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LINN COUNTY ORDINANCE # 2-2-2021

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA
BY AMENDING PROVISIONS IN CHAPTER 107**

BE IT ENACTED by the Board of Supervisors, Linn County, Iowa:

SECTION 1. SEE ATTACHMENT A

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 3. 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 4. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Public hearing and first consideration on the 19TH day of January, 2021

Second consideration on the 20TH day of January, 2021

Third and final passage on the 3rd day of February, 2021.

Published in the Gazette on the 6 of Febr., 2021.

LINN COUNTY BOARD OF SUPERVISORS

Stacey Walk
Chairperson

[Signature]
Supervisor

[Signature]
Supervisor

ATTEST:

Joel D. Miller by Rebecca Shoop, Deputy
Joel D. Miller, Linn County Auditor

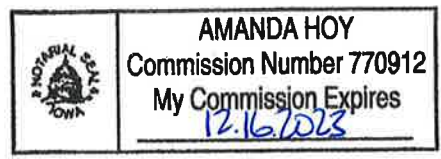
STATE OF IOWA)
)SS
COUNTY OF LINN)

I, Joel D. Miller by Rebecca Shoop, Deputy, County Auditor of Linn County, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance passed by the Linn County Board of Supervisors at a regular meeting of said Board held on February 3, 2021 and published as provided by law on February 6, 2021.

Joel D. Miller by Rebecca Shoop, Deputy
Linn County Auditor

Subscribed and sworn to me this 3 day of Feb., 2021.

Amanda Hoy
Notary Public, State of Iowa



ATTACHMENT A

Language that is added to the section will be displayed as underlined text and deleted language will be represented as ~~strikethrough~~ text.

1. **Article IV Development Review Processes and Requirements, Section 107-71 Site plans, Subsection (3) Major site plan requirements**

- (3) *Major site plan requirements.* Whenever this chapter requires submission of a major site plan, the applicant shall submit ~~six~~ one ~~copies~~ electronic copy and one paper copy of a site plan prepared by an engineer, landscape architect, architect or similar licensed professional. A major site plan shall meet the following specifications and show the data listed:

2. **Article IV Development Review Processes and Requirements, Section 107-72 Land division processes and requirements, Subsection (2) Major subdivision**

(2) *Major Subdivision.*

- f. *Process for review of major subdivision applications.* The process below shall be followed in reviewing applications for major subdivisions:

11. *Final plat filing requirements.* Four copies of the final plat, together with copies of forms and certificates as specified in subsection (2)g of this section, shall be submitted to the planning and development department in bound form, together with an additional two unbound copies of the final plat. Bound copies shall be backed with a nine-inch by 15½-inch ~~a nine-inch by 15½-inch~~ blue, top-fold manuscript cover. To be considered by the board of supervisors, a final plat clearly marked "Final Plat" shall meet all of the following requirements:

- g. *Required recording of final plat.* The final plat with all required documents shall be entered in the proper record books in the office of the county recorder. When so entered, the plat only shall also be entered in the records of the county auditor and the plat shall be of no validity until so filed in both offices. Approval of the final plat by the board of supervisors shall be void if the plat and its proceedings are not recorded by the owner in the office of the county recorder within one year after date of approval, unless, within that time, an extension based upon unusual circumstances is granted by the board of supervisors.

1. *Filing document requirements.* Required filings with the county recorder shall include all of the following documents:
- (i) Owner's certificate and dedication certificate executed in the form provided by state law, dedicating to the county the title to all property intended for public use, including public roads.
 - (ii) Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located.
 - (iii) Surveyor's certificate.
 - (iv) Auditor's certificate.
 - (v) Resolution of the planning and zoning commission.
 - (vi) Resolution of the board of supervisors.

- (vii) Resolution of approval or waiver of review by applicable municipalities.
- (viii) Treasurer's certificate.
- (ix) Agricultural land use notification.
- (x) Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument.
- (xi) ~~Three copies of the surveyor's~~ Twelve original signed plat drawings.
- (xii) Covenant for a secondary road assessment.

3. Article IV Development Review Processes and Requirements, Section 107-72 Land division processes and requirements, Subsection (5) Minor boundary change

(5) *Minor boundary change.*

- a. *Purpose.* The purpose of this subsection is to prescribe uniform procedures for review of an adjustment to a common boundary between no more than two adjacent parcels or tracts of land.
- b. *Conditions.*
 - 1. A minor boundary change shall not create any additional parcels or tracts, and shall not result in the creation of any additional buildable parcels or tracts. A parcel or tract is considered non-buildable if it cannot comply with the provisions of this chapter, including but not limited to the provisions for nonconforming lots and legal lots of record in section 107-49.
 - 2. No new violations of this chapter shall be created by the action.
 - 3. Such division of land shall not be in conflict with any other state or lawful municipal regulations regarding division of land.
 - ~~4. Any minor boundary change that requires a rezoning or land use map amendment shall go through the minor subdivision process described in subsection (3) of this section.~~

4. Article V General Regulations, Section 107-94 General regulations for structures, Subsection (c) Accessory structures

- (c) *Accessory structures.* Accessory structures shall meet the following requirements:
 - (1) *Attached.* Attached accessory structures shall meet all the requirements of this chapter which apply to the principal structure to which they are attached.
 - (2) *Detached.* Detached accessory structures shall meet all of the following requirements:
 - a. Detached structures shall not exceed the size limitations as per Table 107-94(b)(2).

