

Resolution #4-2015/2016

WHEREAS, the Grundy County Planning and Zoning Commission has recommended approving an amendment of the Grundy County Development Ordinance (No. 2009-5) to the Grundy County Board of Supervisors regarding the addition of Conditional Use Permits and Agri-Tourism to the Ordinance as follows:

Section V. Definitions

Agri-tourism- Uses associated directly to growing operations include the growing of fruits, vegetables, flowers, and combinations thereof and raising of livestock on a site or adjacent property. Examples include, but are not limited to, a winery associated with the growing of grapes on site, a corn maze, pumpkin patch with games and hayrack rides, or petting zoo, or for a Community Supported Agriculture, or other type of agricultural business. Although agricultural related, these uses are not considered agricultural uses because they are designed to bring groups or individuals to the site for commercial purposes.

To be added to A-1 and A-2 Districts as Conditional Uses:

Section IX (G) and Section X (G):

Agri-tourism

- 1) Obtain Conditional Use Permit
- 2) Submit a site plan to Zoning Administrator that meets the requirements of the ordinance.

And to add Conditional Use Permits to Section XXIV (D)(3)(d) and (e) as follows:

- d. To hear and pass on all applications for Conditional Use Permits.
- e. To carry out those duties required by Statute or Regulation.

And to add Conditional Use Permits to the Ordinance as Section XXIII A, as follows:

SECTION XXIII A

CONDITIONAL USE PERMITS

A. Application

All conditional uses as prescribed in the use regulation for the specific zoning districts shall meet the requirements of this section. Applications for conditional use permits shall be made to the Zoning Administrator in duplicate on forms furnished by the Administrator and shall include the

following information as is pertinent and necessary to demonstrate compliance with this Ordinance and for proper review by the County Planning and Zoning Commission. Said information shall be required, but not limited to:

1. Name of applicant/owner.
2. Name of developer, if not the owner.
3. Legal description of area.
4. Proposed use.
5. A site plan.

Additional information as may be required by the Commission or Administrator:

1. Basement and first floor elevations.
2. Utility elevations including sewer and water systems.
3. Regularity flood elevation.
4. Areas subject to inundation by floodwaters.
5. Floodproofing measures.
6. Existing or proposed landscaping.
7. Any additional data reasonably required by the Zoning Administrator or Commission.

B. Procedure

1. A conditional use permit shall be submitted to the Zoning Administrator with any accompanying requests or additional enclosures. The Administrator will determine if all information is provided and adequate for review.
2. The permit shall be forwarded to the Commission for its review and recommendations at the next scheduled regular meeting. The Commission shall review such permit and return a written report of their findings and recommendations to the Board of Adjustment. In their review, the Commission shall consider each of the standards established in this section and other prescribed standards found in this Ordinance.
3. Conditions and restrictions recommended by the Commission shall be attached to an approval of the subject application in a separate paragraph in the written report.
4. Public Hearing Notice. The Board of Adjustment upon receipt of the recommendation and report from the Commission shall conduct a public hearing for the consideration of the permit. Notice of time and place of the hearing, in accordance with established public hearing procedures shall be published.
5. The Board of Adjustment shall, after report from the County Zoning Commission and conducting a public hearing on the permit, render a decision. In their review the Board of Adjustment shall consider standards established in this section other prescribed standards found in this Ordinance, and the Commission's report with recommended restrictions and conditions. The Board of Adjustment shall either grant the permit for conditional use, grant it subject to conditions, or deny the application. The Board of Adjustment shall not modify or lessen the degree of restrictions and conditions as recommended by the Commission except by favorable vote of at least three (3) members of all the members of the Board of Adjustment in attendance.
6. The Board of Adjustment may impose such conditions, including restrictions and safeguards, upon the property benefited by the conditional use as considered necessary to prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the approval of the conditional use. Violations of such conditions shall be a violation of this Ordinance.

