weed control according to USDA Natural Resources Conservation Service (NRCS) or County Soil and Water Conservation District (SWCD) technical recommendations.

Upon decommissioning the landowner may choose to retain service drives, waterways and/or drainage installed as part of the solar project. Additionally, while the landowner may require the property to be returned to its former use, such as pasture or cropland, the landowner can also choose to retain the vegetative cover and require any remaining open ground to be seeded to the same.

- (d) The estimated decommissioning costs in current dollars calculated by a professional engineer licensed in the State of Iowa or other qualified third-party professional approved by the Board of Adjustment, which includes the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value) and a mechanism for calculating and notifying the County of adjusted costs over the life of the project.
- (e) The entity(s) financially responsible for carrying out the requirements of the Decommissioning Plan and maintaining the Decommissioning Performance Bond.

The County reserves the right to verify that adequate decommissioning terms are contained in the landowner's lease or easement.

The County reserves the right to enter the property during decommissioning with notification of the landowner.

- (2) Decommissioning Performance Bond: The project owner or financially responsible entity shall continuously maintain a surety bond for the life of the CSES or SFES in an amount no less than the total estimated net removal and restoration costs as determined by the Decommissioning Plan. Said bond shall be made out to Winneshiek County and be filed in the Auditor's office. Said bond must be in place prior to the beginning of the CSES or SFES construction and must remain in effect until decommissioning is completed as verified by the landowner and the County.

The Decommissioning Performance Bond and Decommissioning Plan shall be reviewed every five (5) years by the project owner, the financially responsible entity, the landowner, the Zoning Administrator, the Assistant County Attorney who serves as legal counsel for the Zoning Commission, and the bonding company. The Zoning Administrator shall call the review meeting, chair the proceedings and keep a record of decisions made. Necessary adjustments shall be made at that time and remain in effect until the next review or decommissioning, whichever occurs first.

715 RENEWABLE WIND ENERGY CONVERSION SYSTEMS (WECS)

715.1 Purpose

The purpose of this section 715 is to facilitate the construction, installation and operation of Wind Energy Conversion Systems (WECS) in a manner that promotes local renewable energy production and economic development while protecting property values and ensuring the protection of the public health, safety and welfare. Renewable Wind Energy Conversion Systems enhance grid reliability and reduce peak power demands.

715.2 Definitions

- (1) **Blade:** An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- (2) **Commercial Wind Energy Conversion System (C-WECS):** A wind energy conversion system that is intended to produce electricity for distribution into the electric grid or for sale as retail electric power to local consumers.
- (3) **Feeder Line:** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid.
- (4) **Meteorological Tower:** Those towers which are erected primarily to measure wind speed and direction plus other data relevant to siting and operating a WECS.
- (5) **Nacelle:** A cover housing that houses all of the generating components in a wind turbine, including the generator, gearbox, drive train, and brake assembly.
- (6) **Personal Large Wind Energy Conversion System (PL-WECS):** A wind energy conversion system which has a rated capacity of one hundred (100) kilowatts or more intended to produce electricity primarily for use on-site by agricultural, educational, medical, commercial, industrial, or similar entities.
- (7) **Personal Small Wind Energy Conversion System (PS-WECS):** A wind energy conversion system which has a rated capacity of up to one hundred (100) kilowatts intended to produce electricity primarily for use on-site.
- (8) **Project Area:** The geographic area encompassing all components of a PL-WECS or C-WECS project.
- (9) **Rotor:** The portion of the WECS, typically consisting of blades, shafts and hubs that rotate in response to wind and convert the motion into electrical energy.
- (10) **Rotor Diameter:** The diameter of the circle described by the wind turbine's moving rotor blades.
- (11) **Substation:** An electrical facility designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying the electrical energy to transmission lines.

- (12) Total Height (of WECS): The height above ground level, reached by the rotor blade at its highest point or any other part of the WECS that is higher.
- (13) Tower: The vertical structure that supports the electrical generator, nacelle, rotor blades, and/or meteorological equipment.
- (14) Tower Foundation: The tower support structure, below grade, that supports the entire weight of the wind turbine.
- (15) Tower Height: The height above grade of the fixed portion of the tower, excluding the electrical generator, nacelle, rotor blades, and/or meteorological equipment.
- (16) Wind Energy Conversion System (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to: powerlines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- (17) Wind Turbine: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils, blades, or similar devices to capture the wind.

715.3 Personal Small Wind Energy Conversion Systems (PS-WECS)

Administration

Personal Small Wind Energy Conversion Systems (PS-WECS) shall be considered an accessory use to a principal permitted use in any zoning district. Construction of a PS-WECS shall require a building permit. Such system may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with the Iowa Administrative Code, Section 199, Chapter 15.11(5) on net metering.

The applicant(s) must be the landowner(s) of the property of the proposed PS-WECS. If the PS-WECS does not meet all requirements, the applicant may apply for a variance to be granted by the Board of Adjustment.

Required Information

The applicant(s) requesting the building permit will provide the following information to the Zoning Administrator:

- (1) Name, address and contact information of applicant(s).
- (2) Plot plan sketch indicating: (a) property lines and physical dimensions of the subject property, (b) location and types of existing major structures on the property, (c) location of the proposed wind turbine(s), (d) the right-of-way of any public road that is contiguous with the property, (e) any overhead utility

- lines.
- (3) Wind turbine specifications including (a) manufacturer and model, (b) rotor diameter, (c) total height, (d) tower type (freestanding or guyed).
 - (4) Certification to AWEA 9.1-2009; or IEC 61400-1, 61400-12, or 61400-11; or comparable certification for small wind turbines.
 - (5) Any additional information required by the Zoning Administrator.

General Requirements

- (1) PS-WECS must be less than 100kW.
- (2) Setback: (a) total height of the WECS from road rights-of-way, utility lines and property lines, unless a variance waiving property line setback is obtained, (b) no setback specified from dwellings or structures on applicant's property.
- (3) The rated sound level of the WECS shall not be greater than fifty-five (55) dBA.
- (4) The color and finish shall be non-reflective and in a neutral, non-obtrusive color.
- (5) No artificial lighting except that required by the FAA.
- (6) Any tower climbing apparatus shall be removed from lowest ten (10) feet of tower.
- (7) Signage: Appropriate warning signage required: Danger, High Voltage. All other signage prohibited except for manufacturer identification.
- (8) Control equipment must be enclosed and secured from unintentional access.
- (9) All wiring must be underground unless the landowner can demonstrate the need for an overhead line. An overhead line may be approved by variance by the Board of Adjustment.
- (10) PS-WECS must comply with Airport Overlay Zoneregulations.

715.4 Personal Large Wind Energy Conversion Systems (PL-WECS)

Administration

Personal Large Wind Energy Conversion Systems (PL-WECS) shall be considered an accessory use to a principal permitted use in zoning districts A-1, A-2, C-1, C-2, M-1, M-2. Construction of a PL-WECS shall require a Conditional Use Permit. Such system may be connected to the electrical grid when a

parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with the Iowa Administrative Code, Section 199, Chapter 15.11(5) on net metering.

The applicant(s) must be the landowner(s) of the property and developer(s), if applicable, of the proposed PL-WECS.

