

LINN COUNTY ORDINANCE # 11-9-2020
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 All ordinances or parts of ordinances in conflict with this ordinance are repealed.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 31st day of August, 2020

Second consideration on the 2nd day of September, 2020

Third and final passage on the 9th day of September, 2020

Published in the Gazette on the 12th of September, 2020

LINN COUNTY BOARD OF SUPERVISORS

Chairperson

Supervisor

Supervisor

ATTEST:

Joel D. Miller, Linn County Auditor

STATE OF IOWA)
)SS
COUNTY OF LINN)

I, _____, 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 _____, 2018 and published as provided by law on _____, 2020.

Linn County Auditor

Subscribed and sworn to me this _____ day of _____, 2020.

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.

ARTICLE IV, DEVELOPMENT REVIEW PROCESSES AND REQUIREMENTS

Sec. 107-66. - Introductory provisions.

- (a) *Purpose.* The purpose of this article is to establish application requirements, review processes and standards for land use approvals and development permits in the county.
- (b) *Additional studies.* In considering a development proposal, the board of supervisors may request a report by the zoning administrator or other county staff or consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.
- (c) *Notification requirements.* Whenever in this article notification of a public meeting or public hearing by the planning and zoning commission, the board of adjustment or the board of supervisors is required, or an amendment to an adopted governing plan associated with a planned unit development overlay district is proposed, the following procedures shall be followed:
 - (1) *Notification to applicant.* The zoning administrator shall notify the applicant by mail of the time, place and date of the technical review committee meeting, public meeting and/or public hearing.
 - (2) *Notice of meeting of public body.* Notice of the time and place of the meeting of the public body holding the public hearing or public meeting shall be given not less than four nor more than 20 days before the time of the hearing in one publication in a newspaper of general circulation in the county. Notice shall also be mailed to the applicant.
 - (3) *Notification to surrounding property owners.* The zoning administrator shall notify owners of record of property within 500 feet of the property that is the subject of the application, by mail, of the time, place and date of the technical review committee meeting, public meeting and/or public hearing. Failure to notify shall not be deemed sufficient cause to invalidate proceedings regarding the land use approval or development permit under consideration.

Sec. 107-68. – Rezoning/map amendment.

- (2) c. *Major site plan.* A major site plan conforming to the requirements of section 107-71(3) shall be prepared and submitted as part of any application for a request to rezoning, except those initiated by Linn County.

ARTICLE V, GENERAL REGULATIONS

Sec. 107-91. - General provisions.

(i) Planned unit development overlay district: conflict with other regulations. An approved planned unit development, and associated governing plan prevails over any conflicting regulations in this section.

ARTICLE VI, SPECIFIC DEVELOPMENT STANDARDS

Sec. 107-111. - Introductory provisions.

- (a) *Purpose.* The purpose of this article is to provide standards that must be met for specified allowed land uses before issuance of any zoning permit. Table 107-147-1 lists permitted, conditional and accessory uses allowed in each zoning district. Table 107-147-1 also indicates when development standards in this article apply to listed uses. The section and subsection headings in this article conform to use categories and use types listed in Table 107-147-1.
- (b) *Applicability.* The standards in this article apply to the uses listed below within the zoning districts in which they are allowed, whether the uses are permitted, conditional or accessory. The standards in this article shall apply in addition to the general criteria for conditional uses in section 107-73, and all other applicable regulations. Standards shall apply in all districts where the use is allowed.
- (c) *Exempted agricultural uses.* It is not the intent of this article to control uses that qualify for the farm exemption contained in section 107-92.
- (d) Planned unit development overlay district. Uses allowed in a planned unit development overlay district, as well as applicable standards, shall be established in an associated approved governing plan, which prevails over any conflicting regulations in this section.

ARTICLE VII, ZONING CLASSIFICATIONS, DENSITY, DIMENSIONAL STANDARDS AND ALLOWED USES

Sec. 107-131. - Districts and district boundaries.

- (a) *Reclassification.* The zoning districts established under the prior zoning ordinance shall be reclassified as shown in the reclassification list associated with the official zoning map.
- (b) *Establishment of districts and overlay zones.* In order to carry out the purpose and intent of this chapter, the unincorporated territory of the county is hereby divided into the following zoning districts and overlay zones:
 - (1) AG Agricultural District.
 - (2) RR2 Rural Residential Two-Acre District.
 - (3) RR3 Rural Residential Three-Acre District.
 - (4) RR1 Rural Residential One-Acre District.
 - (5) VR and VM Rural Village Districts.
 - (6) USR Urban Services Residential District.
 - (7) USR-MF Urban Services Residential, Multi-Family District.
 - (8) HC Highway Commercial District.
 - (9) GC General Commercial District.
 - (10) I Industrial District.
 - (11) CNR Critical Natural Resources District.