C. Standards

No conditional or special use shall be recommended by the Commission and approval granted by the Board of Adjustment unless the Commission and the Board shall consider all relevant factors and standards specified in other sections of this Ordinance and including but not limited to the following:

1. That such use shall be in accord with the intent, purpose, and spirit of this Ordinance and the Comprehensive Plan of Grundy County.
2. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
3. That such use shall not impair an adequate supply of light and air to surrounding property.
4. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
5. That such use shall not diminish or impair established property values in adjoining or surrounding property.
6. That such use shall not be found to be hazardous, harmful, offensive or otherwise adverse to the environmental quality in the county and its communities.
7. The suitability of the site for proposed use and compatibility with surrounding properties.
8. That such use shall not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
9. That the best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.
10. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
11. That adequate measures have been provided to allow sufficient off-street parking and loading space to serve the proposed use.

Furthermore, no conditional use permit in the application of the provisions of this Ordinance, concerning floodplain development, shall be made unless the Commission, the Board of Supervisors and the Board of Adjustment consider all relevant factors specified in other sections of this Ordinance, and

1. That the granting of the permit or variance will not result in increased flood heights, cause extraordinary public expense or create nuisances, as determined by the Department of Natural Resources.
2. Exceed the minimum variance necessary to afford relief considering the flood hazard as determined by the Department of Natural Resources.
3. The danger to life and property due to increased flood heights or velocities caused by encroachments.
4. The danger that materials may be swept on to other lands or downstream to the injury of others.
5. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
6. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
7. The importance of the services provided by the proposed facility to the community.
8. The requirements of the facility for a floodplain location.
9. The availability of alternative locations not subject to flooding for the proposed use.

10. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
11. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
12. The safety of access to the property in times of flood for ordinary and emergency vehicles.
13. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
14. Such other factors which are relevant to the purpose of this Ordinance.

D. Conditions

Upon consideration of the factors listed in Section XXIV (C) "Standards" and all relevant factors, the Commission may recommend and the Board may attach such conditions to the granting of conditional uses as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Landscaping.
5. Architectural design.
6. Type of construction.
7. Construction commencement and completion dates.
8. Lighting.
9. Size and number of signs.
10. Higher performance standards.
11. Road dedication.
12. Certified survey maps.
13. Ground cover.
14. Diversions.
15. Silting basins.
16. Terraces.
17. Streambank protection.
18. Planting screens.
19. Operational control.
20. Improved traffic circulation.
21. Highway access restrictions.
22. Increased yards.
23. Additional parking.

Furthermore, conditional use permits issued for floodplain development may include such conditions, but not necessarily be limited to:

1. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this Ordinance.
2. Floodproofing Measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory

flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:

- a. Anchorage to resist flotation and lateral movement.
- b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- c. Reinforcement of walls to resist water pressures.
- d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
- e. Addition of mass or weight structures to resist flotation.
- f. Installation of pumps to lower water levels in structures.
- g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- h. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
- i. Construction to resist rupture or collapse caused by water pressure or floating debris.
- j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures.
- k. Location of all electrical equipment and circuits in a manner which will assure they are not subject to flooding.

E. Compliance

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.


WHEREAS, the Board of Supervisors considered the recommendation of the Planning and Zoning Commission, and

WHEREAS, a hearing date must be established to consider the proposed Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Grundy County Board of Supervisors that it conduct a public hearing on the proposed Ordinance on the 27th day of July, 2015, at 9:00 o'clock A.M. at the Board Room of the Grundy County Courthouse, Grundy Center, Iowa, and

BE IT FURTHER RESOLVED that the Grundy County Auditor cause notice of the proposed hearing to be published in the official newspapers of the County in accordance with the County Zoning Ordinance.

PASSED AND ADOPTED this 13th day of July, 2015.


Mark A. Schildroth, Chairperson
Grundy County Board of Supervisors

ATTEST:


Rhonda R. Deters, County Auditor