Conditional Use Permit Requirements

- (1) Names, addresses and contact information of the property owner(s).
- (2) Property owner applicants must provide a deed or other proof of ownership of

- the property.
- (3) Surveyed legal description, boundaries and total acreage of proposed WECS project.
 - (4) Map to scale of the property including (a) contour lines at ten (10) foot intervals, (b) existing vegetation, (c) existing drainage and permanent water areas, (d) existing structures and wells, (e) proposed placement of the wind turbine(s) with GPS coordinates, (f) setback lines, (g) utility lines, both buried and above ground, (h) interconnection points with existing electrical grid, (i) any existing easement(s).
 - (5) General description of the project including (a) approximate nameplate generating capacity of the WECS, (b) proposed equipment manufacturer(s) and proposed installer(s), (c) type of wind turbine(s) including tower height, rotor diameter, and total height, (d) 911 address of the WECS.
 - (6) Location of bluffs, public lands, public waterways including wetlands, towns, public buildings, dwellings, and active cemeteries within one thousand five hundred (1,500) feet of the proposed WECS.
 - (7) Acoustic analysis when determined necessary by the Zoning Administrator.
 - (8) Location of all known communications towers/facilities within two (2) miles of the proposed WECS and verification that the WECS will not interfere with any existing commercial and/or public communication system.
 - (9) Federal Aviation Administration (FAA) permit application.
 - (10) A map identifying roads and bridges to be used to haul the proposed WECS to the property.
 - (11) WECS proposed to be connected to the public electric utility must provide evidence that the utility was contacted regarding the applicant's intent to make the connection from the proposed WECS. Additional information may be required.
 - (12) Certification from a professional engineer(s) or other qualified professional(s) regarding (a) safety of the design, specifications, and compatibility of the tower structure with the rotors and other components of the conversion system(s), (b) safety of the footing design and materials supporting the tower(s). The standard for certification shall be good engineering practices and compliance with this Ordinance.
 - (13) A Decommissioning Plan.
 - (14) Compliance with all siting and location regulations specified as a General Requirement.
 - (15) Any additional information required by the Zoning Administrator and/or Board of Adjustment.

General Requirements

- (1) Setbacks: The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers in the project area. All setbacks shall be measured from the center point of the base of the wind turbine tower or the meteorological tower, as applicable. The Board of Adjustment may reduce the standard setbacks and separation requirements only if the adjoining property

owner(s) affected by the reduced setback or separation completes a written waiver recorded with the Winneshiek County Recorder.

All other structures shall comply with the applicable setbacks as defined by the base zoning district.

Minimum setback distance for wind turbines and meteorological towers shall be:

- (a) The greater of two (2) times Total Height, or one thousand (1,000) feet from: dwellings and active schools, hospitals, churches, and public libraries.
- (b) 1.1 times Total Height from: public road rights-of-way, railroad rights-of-way, above-ground utility electric power lines, public communication lines, and property lines. Wind turbines and meteorological towers that are located on land adjacent to property under the same ownership may have the property line setback requirement waived.
- (c) One thousand five hundred (1,500) feet from: incorporated municipality city limits.
- (d) One thousand three hundred twenty (1,320) feet from: Bluff Impact Zone.
- (e) One thousand (1,000) feet from: active cemeteries, public lands, and public waterways.

Compliance with FAA guidelines shall be followed for airport approach and clearance around VOR (VHF omnirange beacon) and DVOR (Doppler VHF omnirange beacon) stations.

The Board of Adjustment may waive setback requirements for property lines of adjoining property owners, private electrical power lines of 15kV or less, private telephone service lines, active cemeteries, public lands, public waterways, and incorporated municipality city limits upon consultation and written consent of the private or public entity(s) involved. Setback requirements for public lands and public waterways may be waived only after preliminary review with the Iowa Department of Natural Resource (IDNR) and the Winneshiek County Conservation Board to identify sensitive environmental and wildlife habitat concerns near such public lands and waterways.

(2) Safety:

- (a) The lowest fifteen (15) feet above ground level of wind turbine towers and meteorological towers shall not be climbable.
- (b) All access doors to wind turbines and meteorological towers and

electrical equipment shall be locked when not being serviced to prevent unauthorized access.

- (c) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of twelve (12) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Board of Adjustment.
- (3) Signage: Each tower or entrance to any enclosure fence shall have visible signage indicating
- (a) The Owner's company name and/or logo and the phone number
 - (b) Name and phone number of contact person in case of emergency
 - (c) "High Voltage" warning
 - (d) 911 address of the parcel on which the wind turbine is located.
- All other signage on the wind turbine is prohibited except for reasonable identification of the manufacturer, owner or operator of the PL-WECS sites.
- (4) Color and finish:
- (a) Wind turbines shall be painted white or grey. Finishes shall be matte or non- reflective.
 - (b) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the PL- WECS to the natural setting and existing environment.
- (5) Lighting: PL-WECS sites shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority or for nighttime repairs or maintenance.
- (6) Noise level: Sound generated by WECS shall not greater than fifty-five (55) dBA when measured at any dwelling or active school, hospital, church, or public library on an abutting property existing on date of approval of the CUP. If noise level is exceeded, it must be reduced to ambient noise level measured at the exterior of the above-mentioned buildings. A base level ambient noise measurement is done when the wind at the project site is sufficient to allow turbine operation with wind no greater than thirty (30) mph at the measurement location.
- (7) Road use agreements: Winneshiek County Engineer shall approve all routes on county roads that will be used for the construction and maintenance purposes of the WECS. All road and bridge damage caused while transporting components of the WECS during construction or maintenance/repair will be the liability of the owner of the WECS.

Decommissioning

A wind turbine shall be removed within six (6) months after it has not generated electricity for a continuous period of twelve (12) months. A time extension may be granted by the Zoning Administrator when good faith efforts to repair the wind turbine can be demonstrated.

All PL-WECS and accessory facilities shall be removed to a depth of six (6) feet below ground level and the surface restored.

715.5 Commercial Wind Energy Conversion Systems (C-WECS)

Administration

The establishment and operation of a Commercial Wind Energy Conversion System (C-WECS) is allowed by Conditional Use Permit in zoning districts A-1, A-2, C-1, C-2, M-1, M-2.

The applicants must be the landowner(s) of the property, lessee(s), developer(s), and the project owner(s), as applicable, of the proposed C-WECS.

Conditional Use Permit Requirements

- (1) Names, addresses and contact information of all landowner(s), lessee(s), developer(s), and project owner(s), as applicable, of the proposed C-WECS and a listing of all C-WECS owned or operated by said developer. The application shall designate the entity who will be the construction permit holder.
- (2) Landowner applicants must provide a deed or other proof of ownership of the property. The developer applicants must provide a lease or other agreement with the landowner applicants.
- (3) Surveyed legal description, boundaries, and total acreage of the proposed WECS project.
- (4) Map to scale of existing conditions of the property including (a) contour lines at ten (10) foot intervals, (b) existing vegetation, (c) existing drainage and permanent water areas, (d) existing structures and wells on the property.
- (5) Map to scale of the proposed WECS including (a) placement of all wind turbines including GPS coordinates of each turbine, (b) layout and size of all structures on the lot, (c) setback lines, (d) feeder lines and other utility lines, both buried and above ground, (e) interconnection points with existing electrical grid, (f) existing easements, (g) roadways.
- (6) General description of the project including (a) approximate nameplate generating capacity of the WECS, (b) proposed equipment manufacturer(s), (c) type(s) of wind turbines, (d) number of wind turbines.