- (12) REC Seasonal Cabin and Recreation Areas Overlay District.
- (13) FP Floodplain Overlay District.
- (14) EU-1 Exclusive Use, Sanitary Landfill District.
- (15) MH Mobile Home District.
- (16) PUD Planned Unit Development Overlay District.

Sec. 107-147. - Use table.

- (a) *Use table.* Table 107-147-1, below, establishes the permitted, conditional and accessory uses allowed in each zoning district within the county, except that uses allowed in the PUD Planned Unit Development Overlay district shall be established in an associated approved governing plan.

Sec. 107-148. – PUD Planned Unit Development Overlay District.

- (a) *Purpose.* The county has determined that establishing a planned unit development overlay district is appropriate in order to accommodate large, comprehensively planned projects that are likely to develop in phases over a relatively long period of time. This overlay district will allow for the development or redevelopment of land with a mix of uses in accordance with an approved governing plan. Elements contained within an approved governing plan shall prevail over any conflicting regulations in this chapter. This section establishes an overlay district that serves the following purposes:
 - (1) To allow flexibility in design to encourage innovative development proposals with a mix of uses.
 - (2) To encourage development that can be conveniently, efficiently, and economically served by existing local utilities and services.
 - (3) To encourage the conservation of natural features, preservation of open space, and protection from natural hazards.
 - (4) To provide compensating community benefits to offset impacts of the development.
 - (5) To encourage energy-efficient development.
 - (6) To encourage development that conforms to the goals, objectives, and strategies in the county's comprehensive plan, and/or any approved fringe area plan (formerly known as city/county strategic growth plan) that pertains to the area in which the development is proposed.
- (b) *Geographic location.* The planned unit development overlay district shall be geographically located in those areas designated as urban renewal or urban revitalization areas.
- (c) *Permitted, conditional and accessory uses.* Uses allowed in the planned unit development overlay district may include a mix of agricultural, residential, institutional & civic, and retail, service & commercial uses as described in an associated approved governing plan, which prevails over any conflicting regulations in this chapter. Uses which are not included in the approved governing plan are prohibited in the associated planned unit development district.
- (d) *Signage.* Signage shall conform to the requirements in Section 107-94(j), unless signage regulations are included in the Governing Plan.

- (d) Governing plan. A governing plan containing specific development requirements related to the planned unit development overlay district, including a master plan depicting the comprehensively planned character of the project, is required. A governing plan may include, but not be limited to:
- a. Development Goals/Vision
 - b. Master Plan (a visual representation of the planned unit development project subject to the governing plan)
 - c. Required Documents for Approval/Developer and Association Responsibilities
 - d. Traffic Analysis
 - e. Bulk Requirements/Dimensional Standards
 - f. Street Design Standards
 - g. Parking Design Standards
 - h. Signage
 - i. Stormwater Management
 - j. Phasing
 - k. Development Incentives
- (e) Amendments to an approved master plan and/or governing plan. Amendments to associated plans shall be reviewed as follows:
- (1) Minor changes that still meet the intent of the original master plan and of the adopted governing plan may be reviewed and approved by the Planning and Development Director. At the discretion of the Planning and Development Director, changes to the master plan that are deemed major changes shall require an amendment to the governing plan. Major changes may include, but not be limited to:
 - a. Proposed areas for different land use types not shown on the original master plan
 - b. Proposed changes to the transportation facilities such as new or relocated connections to existing roads, new internal streets, or realignment of streets (other than to accommodate final engineering design)
 - c. A 15% or greater reduction of open space, sidewalks, pathways or trails
 - (2) Amendments to the Governing Plan shall require notification of surrounding property owners as outlined in Sec. 107-66, subsection (c)(3), the review and recommendation of the Planning and Zoning Commission, and approval by the Board of Supervisors.

ARTICLE IX, DEFINITIONS

Governing plan means a document providing detailed development requirements related to a planned unit development overlay district based on the depiction of the PUD master plan. The governing plan may include proposed land uses, streets and traffic circulation, utilities, open spaces, possible building locations, and other site development features. The intent of the Governing Plan is to provide the detailed development design criteria to be followed by the developer, and to serve as a tool to promote communication and cooperation between adjacent property owners and the developer to ensure a cohesive and unified development.

Master plan means a visual representation, or map, of a comprehensively designed development project in a planned unit development overlay district. It is included with a governing plan, showing how an area is proposed to develop over time.