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LINN COUNTY ORDINANCE # \_\_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY MODIFYING AND ADDING PROVISIONS IN CHAPTER 107 RELATED TO AGRICULTURAL EXPERIENCES: ARTICLE V, SECTION 107-93 REGARDING OFF-STREET PARKING AND LOADING, AND ARTICLE VI, SECTION 107-111 INTRODUCTORY PROVISIONS, AND ARTICLE VI, SECTION 107-112 STANDARDS FOR AGRICULTURAL USES, AND ARTICLE VII, TABLE 107-147-1 USE TABLE, AND ARTICLE IX SECTION 107-180 DEFINITIONS RELATED TO AGRICULTURAL EXPERIENCES, FARM STANDS, AND FARM STORES

BE IT ORDAINED by the Board of Supervisors, Linn County, Iowa as follows:

**SECTION 1. SUBSECTION MODIFIED.** Chapter 107, Article V, Section 107-93, § (e), Table 107-93 is hereby modified to read as follows:

Use Group, Use Category From Table 107-147-1	Required Spaces
Agricultural Uses – Tier I Agricultural Experience	No required minimum number of spaces. Adequate off-street parking shall be provided to accommodate the proposed Tier I use(s).
Agricultural Uses – Tier II Agricultural Experience - Wedding venue, event space, banquet/reception facility, social or fraternal organization	13/1000 sq. ft. of gross floor area

Agricultural Uses – Tier II Agricultural Experience – All other uses	4/1,000 sq. ft. of gross floor area
Residential uses— household living	1 per dwelling unit
Residential uses— group living	1 per dwelling unit plus one for every 2 bedrooms
Institutional and civic uses— community services except cemetery and public service facility uses	1 for each four seats provided or 1/1,000 sq. ft. of gross floor area
Institutional and civic uses— cemetery	1/2,000 sq. ft. of gross land area
Institutional and civic uses— educational institutions except secondary school	1/each employee plus 1/each 4 students, based on building occupancy limits
Institutional and civic uses— secondary school	1/each employee plus 1/each 6 students, based on building occupancy limits
Institutional and civic uses— school transportation center, public or private	1.25 spaces/each full-time permanent employee; plus 1 space/school bus
Institutional and civic uses— school building and grounds maintenance facility	1.25 spaces/each full-time permanent employee
Institutional and civic uses— school sports complex	1 space per 4,000 square feet of land area dedicated to sports facility use, plus 1 space/5 fixed seats. Overflow parking areas shall be designated on the site plan; permeable surfaces are encouraged for the designated overflow parking areas
Institutional and civic uses— health care and social services	6/1,000 sq. ft. of gross floor area
Institutional and civic uses— public parks and open space	Sufficient parking based on use, to be determined during development review process
Institutional and civic uses— nature centers and similar uses	1/each employee plus 1 per 3 occupants, based on building occupancy limits
Retail, service, and commercial uses - Wedding venue, event space, banquet/reception facility, social or fraternal organization	13/1000 sq. ft. gross floor area
Retail, service, and commercial uses – all other uses	4/1,000 sq. ft. of gross floor area except for the business and household services use category; these shall be 2/1,000 sq. ft. or gross floor area;
Industrial uses	2/1,000 sq. ft. of gross floor area

Transportation and utility uses	2/1,000 sq. ft. of gross floor area; for utility uses, 1 space/communications tower greater than 80 feet in height; for wind farms, 1 space/wind turbine; 1 space/utility substation
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**SECTION 2. SUBSECTION MODIFIED.** Chapter 107, Article V, Section 107-93 § (e)(5)e is hereby modified, clarifying language related to surfacing, grading, and drainage to read as follows:

e. Surfacing, grading, drainage.

1. In the urban service area, all commercial drives and parking areas are to be paved with an asphaltic or Portland cement binder pavement, or such other hard but permeable surfaces.
2. In all other land use areas, dust-controlled gravel parking areas shall be permitted. In those instances where the access is onto a hard surfaced road, the driveway shall be hard surfaced at a minimum to the property line. In all cases where handicapped parking is required, the handicapped space shall be paved, along with the most direct route to public areas. Parking areas and drives shall be so graded and drained as to dispose of or infiltrate all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of motor vehicles.

**SECTION 3. SUBSECTION ADDED.** Chapter 107, Article VI, Section 107-111 § (e) is hereby added, including language related to agricultural experiences, to read as follows:

(e) *Agricultural experience.* Uses that are determined to be an Agricultural Experience shall only conform to subsection(c) of Section 107-112 which prevails over any conflicting regulations in this section.

**SECTION 4. SUBSECTION MODIFIED.** Chapter 107, Article VI, Section 107-112 § (b) regarding farm stands is hereby amended to read as follows:

- (b) *Agriculture, farm stands.* The following standards shall only apply to farm stands that are not designated as an agricultural experience:
- (1) *Minor site plan required.* A minor site plan shall be submitted and reviewed prior to the approval.
  - (2) *Parking.* Off-street parking shall be provided outside the road right-of-way.
  - (3) *Setbacks.* Farm stand structures shall meet the minimum required building setback specified for the zoning district.