- (7) Tower height, rotor diameter, and total height of all wind turbines.
- (8) Location of bluffs, public lands, public waterways including wetlands, towns, public buildings, dwellings, and active cemeteries within one thousand five hundred (1,500) feet of proposed WECS.
- (9) Identification of significant migratory patterns and nesting areas for birds and bats and identification of endangered species within one (1) mile. A qualified professional such as a wildlife biologist, shall conduct a habitat and migration route study, as part of the siting approval application process, to determine if the installation of WECS(s) will have a substantial adverse impact on these animals.
- (10) Location of all known communications towers/facilities within two (2) miles of the proposed WECS.
- (11) A qualified third-party acoustical analysis demonstrating compliance with siting and location regulations of noise and lack of interference with any existing commercial and/or public communication systems.
- (12) Federal Aviation Administration (FAA) permit application.
- (13) Certification from a professional engineer or other qualified professional regarding the safety of the design, specifications, and compatibility of the tower structure with the rotors and other components of the conversion systems. The standard for certification shall be good engineering practices and compliance with this Ordinance.
- (14) Certification from a professional engineer or other qualified professional for the footing design and materials for the tower(s).
- (15) A map from the hauling company identifying roads and bridges to be used to haul the proposed WECS to the property.
- (16) WECS proposed to be connected to the public electric utility must provide evidence that the utility was contacted regarding the applicant's intent to make the connection from the proposed WECS. Additional information may be required.
- (17) Decommissioning Plan as specified at the end of this section.
- (18) Plan for assurance of decommissioning financing as specified at the end of this section.
- (19) An Emergency Response Plan filed with the Winneshiek County Emergency Management Coordinator.
- (20) Compliance with all siting and location regulations specified as a General Requirement.
- (21) Any additional information required by the Zoning Administrator and/or Board of Adjustment.

Construction of a C-WECS shall not commence until the Conditional Use Permit has been approved by the Board of Adjustment and a Decommissioning Performance Bond has been delivered to the Auditor.

General Requirements

- (1) Setbacks: The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers in the project area. All setbacks shall be measured from the center point of the base of the wind turbine tower or the meteorological tower, as applicable. The Board of Adjustment may reduce the standard setbacks and separation requirements only if the adjoining property owner(s) affected by the reduced setback or separation completes a written waiver recorded with the Winneshiek County Recorder.

All other structures shall comply with the applicable setbacks as defined by the base zoning district.

Minimum setback distance for wind turbines and meteorological towers shall be:

- (a) The greater of two (2) times Total Height, or one thousand (1,000) feet from: dwellings and active schools, hospitals, churches, and public libraries.
- (b) 1.1 times Total Height from: public road rights-of-way, railroad rights-of-way, above-ground utility electric power lines, public communication lines, and property lines. Wind turbines and meteorological towers that are located on land adjacent to property under the same ownership may have the property line setback requirement waived.
- (c) One thousand five hundred (1,500) feet from: incorporated municipality city limits.
- (d) One thousand three hundred twenty (1,320) feet from: Bluff Impact Zone.
- (e) One thousand (1,000) feet from: active cemeteries, public lands, and public waterways.

Compliance with FAA guidelines shall be followed for airport approach and clearance around VOR (VHF omnirange beacon) and DVOR (Doppler VHF omnirange beacon) stations.

The Board of Adjustment may waive setback requirements for property lines of adjoining property owners, private electrical power lines of 15kV or less, private telephone service lines, active cemeteries, public lands, public waterways, and incorporated municipality city limits upon consultation and written consent of the private or public entity(s) involved. Setback requirements for public land and public waterways may be waived only after preliminary review with the Iowa Department of Natural Resource (IDNR) and the Winneshiek County Conservation Board to identify sensitive environmental and wildlife habitat concerns near such public lands and waterways.

- (2) Safety:
- (a) The lowest fifteen (15) feet above ground level of wind turbine towers and meteorological towers shall not be climbable.
 - (b) All access doors to wind turbines, meteorological towers and electrical equipment shall be locked when not being serviced to prevent unauthorized access.
 - (c) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of twelve (12) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Board of Adjustment.
 - (d) All communication and feeder lines equal to or less than 34.5 kV in capacity and wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved by the Board of Adjustment.
- (3) Signage:
- (a) Each tower or entrance to any enclosure fence shall have visible signage indicating (i) the Owner's company name and/or logo and the phone number, (ii) name and phone number of contact person in case of emergency, (iii) "High Voltage" warning.
 - (b) The 911 rural address of each wind turbine or grouping of multiple wind turbines shall be placed at each wind turbine site and/or the entry points of access roads as per the Winneshiek County 911 rural addressing signage requirements.
 - (c) All other signage on the wind turbine is prohibited except for reasonable identification of the manufacturer, owner or operator of the C-WECS sites.
- (4) Color and finish:
- (a) Wind turbines shall be painted white or grey. Finishes shall be matte or non-reflective.
 - (b) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.
- (5) Lighting:
- (a) C-WECS sites shall not be artificially lighted, except to the extent required by the Federal Aviation Administration (FAA) or other applicable authority or for nighttime repairs/maintenance.

- (b) Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed, requirements established by FAA permits and regulations. Red strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating lights should be avoided. Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
 - (c) Where feasible to do so, aircraft detection lighting systems (ADLS) shall be used (i) to reduce the impact of nighttime lighting on nearby residents, communities, and migratory birds and (ii) to extend the life expectancy of obstruction lighting, all in accordance with FAA regulations.
- (6) Noise level: Sound generated by C-WECS shall not be greater than fifty-five (55) dBA when measured at any dwelling or active school, hospital, church, or public library on an abutting property existing on date of approval of the CUP. If noise level is exceeded, it must be reduced to ambient noise level measured at the exterior of the above-mentioned buildings. A base level ambient noise measurement is done when the wind at the project site is sufficient to allow turbine operation with wind no greater than thirty (30) mph at the measurement location.
 - (7) Outdoor storage: Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the WECS shall be allowed.
 - (8) Waste: All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the WECS shall be removed from the site and disposed of in an appropriate manner. All hazardous waste generated by the operation shall be removed from the site immediately and disposed of in a manner consistent with all local, state and federal requirements.
 - (9) Road use agreements: All routes on roads in the county that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. The C-WECS developer must complete and provide a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development-related traffic. The developer shall provide a road repair plan to ameliorate any and all damage, including installation or replacement of roads that might be required of the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate authority(s) when warranted. The provision of this subsection shall be subject to the approval of the Winneshiek County Engineer.
 - (10) Soil erosion, sediment control and stormwater management: The applicant shall conduct all roadwork and other site development work in a manner that controls soil erosion and stormwater runoff.

Discontinuation and Decommissioning

A C-WECS shall be considered a discontinued use after a continuous period of twelve (12) months without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the C-WECS to service. Once a developer/owner has determined that the facility will no longer be used, the developer/owner must notify the County Zoning Administrator of the intent to stop using the facility and to decommission the facility in accordance with the agreed-upon Decommissioning Plan.

All C-WECS and accessory facilities shall be removed to a depth of six (6) feet below ground level and the surface restored within six (6) months of discontinued use.

Discontinued use does not apply to the pre-construction or construction period and shall be measured from the initial commercial energy production and operation of the C-WECS. If, however, the C-WES construction permit is revoked, the C-WES project will be designated a discontinued use, and construction shall be removed to a depth of six (6) feet below ground level and the surface restored within six (6) months of the permit revocation.

- (1) Decommissioning Plan: Each C-WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing the C-WECS at the end of its serviceable life or upon becoming a discontinued use. The plan shall include:
 - (a) The anticipated life of the C-WECS installation.
 - (b) The anticipated manner in which the project will be decommissioned, including how the project will be disconnected from the grid.
 - (c) The anticipated site restoration actions to restore the site to the same general topography that existed prior to construction of the facility including grading, top-soiling, and weed control according to USDA Natural Resources Conservation Service (NRCS) or County Soil and Water Conservation District (SWCD) technical recommendations. Upon decommissioning the landowner may choose to retain service drives, waterways and/or drainage installed as part of the WCES project. Additionally, while the landowner may require the property to be returned to its former use, such as pasture or cropland, the landowner can also choose to retain the vegetative cover and require any remaining open ground to be seeded to the same.
 - (d) The estimated decommissioning costs in current dollars calculated by a professional engineer licensed in the State of Iowa or other qualified third-party professional approved by the Board of Adjustment, which includes the basis for estimates of net costs for decommissioning the site (de-commissioning costs less salvage value) and a mechanism for calculating and notifying the County of adjusted costs over the life of the project.
 - (e) The entity(s) financially responsible for carrying out the requirements of

the Decommissioning Plan and maintaining the Decommissioning Performance Bond.