Table 107-94 Accessory Structure Limitations

Lot Size in Acres	All districts except AG, CNR and MH
<u>1.00 or less</u>	<u>1,200 square feet of floor area</u>

1.01 to 1.99 or less	1,200 <u>1,500</u> square feet <u>of floor area</u>
2.00 to 4.99	1,800 <u>2,000</u> square feet <u>of floor area</u>
5.00 to 9.99	2,400 <u>2,800</u> square feet <u>of floor area</u>
10.00 or greater	3,600 <u>4,200</u> square feet <u>of floor area</u>

1. Ground mounted solar panels are exempt from Table 107-94(b)(2) size limitations.
- b. In agricultural, CNR and residential zoning districts, and for agricultural and residential uses in the VM Village Mixed-Use District:
 1. Maintain corner side yard requirements.
 2. Maintain ten feet to any side lot line when the accessory structure is located beside the principal structure; when located behind the principal structure the setback may be reduced to no less than three feet from any side or rear lot line with any overhang not closer than one foot from the lot line.
 3. Detached accessory structures may be allowed to the front of the principal structure provided the detached accessory structure maintains the front yard, side yard and corner side yard setbacks for the zoning district where the structure is located. An accessory structure shall be considered to be located in front of the principal structure if any portion of the exterior wall of the accessory structure is closer to the front lot line than the exterior wall of the principal structure.

c. In residential zoning districts, and for agricultural and residential uses in the VM Village Mixed-Use District:

1. On parcels smaller than ~~three~~ one acres in area, no more than one accessory structure may be located in front of the principal structure. Such accessory structure shall not exceed ~~720~~ 864 square feet in size of floor area. This restriction shall not apply to ground mounted solar panels and arrays.
- ed. In all other districts. Detached accessory buildings located in any zoning district except residential or agricultural, shall meet all the requirements of this chapter which apply to principal structures in such zoning district.

5. Article VI Specific Development Standards, Section 107-115, Standards for retail, service and commercial uses, Subsection (z) Commercial uses, all types

- (z) *Commercial uses, all use types.* All commercial uses listed in Table 107-147-1 shall meet the following standards:
- (1) *Major site plan required.* A major site plan shall be submitted and reviewed prior to the approval of any commercial use.
 - (2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate, with continuous hard surfaced connection to a county arterial, or state or federal highway.

- (3) **Access.** Vehicular access points shall create a minimum of conflict with through traffic movement.
- (4) **Parking.** Parking and loading shall meet the standards in section 107-93(e).
- (5) ~~Size limited, VM Village Mixed-Use District.~~ In the VM Village Mixed-Use District, commercial uses shall be limited to a maximum floor area of 10,000 square feet, unless otherwise specified below, and outdoor storage area shall not exceed 5,000 square feet in size and shall be screened from adjacent residences and public roads by a solid fence six feet in height.
- (6) **Buffers.** Buffers shall be installed meeting the standards in section 107-93(d) or section 107-136(f)(4), depending on the applicable zoning district.
- (7) **Lighting.** Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor light adjoining property.

6. Article VI Specific Development Standards, Section 107-115, Standards for retail, service and commercial uses, Buffers

All uses, except Vehicle Services, in Section 107-115 containing a provision regarding "Buffers" is amended as follows:

Buffers. Buffers shall be installed meeting the standards in section 107-93(d) or section 107-136(f)(4), depending on the applicable zoning district.

7. Article VII Zoning Classifications, Density, Dimensional Standards and Allowed Uses, Table 107-147-1 Use Table

Table 107-147-1 Use Table

Retail, Service and Commercial Uses		STD	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
Business and Household Services	Building maintenance or cleaning services	107-115(j)				C			P	P	P		
	Contractor's yard or outdoor storage					C			C	C	P		
	Copying, printing, mailing and packaging services					P			P	P	P		
	Lawn, garden and yard maintenance services	107-115(k)	C			C			C	P	P		
	Small appliance and household equipment repair					P			P	P	P		
	Well-drilling or septic tank cleaning	107-115(l)	C			C			C	C	P		

8. Article XI Definitions, Section 107-180 Definitions

Floor area means the sum of the gross horizontal areas of ~~several~~ one or more floors of a building or structure from the exterior face of exterior walls. Floor area shall also include all overhangs more than 2' from the exterior walls as measured horizontally from the exterior of the wall face. For rooms with sloped ceilings, the area having a ceiling height of less than 5 feet shall not count towards the total floor area.