**SECTION 5. SUBSECTION ADDED.** Chapter 107, Article VI, Section 107-112 § (c) including language related to agricultural experiences is hereby added to read as follows:

(c) *Agriculture, experiences.*

- (1) *Tier I*. Tier I agricultural experiences include all activities not designated as a Tier II agricultural experience.
  - a. *Agricultural Experience worksheet*. The proposal shall meet the State of Iowa definition of an “agricultural experience”.
  - b. *Parking Standards*. No required minimum number of spaces.
    1. Exempt from Article V Sec. 107-93 §(e), except as required by federal ADA requirements.
    2. All parking required to be off-street.
- (2) *Tier II*. Tier II agricultural experiences include, but are not limited to, winery, brewery, cider mill, distillery, bar/restaurant, farm store, event space, banquet hall, reception facility or wedding venue.
  - a. *Agricultural Experience worksheet*. The proposal shall meet the State of Iowa definition of an “agricultural experience”.
  - b. *Major Site Plan*. A Major Site Plan shall be submitted and reviewed prior to the approval of Tier II agricultural experience activities.
  - c. *Technical Review Committee*. Upon receipt of a request for a Tier II Agricultural Experience use, planning and development staff shall forward the request to the technical review committee. The technical review committee shall review the request for conformance with this chapter, the comprehensive plan, and other applicable plans, regulations and design standards. After review, planning and development staff shall contact the requestor to discuss all required conditions for approval. A review of the request and all applicable conditions of the technical review committee shall be completed prior to commencement of agricultural experience activities.
  - d. *Parking Standards*. Off-street parking shall be required according to 107-93 excepting 107-93 (e)(5)(e)(1)
    1. Required parking spaces to be provided as directed by Table 107-93.
    2. All parking required to be off-street.
    3. Overflow parking areas may be required and shall be identified on the Major Site Plan.
    4. *Handicapped parking*. Off-street parking areas shall be designed to meet the number, placement, size and marking and identification requirements for handicapped parking contained in 42 USC 12181-9 and I.C.A. § 321L.5.
  - e. *Licenses and permits*. Facilities must obtain all required local, state and federal licenses or permits, including building permits for all structures to be used by the public for agricultural experience purposes.

**SECTION 6. SECTION MODIFIED.** Chapter 107, Article VII, Section 107-147 Use Table, Table 107-147-1 is hereby amended adding the agricultural experience use and modifying the catering service, banquet/reception use, to read as follows:

Agricultural Uses		STD	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
Agriculture	General agriculture		P	P	P	P	P	P	P	P	P	P	
	Agricultural buildings for general agricultural use		P	P	P	P	P	P	P	P	P	P	
	Farm stand	107-112 (b)	A	A	A	A	A		A			A	
	Agriculture, experience	107-112(c)	P	P	P	P	P	P	P	P	P	P	

Retail, Service and Commercial Uses		STD	AG	RR 1/2/3	V R	V M	US R	USR- MF	H C	G C	I	CNR	MH
Food Services	Restaurant, standard	107-115(r)				P			P	P			
	Food service, limited, coffee shop, ice cream, snack bar, etc. [less than full kitchen]	107-115(r)				P			P	P			
	Drive-through accessory to food service	107-115(s)				P			P	P			
	Bar or tavern	107-115(r)				C			P	P			
	Catering service	107-115(r)				P			P	P			
	Wedding venue, event space, banquet/reception facility, social or fraternal organization	107-115(r)	C			P			P	P			

**SECTION 7. SECTION MODIFIED.** Chapter 107, Article IX, Section 107-180 is hereby amended by adding thereto new definitions, to read as follows:

*Agricultural experience (Agricultural Tourism)* means any agriculture-related activity, as an annual or recurring, seasonal, secondary-use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

*Farm store* means a permanent structure used as a retail location open to the general public, on an operating farm, that sells agricultural products grown on the farm or grown locally, and/or sells local value-added non-food products.

*Farm stand* means a structure used seasonally from which the majority of agricultural products are grown (or made) by the owner of the site, grown locally, or local value-added non-food products.

**SECTION 8. REPEALER.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 9. SEVERABILITY.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 10. SAVING.** The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 11. EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

## LINN COUNTY BOARD OF SUPERVISORS

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Louis J. Zumbach, Chair

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Ben Rogers, Vice Chair

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Kirsten Running-Marquardt, Supervisor

I, Linn County Auditor, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors.

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Joel D. Miller, Linn County Auditor

STATE OF IOWA  
COUNTY OF LINN

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Joel Miller as Linn County Auditor.

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Notary Public, State of Iowa

Planning & Zoning Commission on the 18<sup>TH</sup> day of SEPTEMBER, 2023.

Public hearing and First consideration on the 6<sup>TH</sup> day of NOVEMBER, 2023.

Second consideration on the 8<sup>TH</sup> day of NOVEMBER, 2023.

Third consideration and final passage on the 15<sup>TH</sup> day of NOVEMBER, 2023.

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