The County reserves the right to verify that adequate decommissioning terms are contained in the landowner's lease or easement.

The County reserves the right to enter the property during decommissioning with notification of the landowner.

- (2) Decommissioning Performance Bond: The project owner or financially responsible entity shall continuously maintain a surety bond for the life of the C-WECS in an amount no less than the total estimated net removal and restoration costs as determined by the Decommissioning Plan. Said bond shall be made out to Winneshiek County and be filed in the Auditor's office. Said bond must be in place prior to the beginning of the C-WECS construction and must remain in effect until decommissioning is completed as verified by the landowner and the County.

The Decommissioning Performance Bond and Decommissioning Plan shall be reviewed every five (5) years by the project owner, the financially responsible entity, the landowner, the Zoning Administrator, the Assistant County Attorney who serves as legal counsel for the Zoning Commission, and the bonding company. The Zoning Administrator shall call the review meeting, chair the proceedings, and keep a record of decisions made. Necessary adjustments shall be made at that time and remain in effect until the next review or decommissioning, whichever occurs first.

CHAPTER 8: SUBDIVISIONS

801 PURPOSE

The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions, cluster developments, and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare in the county.

For use in this chapter, certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense shall include the future; the singular shall include the plural; the plural shall include the singular and the term “shall” shall always be mandatory.

802 DEFINITIONS

802.1 Alley

A public right-of-way, other than a street, with a minimum of twenty (20) feet in width affording secondary means of access to abutting property.

802.2 Block

An area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.

802.3 Building Lines

A line or a plot, between which line and public right-of-way no buildings or structures may be erected.

802.4 County Engineer

Means the engineer for Winneshiek County.

802.5 Commission

Means the Planning and Zoning Commission for Winneshiek County.

802.6 Cul-de-sac

Any street having one end open to traffic and the other end terminated by a vehicular turnaround encompassed with a minimum diameter of eighty (80) feet.

802.7 Easement

A grant of the right to use a strip of land for specific purposes by the general public, a corporation, or certain persons.

802.8 Lot

A portion of a subdivision or other parcel of land intended for the construction of a building whether immediate or future, or transfer of ownership or for building, and or land development.

802.9 Major Street

A street and/or road of considerable continuity connecting various sections of the county, villages, or cities. Minimum street right-of-way shall be sixty-six (66) feet wide. The minimum width of developed street shall be thirty-one (31) feet back to back of curb.

802.10 Performance Bond

A surety bond or cash deposit made out to Winneshiek County in an amount equal to the full cost of improvements as estimated by the County Engineer, and the surety bond or cash bond being legally sufficient to secure to the County that the improvements will be constructed in accordance with the County's requirements.

802.11 Plat

A map, drawing, or chart prepared by a state licensed surveyor on which the subdivider's plan of the subdivision of land is presented, which he or she submits for approval and intends, in final form, to record.

802.12 Subdivider

A person, firm, or corporation undertaking the subdivision or resubdivision of a tract or parcel of land.

802.13 Subdivision

The division of land into three or more lots, or other division of land, for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.

803 PLATTING

Every owner of any tract or parcel of land who has subdivided or hereafter subdivides or plats the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage, or suburban lots within the County, shall cause plats of such area to be made in the form, and containing the information, as set forth in this Section before selling any lots therein contained or placing the plat of record.

Any division of a tract or parcel of land which contains lots to be used for agricultural purposes, which contains no new development lots, and which contains no land set aside for new streets, alleys, parks, open areas, school property or public use, may be designated an agricultural plat providing the land involved is located in an area zoned A-1 Agricultural. An agricultural plat may include a lot containing the farmstead dwelling being split from the farm.

Except for any farmstead dwelling being split from the farm, no tract or parcel shall be permitted to be used for any purposes other than non-residential agricultural purposes, unless there has been compliance with the terms of this ordinance.

Agricultural plats shall be exempt from the requirements of this subdivision ordinance.

Agricultural plats shall contain the following notation:

NOTE: This plat is for agricultural purposes only and is not intended for development, except in conformity with Winneshiek County, Iowa Zoning Ordinance and Subdivision Regulations.

The approval of the Winneshiek County Auditor and Zoning Administrator shall be affixed to the agricultural plat prior to the recording of the plat. In the event that the County Auditor or the Zoning Administrator do not approve said agricultural plat, the owner shall then be required to submit said agricultural plat for approval in accordance with the Winneshiek County Subdivision requirements.

804 PROCEDURE

In obtaining final approval of a proposed subdivision by the Planning and Zoning Commission and the County Board of Supervisors, the subdivider shall submit a preliminary plat and a 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, in accordance with the requirements set forth in this Section and shall install improvements or provide a performance bond.

805 REQUIREMENTS OF PRELIMINARY PLAT

The subdivider shall first prepare and file with the Board of Supervisors seven (7) copies of a preliminary plat of adequate scale and size showing the following:

- (1) Title, scale, north point and date;
- (2) Subdivision boundary lines, showing dimensions, bearings, angles and references to sections, townships and range lines or corners;
- (3) Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs and planting strips, and location of street lights;
- (4) Proposed layout of lots, showing number, dimensions, radii, chords and the square-foot areas of lots that are not rectangular;
- (5) Building setback or front yard lines;
- (6) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semipublic, or community purposes;
- (7) Present and proposed easements, showing locations, widths, purposes and limitations;
- (8) Present and proposed utility systems, including sanitary and storm sewers other drainage facilities, water lines, gas mains, electric utilities, street lighting and other facilities, with the size, capacity, invert elevation and location of each;
- (9) Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county;
- (10) Names and addresses of the owner, subdivider, builder, and engineer, surveyor, or architect who prepared the preliminary plat, and the professional engineer, registered land surveyor or architect who will prepare the final plat;
- (11) Existing and proposed zoning of the proposed subdivision and adjoining property;
- (12) A general summary description of any restrictive covenants or private restrictions to be incorporated in the final plat;
- (13) Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%), and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater, unless the Commission waives this requirement.

806 REFERRAL OF PRELIMINARY PLAT

The Board of Supervisors shall forthwith refer two (2) copies of the preliminary plat to the County Engineer for review. Five (5) copies shall be retained by the Commission.

807 ACTION BY COUNTY ENGINEER

The County Engineer shall carefully examine the preliminary plat as to its compliance with the laws and regulations of the county, the existing street/road system, and good

engineering practices, and shall, as soon as possible, submit his findings in duplicate to the Commission together with one (1) copy of the plat received.

The Commission shall, upon receiving the report of the County Engineer, as soon as possible but not more than thirty (30) days thereafter, consider the report, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made and pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed an additional sixty (60) days. The Commission shall then set forth its recommendations in writing, whether of approval, modification, or disapproval.

- (1) In the event that substantial changes or modifications are made by the Commission, or disapproval of the plat, this will cause a revised preliminary plat to be resubmitted in the same manner as the original plat.
- (2) If approved, the Commission shall express its approval as "conditional approval" and state the conditions of such approval, if any.
- (3) The action of the Commission shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copies retained by the Commission.
- (4) The "conditional approval" by the Commission shall not constitute final acceptance of the addition or subdivision by the County but an authorization to proceed with preparation of the final plat.

808 FINAL PLAT

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he/she proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

809 REFERRAL OF FINAL PLAT

The subdivider shall, within twelve (12) months of the conditional approval of the preliminary plat by the Commission, prepare and file seven (7) copies of the final plat and other required documents with the Board of Supervisors as set forth in this chapter, and upon his/her failure to do so within the time specified, the "conditional approval" of the preliminary plat shall be null and void unless an extension of time is applied for and granted by the Commission. Upon receipt of the final plat and other required documents, the Commission shall transmit five (5) copies of the final plat to the Board of Supervisors for its recommendations and approval.

810 REQUIREMENTS OF FINAL PLAT

The final plat shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch on a reproducible tracing medium. It shall show:

- (1) The title under which the subdivision is to be recorded.
- (2) The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii arc, chords, points of tangency and central angles.
- (3) Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names must be approved by the County Engineer.
- (4) Location, type, materials and size of all monuments and markers including all U.S., county, or other official bench marks.
- (5) The plat should be signed and acknowledged by the subdivision land owner and his or her spouse, if any.
- (6) A sealed certification of the accuracy of the plat by the professional engineer and registered land surveyor who drew the final plat.

811 FINAL PLAT ATTACHMENTS

The final plat shall have the following attached to it.

- (1) A correct description of the subdivision land.
- (2) A certificate by the owner and his/her spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before an officer authorized to take the acknowledgments of deeds.
- (3) A complete abstract of title and an attorney's opinion showing that the free title to the subdivision land is in the owner's name and that the land is free from encumbrances other than those secured by an encumbrance bond.
- (4) A certificate from the County Treasurer that the subdivision land is free from taxes.
- (5) A certificate of dedication of streets and other public property.
- (6) A statement of restriction of all types that run with the land and become covenants in the deeds of lots.
- (7) Resolution and certificate for approval by the Board of Supervisors along with their signatures.
- (8) Profiles, typical cross-sections, and specification of street improvements and utility systems, to show that location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or south at the left.
- (9) A plan indicating how storm water and runoff will be managed in accordance with the Iowa Department of Natural Resources' regulations. This plan is to be recorded with the final plat.
- (10) A certificate by the County Engineer that all required improvements and installations have been completed, or that a performance bond guaranteeing

completion has been approved by the County Attorney and filed with the Board of Supervisors.

812 ACTION BY PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall, upon receiving the final plat, as soon as possible but not more than thirty (30) days thereafter, consider the final plat and, if the same is approved, shall submit its recommendation of approval or denial to the Board of Supervisors together with a certified copy of its resolution showing the action of the Commission.

813 ACTION BY THE COUNTY BOARD OF SUPERVISORS

Upon receipt of the certification by the Commission, the Board of Supervisors shall, within a reasonable time, either approve or disapprove the final plat.

- (1) In the event that the final plat is disapproved by the Board of Supervisors, such disapproval shall be expressed in writing and shall point out wherein the proposed plat is objectionable.
- (2) In the event that the plat is found to be acceptable and in accordance with this Section of the code, the Board of Supervisors shall accept the same.
- (3) The passage of a resolution by the Board of Supervisors accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder, and shall file satisfactory evidence of such recording with the Board of Supervisors before the county shall recognize the plat as being in full force and effect.

814 GENERAL REQUIREMENTS

The following general requirements shall be followed by all subdividers;

- (1) Relation to existing streets:
 - (a) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (b) The arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the Commission to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impracticable.
 - (c) A street that is dedicated to the county must have documentation as to the exact cost of the street provided by the developer.

- (2) Acreage subdivisions:
 - (a) Where the plat submitted covers only a part of the subdivider's plat, a sketch of the prospective future systems of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
 - (b) Where the parcel is subdivided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent minor streets.
 - (c) Subdivisions showing unplatted strips or private streets controlling access to public ways will not receive approval.
- (3) Minor streets:
 - (a) Minor streets shall be so planned as to discourage through traffic.
 - (b) Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than five hundred (500) feet and shall terminate with a turnaround, having an outside roadway diameter of a least eighty (80) feet and street property line diameter of at least one hundred (100) feet. The right-of-way width of the straight portion of such streets shall be a minimum of sixty-six (66) feet. The property line at the intersection of the turnaround and the straight portion of the street shall be rounded at a radius of not less than twenty (20) feet.
- (4) Frontage streets:
 - (a) Where a subdivision abuts or contains an existing or proposed arterial street, the Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - (b) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential district, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (5) Street geometrics:
 - (a) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
 - (b) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on farm-to-market and area collector streets.
 - (c) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred

(200) feet for minor and collector streets, and of such greater radii as the Commission shall determine for special cases.

- (6) Intersections:
 - (a) Insofar as is practical, acute angles between streets at their intersection are to be avoided.
 - (b) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- (7) Street names:

Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Commission and subject to the approval of the Winneshiek County Engineer.
- (8) Street grades:
 - (a) Street grades, wherever feasible, shall not exceed ten percent (10%), with due allowance for reasonable vertical curves.
 - (b) No street grade shall be less than 0.400 percent.
- (9) Alleys:
 - (a) Alleys shall be provided in commercial and industrial districts, except that the Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
 - (b) The minimum width of an alley shall be twenty (20) feet.
 - (c) Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - (d) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Commission.
- (10) Blocks:
 - (a) No block may be more than one thousand, three hundred twenty (1320) feet or less than five hundred (500) feet in length between the centerlines of intersecting streets, except where, in the opinion of the Commission, extraordinary conditions unquestionably justify a departure from these limits.
 - (b) In blocks over seven hundred (700) feet in length, the Commission may require at or near the middle of the block a public way or easement of not less than ten (10) feet in width for use by pedestrians and/or as an easement for public utilities.
- (11) Lots:
 - (a) The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

- (b) Minimum lot dimensions and sizes shall conform to the requirements of this Ordinance, provided:
 - (i) Residential lots where not served by public sewer shall not be less than one hundred twenty-five (125) feet wide nor less than 43,560 square feet (1 acre) excluding right of way.
 - (ii) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - (iii) Corner lots for residential use shall have an extra ten (10) feet of width to permit appropriate building setback from and orientation to both streets.
 - (c) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
 - (d) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
 - (e) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (12) Building lines:
 Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Commission may require building lines in accordance with the needs of each subdivision.
- (13) Easements:
- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
 - (b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and further width for construction, or both, as will be adequate for the purpose.
 - (c) Minimum width of developed streets shall be thirty-one (31) feet back-to-back of curb with a three (3) foot boulevard and a three (3) foot sidewalk. Signs must be erected allowing parking on one (1) side of the street only. Streets thirty-six (36) feet wide shall reserve six (6) feet on either side for sidewalk and boulevard. All utilities, trees, decorative fences, and walls etc. shall be placed on the residence side of the sidewalk. Mailboxes shall be grouped together at the entrance of the subdivision. Streets thirty-one (31) feet back-to-back of curb with a sidewalk are allowed but will not be accepted into the county road system.

- (14) Plat markers.
 - (a) Markers shall be placed at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the County Engineer. The markers shall be of such material, size, and length as may be approved by the County Engineer.

815 IMPROVEMENTS REQUIRED

The subdivider shall install and construct all improvements required by this section. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Board of Supervisors and to its satisfaction.

- (1) Streets and alleys: All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Board of Supervisors after receiving the report and recommendations of the County Engineer. Water lines, sewer lines and any other utilities are to be constructed to each lot, if required, prior to street construction.
- (2) Roadways: All public roadways shall be surfaced with portland cement concrete or with asphaltic concrete over a crushed stone base as the Commission and Board of Supervisors may require.
- (3) Curb and gutter: Curbs and gutters shall be required on all streets. All curbs and gutters shall be constructed to the grade approved by the Board of Supervisors after receiving the report and recommendations of the County Engineer.
- (4) Sidewalks: Sidewalks may be required by the Board of Supervisors if they are considered necessary for the general welfare and safety of the public. Sidewalks shall be constructed to the grade approved by the Board of Supervisors after receiving the report and recommendations of the County Engineer.
- (5) Water lines: The subdivider shall connect with the public water system, when available, and provide a water connection for each lot with service pipe installed to the property line in accordance with county water standards, procedures and supervision of said subdivider's expense as the Board of Supervisors and Commission may require.
- (6) Sewers.
 - (a) Where a public sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer, shall provide within the subdivision the sanitary sewer system, and shall be required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the Board of Supervisors and the State Department of Natural Resources and the construction subject to the supervision of the Board of Health.
 - (b) Where sanitary sewers are not available, other facilities as approved by the Board of Supervisors and the State Department of Natural Resources must be provided for the adequate disposal of sanitary wastes.

- (c) Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the Board of Supervisors and to the supervision of the County Engineer.
- (7) Street lights.
 - (a) Street lights shall be required on all streets and roadways within the platted area. All streetlights shall be located and constructed to specifications approved by the Board of Supervisors after receiving the report and recommendation of the County Engineer.

816 COMPLETION OF IMPROVEMENTS

Before the Board of Supervisors will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Board of Supervisors. Before passage of the resolution of acceptance, the County Engineer shall report that the improvements meet all County specifications and ordinances agreed to between the subdivider and the Board of Supervisors.

817 PERFORMANCE BOND

The completion requirement may be waived in whole or in part if the subdivider will provide the Board of Supervisors with sufficient financial assurances guaranteeing that the improvements not completed will be constructed within a period of three (3) years from a final acceptance of the plat; such financial assurances may consist of performance bond, proprietor's bond, waiver of the right to protest special assessment, or other financial guarantees, all within the discretion and acceptance of the Board of Supervisors, but final acceptance of the plat will not constitute final acceptance by the Board of Supervisors of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the Board of Supervisors.

818 VARIANCES

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Adjustment may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements and in no instance shall it be in conflict with any zoning ordinance, and such variances and waivers may be granted only by the affirmative vote of sixty percent (60%) of the members of the Board of Adjustment.

819 CHANGES AND AMENDMENTS

No such amendment shall be made without public hearing before the Board of Supervisors and without a report made upon the amendment by the Commission following a public hearing. At least four (4) and no more than twenty (20) days' notice of the time and place of such hearing shall be published in the official newspaper(s) designated by the Board of Supervisors. 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 (20%) or more of the property which is located within five hundred (500) feet in non-agricultural areas and within one-quarter (1/4) mile 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 sixty percent (60%) of all the members of the Board of Supervisors.

820 RESIDENTIAL PLATTED AND SUBDIVISION STREETS

820.1 Street Classes

Platted subdivision streets in Winneshiek County shall be divided into three (3) different classifications as follows:

Class I: Those streets in subdivisions platted and recorded prior to the adoption of requirements for the acceptance of subdivision streets by the Board of Supervisors on January 6, 1970 and revised October 10, 1977.

Platted streets in this class open to traffic and maintained by the County on the date this Ordinance is adopted shall remain under the jurisdiction of the County until such time that they are vacated by the County. Platted streets not vacated prior to the date this Ordinance is adopted and have NOT been opened and/or been maintained by the County shall remain under jurisdiction of the County. The County shall have no obligation to improve, alter or maintain any Class I street that has not been opened or maintained. Class I streets shall be built to the most current Statewide Urban Design and Specifications (SUDAS) standards.

Class II: Those streets in subdivisions platted and recorded after January 6, 1970 and prior to the enactment of County Zoning Ordinance on October 3, 1994. A copy of said requirements shall be attached herein to this ordinance.

Platted streets in this class open to traffic and maintained by the County on the date this Ordinance is adopted shall remain under the jurisdiction of the County. Unopened Class II streets shall be built to the most current SUDAS requirements. However, the Board of Supervisors may elect to allow unopened Class II streets to be built to the requirements established by the Board of Supervisors on January 6, 1970, and revised October 10, 1977, upon written request or to the highest standard of the existing streets in the same subdivision.

Class III: Those streets in subdivisions platted, recorded and approved by the Commission and the Board of Supervisors after the enactment of the County Zoning Ordinance (October 1994).

Platted streets in this class shall be built to the most current SUDAS requirements.

In the event that portions or additions of a subdivision fall under different or multiple classes of streets, as listed above, the highest numbered applicable class shall apply to all streets in the subdivision and its subsequent additions.

820.2 Requirements

All streets, regardless of class, shall meet the following requirements:

- (1) The design for the street shall be prepared by a licensed professional civil engineer in the State of Iowa (design engineer). The cost of the design and improvements will be the responsibility of the persons requesting the improvement.
- (2) Materials incorporated into the street including crossroad culverts, driveway culverts and storm sewer pipe, water lines, structural steel, etc. shall be new and as specified by the design engineer. Pavements may use recycled materials.
- (3) All improvements shall be approved by the Winneshiek County Engineer (Engineer) prior to construction. The design engineer shall inspect the construction in accordance to accepted inspection practices and IDOT requirements.
- (4) All subdivisions and streets shall be in compliance with any and all requirements set forth by the County, State or Federal regulations, rules or permitting. Copies of all required permits shall be on file with the Engineer's office or zoning office before construction begins.
- (5) Completed streets shall be certified to the Engineer by the design engineer in writing. Said letter shall contain the seal of the design engineer certifying that the streets have been built to the design requirements.

820.3 Two Mile Limit of Incorporated Cities

All subdivisions within the two (2) mile limit of any incorporated city shall be required to be reviewed by said city if said city has accepted subdivision street requirements. In the event a discrepancy between requirements of the county zoning and the city zoning arises, the more restrictive shall govern.

820.4 Special Design Issues

In the event an issue arises relating to street design in a subdivision is not addressed by any regulations but is deemed to be an issue by the Engineer, the Engineer may require special design requirements, and the design engineer and developer shall meet those requirements.

820.5 Acceptance into County System

Class I, II and III streets shall be accepted into the County system, if and only if:

- (1) The design is approved by the Engineer and approved by the Board of Supervisors prior to the street being built;
- (2) Upon completion, the road is certified by the design engineer and found to be in compliance with the approved design requirements of said street. The County shall not be responsible for any costs associated with the street improvement prior to its completion and acceptance into the system.
- (3) Minimum requirements for Class II and Class III streets to be accepted into the County road system shall include, but not be limited to: thirty-six (36) feet back-to-back of curb, ten percent (10%) maximum grade and/or cul-de-sac with an eighty (80) foot radius.
- (4) Class II and Class III streets shall not be accepted into the County road system unless the real property in the affected subdivision is subject to an irrevocable covenant that requires:
 - (a) All property owners in the subdivision to petition to establish a secondary road assessment district pursuant to Iowa Code Chapter 311 (2009) at such time as the Engineer determines that any street in the subdivision is in need of paving, resurfacing or other necessary construction.
 - (b) All of the owners of the real property in the affected subdivision will also agree to participate in and assist in the proceedings to establish a secondary road assessment district in any way necessary.
 - (c) The petition for an assessment district will provide for special assessments at one hundred percent (100%) of the cost of the project; and,
 - (d) In the event the then owners of the subdivision do not comply with the restrictive covenant to establish an assessment district, the Board of Supervisors may proceed to vacate the subject street from the County road system.

820.6 Design Standards

Design standards for subdivisions that do not include streets offered to the County for inclusion in the County road system shall be based on the most recent SUDAS requirements. If other requirements exist (i.e. city, County, DNR, FWHA, etc.) that are applicable to the design, the most restrictive requirements shall prevail.

The County shall reserve the right to review and change any street requirements at any time to ensure that the requirements meet the accepted engineering practices.

820.7 Applicability

Notwithstanding the foregoing provisions of this Ordinance, the following streets that may be accepted into the County system, if and only if, the design is approved by the Engineer and the Board of Supervisors prior to the street being built and, upon completion, the road is certified by the design engineer and shown to be in compliance with the approved design requirements of said street:

- (1) Those portions of Austin Road, Logan Road and Ollendieck Road in the Plantation Country View Subdivision that have not previously been accepted into the County road system and described as follows: Ollendieck Road, from the intersection of Austin Road to the intersection of Logan Road inclusive of the intersections; Logan Road, from the intersection of Ollendieck Road to the intersection of Austin Road inclusive of the intersections; Austin Road, from the intersection of Ollendieck Road to the intersection of Logan Road inclusive of the intersections.
- (2) Those portions of Pebble Beach Road; Magnolia Road, and Sawgrass Road in the Woodland Acres Estates Subdivision that have not previously been accepted into the County road system.

CHAPTER 9: AIRPORT OVERLAY ZONE

901 PURPOSE

The purpose of this overlay zone is to encourage and support the continued operation and vitality of the Decorah Municipal Airport by establishing compatibility and safety standards to promote air navigational safety and to reduce potential safety hazards for persons living, working or recreating near the Airport.

902 DEFINITIONS

902.1 Airport

The strip of land making up the Decorah Municipal Airport used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

902.2 Airport Direct Impact Area

The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.

902.3 Airport Elevation

The highest point of an airport's usable runway, which is established to be 1156.6 feet above mean sea level.

902.4 Airport Imaginary Surfaces

Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

902.5 Airport Secondary Impact Area

The area located between 5,000 and 10,000 feet from the airport runway.

902.6 Airport Sponsor

The owner, manager, or other person or entity designated to represent the interests of the airport.

902.7 Antenna

Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services. For the purposes of this ordinance the term "antenna" does not include any tower and antenna under fifty 50 feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission, any device designed for over-the-air reception of radio or television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service, or any cable television headend or hub towers and antennae used solely for cable television services.

902.8 Approach Surface

A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

- (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 2,000 feet.
- (2) The approach surface extends for a horizontal distance of 5,000 feet at a slope of twenty (20) feet outward for each foot upward.
- (3) The outer width of the approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- (4) The inner edge of the secondary approach surface is 2000 feet in width, the same width as the approach surface at its greatest point of horizontal extension at 5,000 feet, and it expands uniformly to a width of 4,000 feet.
- (5) The secondary approach surface extends for an additional horizontal distance of 5,000 feet beyond the greatest point of horizontal extension of the approach surface at a slope of twenty (20) feet outward for each foot upward.
- (6) The outer width of the secondary approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

902.9 Commission

The Zoning Commission established by the City of Decorah in accordance with Section 414.4, 414.6 of the Code of Iowa.

902.10 Conical Surface

A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of 4,000 feet.

902.11 Dwelling

Any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

902.12 FAA

The Federal Aviation Administration.

902.13 Height

The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

902.14 Horizontal Surface

A horizontal plane one hundred fifty (150) feet above the established airport elevation of 1156.6 feet, the perimeter of which is constructed by swinging arcs of radii 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

902.15 Obstruction

Any structure, growth or other object, including mobile object, which penetrates an imaginary surface. Also, any traverse ways that penetrate an imaginary surface after the heights of these traverse ways are increased by:

- (1) Seventeen (17) feet for an Interstate Highway.
- (2) Fifteen (15) feet for any other public roadway.
- (3) Ten (10) feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
- (4) Twenty-three (23) feet for a railroad.

902.16 Primary Surface

A surface longitudinally centered on the runway that extends two hundred 200 feet beyond each end of the runway, the elevation of which at any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet.

902.17 Public Assembly Facility

A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar

activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

902.18 Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

902.19 Runway Protection Zone (RPZ)

An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet.

902.20 Significant

As it relates to bird strike hazards, “significant” means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

902.21 Structure

Any constructed or erected object that requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

902.22 Telecommunications Facilities

Antennae and towers, either individually or together.

902.23 Tower

A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or

similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

902.24 Transitional Surface

Those surfaces that extend upward and outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of one thousand fifty (1,050) feet measured horizontally from the edge of the approach surface at a ninety (90) degree angle to the extended runway centerline.

902.25 Water Impoundment

Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this Ordinance.

902.26 Zoning Administrator

Unless otherwise stated, shall mean the Zoning Official the City of Decorah.

903 IMAGINARY SURFACE

The airport elevation, direct and secondary impact boundaries, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, secondary approach surface, horizontal surface and transitional surface shall be delineated for the airport and shall be made part of the Airport Safety Overlay Zone Map.

904 HEIGHT LIMITATION ON ALLOWED USES IN UNDERLYING ZONES

All uses permitted by the underlying zone shall comply with the height limitations of Chapter 17.128 of the Decorah City Code. When height limitations are in conflict, the more restrictive limitations shall control.

- (1) Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- (2) For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at a higher elevation than the airport runway surfaces such that existing structures and permitted development penetrate or would

penetrate the airport imaginary surfaces, the City or County may authorize structures up to 35 feet in height.

- (3) Other height exceptions or variances may be permitted but must follow the procedures for variance approval within the City.

905 LAND USE COMPATIBILITY REQUIREMENTS

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

- (1) Outdoor lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach and secondary approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach and secondary approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- (2) Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach and secondary approach surface or on nearby lands where glare could impede a pilot's vision.
- (3) Industrial emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach and secondary approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The Planning Commission shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- (4) Telecommunications facilities and electrical interference. No use shall cause or create electrical interference with navigational signals or radio communications between the airport and aircraft. Proposals for the location of new or expanded radio, cellular, and television transmission facilities and electrical transmission lines within this overlay zone shall be approved by the Planning & Zoning Commission. Approval of towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.
- (5) Limitations and restrictions on allowed uses in the RPZ, approach surface, and airport direct and secondary impact areas. The land uses identified in Table 1 and their accessory uses are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this Section, a limited use means a use that is allowed subject to special standards specific to that use. All land uses shall be subject to restrictions resulting from the

enforcement of height restrictions imposed by the FAA to manage imaginary surfaces.

TABLE 1

Location	Public Assembly	Residential	Commercial	Industrial	Institutional	Communication Towers	Farm Use	Roads/Parking	Utilities	Parks/Open Space	Golf Course	Athletic Fields	Sanitary Landfills	Water Treatment Plants	Mining	Water Impoundment	Wetland Mitigation
RPZ ₁	L ₂	N	N	N	N	N	P ₃	L ₄	L ₅	L ₆	N	N	N	N	N	N	N
Approach Surface ₈	L ₉	L ₁₀	L ₁₅	L ₉	L ₉	L ₁₇	P ₃	P	L ₅	P	L _{7,9}	L ₉	N	N	L ₁₁	N/L ₁₂	L ₁₃
Direct Impact Area	P	L ₁₀	L ₁₅	P	L ₁₅	L ₁₈	P ₃	P	L ₅	P	L ₇	L ₁₄	N	N	L ₁₁	L ₁₆	L ₁₃
Secondary Impact Area	P	P	P	P	P	L ₁₈	P ₃	P	L ₅	P	L ₇	P	N	P	L ₁₁	L ₁₆	P ₁₃

P = Use is Permitted
L = Use is Allowed Under Limited Circumstances (See Footnotes)
N = Use is Not Allowed

Table 1 Footnotes:

1. No structures shall be allowed within the Runway Protection Zone. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Farming practices that minimize wildlife attractants are encouraged.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ utilities, powerlines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the City Council or County Board.

6. Public assembly facilities are prohibited within the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this Chapter, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Within 5,000 feet from the end of the primary surface of the nonprecision instrument runway.
9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In general, high-density uses should not be permitted within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist. Any commercial or industrial use which meets the following minimum standards are allowed: (1) Each single commercial or industrial site shall not be less than twenty (20) acres in size and shall contain no dwellings; (2) The use shall not permit, require, cause, or attract an assembly or concentration, public or private, at any one time, regardless of duration, of more than eighty (80) persons per commercial or industrial site, or more than twenty (20) persons in any one (1) acre of such site; (3) Churches, hospitals, schools, theaters, stadia, hotels, motels, trailer courts, campgrounds, multi-unit dwellings, and other places of frequent public assembly are specifically prohibited.
10. Residential densities within approach surfaces should not exceed the following densities: (1) within five hundred (500) feet of the outer edge of the RPZ, 1 unit/acre; (2) within five hundred (500) to fifteen hundred (1,500) feet of the outer edge of the RPZ, 2 units/acre; (3) within fifteen hundred (1,500) to three thousand (3,000) feet of the outer edge of the RPZ, four (4) units/acre. Within the Approach Surface, there shall not be more than one (1) single-family dwelling and accessory buildings per five (5) acre tract of land.
11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this Chapter regulating water impoundments.
12. Water impoundments are prohibited within 5,000 feet from the end of a runway. See Section 080 regulating water impoundments beyond 5,000 feet from the edge or end of a runway.
13. Wetland mitigation required for projects located within an approach surface or airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the City Council, County Board, the FAA, and wetland-permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces. See Section 090 for best management practices for airports located near significant wetlands or wildlife habitat areas.
14. Within the transition surface, residential uses are limited to two (2) single-family dwellings per acre and athletic fields are not permitted.
15. Within the transition surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.
16. See Section 080 prohibiting or regulating water impoundments beyond 5,000 feet from the edge or end of a runway.

17. Telecommunication facilities and towers with antenna whose total height exceeds fifty (50) feet are prohibited from locating in the approach surface and secondary approach surface.
18. Telecommunication facilities and towers within the Direct Impact Area whose height exceeds fifty (50) feet shall be subject to review by the Zoning Administrator. If it is determined that the proposed facilities pose flight and navigation hazards for arrival and departure flight operations, the facility may be prohibited or altered at the request of the Zoning Administrator.

906 WATER IMPOUNDMENTS WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES

No new or expanded water impoundments of one-quarter (1/4) acre in size or larger are permitted within the primary approach surface or on land owned by the City that is necessary for airport operations.

907 WETLAND MITIGATION, CREATION, ENHANCEMENT AND RESTORATION WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES

Notwithstanding the requirements of Section 080, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 080 shall be allowed upon demonstration of compliance with this requirements of this Section.

- (1) Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this Ordinance and located within areas regulated under Section 080 are recognized as lawfully existing uses.
- (2) To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces the areas regulated under Section 080 is encouraged.
- (3) Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under Section 080 shall be considered utilizing the review process applied to applications for Conditional Use Permits and shall be permitted upon demonstration that:
 - (a) It is not practicable to provide off-site mitigation; or
 - (b) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.
- (4) Wetland mitigation permitted under subsection D. of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.
- (5) Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 080, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process

applied to applications for Conditional Use Permits and shall be permitted upon demonstration that:

- (a) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and
 - (b) The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- (6) Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with all applicable organizations.
- (7) A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

908 NONCONFORMING USES

These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations, and shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone. Every existing structure, final plat, and-site plan shall be considered as a conforming use with this Ordinance so long as the structure, plat or plan satisfied the requirements of the applicable airport height ordinance at the time of its approval. In addition, any filed but not yet finally approved preliminary plat application which is pending at the time this Ordinance becomes effective shall be considered as a conforming use with this Ordinance so long as the ensuing final plat is recorded within two (2) years of the date this Ordinance becomes effective.

- (1) Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the FAA shall install or allow the installation of obstruction markers as deemed necessary by the FAA, so that the structures become more visible to pilots.
- (2) No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

909 AVIGATION EASEMENT

Within this overlay zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of fifty percent (50%) or one thousand (1000) square feet, shall, as

a condition of obtaining such approval or permits, dedicate an avigation easement to the City. The avigation easement shall be in a form acceptable to the City and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

910 NOISE SENSITIVITY ZONES

Land use noise sensitivity zones shall be established when requested by the Commissioner or by the governmental unit having airport zoning powers. The governmental unit having zoning powers, when required by the Commissioner, shall secure a study as to the boundaries of the area to be zoned for this purpose and the uses permitted therein.

911 AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the City of Decorah Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by either the Winneshiek County Planning Department or City of Decorah Office of Planning and Zoning. Permit applications shall be promptly considered by the Zoning Administrator in accordance with the Winneshiek County Comprehensive Plan, Winneshiek County Zoning Ordinance, and Subdivision Regulations if the proposed activity is outside of the City of Decorah corporate limits. If the proposed activity is within the City of Decorah corporate limits, the Zoning Administrator shall consider the request in accordance with the City of Decorah Comprehensive Plan, City of Decorah Zoning Ordinance and Subdivision Regulations.

- (1) Rezoning applications will be considered by the Commission with approval or denial of a request by the City Council.
- (2) Variance applications for action by the Board are hereinafter provided for.

912 PROCEDURES

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application to the Zoning Administrator:

- (1) A map or drawing showing the location of the property in relation to the airport imaginary surfaces.
- (2) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed highest structure or object, measured in feet above mean sea level.

- (3) If a height variance is requested, letters of support from the Airport Commission, IDOT Department of Aviation and the FAA.
- (4) If deemed warranted by the Federal Aviation Administration, Zoning Administrator, Commission, Board of Adjustment or the Airport Commission, a plan for obstruction marking and lighting may be required.

913 PERMITS

- (1) Future uses: Except as specifically provided in Paragraphs 1 and 2 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit has been applied for and granted by the Zoning Administrator. Each permit application shall indicate the purpose for which the permit is desired, with sufficient detail to define the conformance to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - (a) However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 5,000 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height or land use limit prescribed for the respective zone.
 - (b) Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by Chapter 17.128 of the Decorah City Code.
- (2) Existing uses: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted
- (3) Nonconforming uses abandoned or destroyed: Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at the owner's expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten (10) days after receipt of written notice of

such order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight percent (8%) per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner, as are general taxes.

914 VARIANCES

Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations.

915 APPEALS

- (1) Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made in the administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, township, county, which is of the opinion that a decision of the Zoning Administrator is an improper application of this Ordinance as it concerns such governing body or Board.
- (2) All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his administration of this Ordinance who desires to appeal such decision shall submit an application for a variance, by certified mail, to a member of the Board of Adjustment.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.
- (4) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
- (5) The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order,

requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

916 JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, township, County which is of the opinion that a decision of the Board of Adjustment is illegal may present to the District Court of Winneshiek County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this Section.

917 PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure of use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than seven hundred dollars (\$700) or imprisonment for not more than ninety (90) days or by both. Each day a violation continues to exist shall constitute a separate offense. The Zoning Administrator may enforce all provisions of this Ordinance through such proceedings for injustice relief and other relief as may be proper under the laws of State of Iowa.

918 CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

919 SEVERABILITY

(1) In any case in which the provision of this Ordinance, although generally reasonable, is held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this State or the constitution of the

United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

- (2) Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.