

**LINN COUNTY ORDINANCE # 8-6-2023**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA  
BY MODIFYING PROVISIONS IN CHAPTER 107: ARTICLE IV REGARDING MINOR SITE  
PLANS, ARTICLE IV REGARDING MINOR BOUNDARY CHANGES AND LAND  
PRESERVATION PARCEL SPLITS, ARTICLE V REGARDING DETACHED ACCESSORY  
STRUCTURE SETBACKS, ARTICLE VII TABLE 107-147-1 REGARDING THE APPROVAL  
PROCESS FOR PUBLIC CAMPGROUNDS, AND ARTICLE IX REGARDING DEFINITIONS FOR  
TWO-FAMILY DWELLINGS**

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

**SECTION 1. SUBSECTION MODIFIED.** Chapter 107, Article IV, Section 107-71 § (2) is hereby amended to read as follows:

- (2) Minor site plan requirements. Whenever this chapter requires submission of a minor site plan the applicant shall submit one copy, unless otherwise specified, of a site plan showing the data listed, preferably overlaid on a recent aerial photo of the property:
  - a. Required data to be shown.
    1. Address of property including street, city and zip code and/or parcel number(s)
    2. Existing lot lines.
    3. Location of all existing and proposed structures labeled as existing or proposed with the current or proposed use noted. Structures include:
      - (i) Buildings.
      - (ii) Wells.
      - (iii) Septic tank and septic field locations.
      - (iv) Signs.
    6. Distance from proposed structures to all lot lines.
    7. Location of existing and proposed parking areas.
    8. Other information deemed necessary by the zoning administrator.
  - b. Review of minor site plans. Unless otherwise specified in this chapter, a minor site plan may be approved by the zoning administrator.

**SECTION 2. SUBSECTIONS MODIFIED.** Chapter 107, Article IV, Section 107-72 § (5)(b) & (c) are hereby amended to read as follows:

(5) Minor boundary change.

b. Conditions.

1. A minor boundary change 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. The plat of survey parcel(s) shall be considered non-buildable until such time as it comes into compliance with this chapter, and a note shall be filed on the plat of survey indicating this.

c. Application. An application for a minor boundary change shall be submitted on a form as established by the zoning administrator, along with an application filing fee as established by the board of supervisors. In addition, all of the following shall be submitted with the application and required fee:

1. A review copy of the plat of survey, including the plat of survey number, describing the areas to be conveyed between the adjacent property owners;
2. Any proposed or required easement agreement;
3. An accompanying sketch plan that demonstrates all site and structure requirements for the zoning district in which the parcels of land are located can be maintained.
4. If applicable, an amended land preservation parcel deed restriction, as described in section 107-72 (8)(b).

**SECTION 3. SUBSECTIONS MODIFIED.** Chapter 107, Article IV, Section 107-72 § (8)(b) (4) & (5) are hereby amended to read as follows:

4. The following provisions shall apply to the remaining land (i.e. "land preservation parcel") of the parent parcel:
  - (i) The land preservation parcel shall be designated as an outlot on the plat.
  - (ii) The land preservation parcel shall contain a minimum of ten net acres.

- (iii) The land preservation parcel may not contain any principal dwelling or other principal structure, but may contain existing accessory buildings or structures (such as agricultural buildings) associated with the use of the land preservation parcel.
  - (iv) The land preservation parcel boundaries may be changed in the future through a minor boundary change process, with the recording of an amended deed restriction as described in subsection 5 below. The adjusted land preservation parcel shall meet all requirements described in section 107-72 (8).
- 5. The deed restriction attached to the land preservation parcel shall be recorded with the plat. The deed restriction will describe the limitations for future development of the land preservation parcel and will include, at a minimum, the following provisions:
  - (i) Other than as stipulated below, no new principal, conditional or accessory uses (including farm dwelling) shall be permitted on the land preservation parcel under the terms of the deed restriction as long as the restriction remains in place.
  - (ii) Subject to applicable zoning and building permit requirements, the deed restriction shall allow, on the land preservation parcel, the construction, reconstruction, alteration, or enlargement of accessory buildings or structures (such as agricultural buildings) associated with the use of the land preservation parcel.
  - (iii) If, in the future, the land preservation parcel subject to the deed restriction meets the county's development requirements in effect at the time development is proposed, the deed restriction may be removed through approval of such proposed development through appropriate platting and zoning applications, including the recordation of a document affirming that the conditions for development approval have been met and the restrictions no longer have force and effect.
  - (iv) If, in the future, the land preservation parcel is involved in a minor boundary change, an amended deed restriction with the updated legal description and including the same limitations for future development as described in this section shall be recorded. The amended deed restriction shall include reference to the book and page of the previously recorded deed restriction.

**SECTION 4. SUBSECTION MODIFIED.** Chapter 107, Article V, Section 107-94 § (c)(2) b. 3. is hereby amended to read as follows:

3. Detached accessory structures may be allowed to the front of the principal structure provided the detached accessory structure maintains front yard, side yard and corner side yard principal structure 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.

**SECTION 5. SECTION MODIFIED.** Chapter 107, Article VII, Section 107-147 Use Table, Table 107-147-1 is hereby amended to read as follows:

Institutional and Civic Uses		STD	AG	RR 1/2/3	VR	VM	USR	USR- MF	HC	GC	I	CNR	MH
Public Parks and Open Space	Other public recreation facilities, <del>including</del> public campgrounds <del>and dog parks</del>	107- 114(j)	<u>P</u> <u>C</u>						<u>P</u> <u>C</u>	<u>P</u> <u>C</u>		<u>P</u> <u>C</u>	
	<u>Other public recreation facilities, including dog parks</u>	<u>107- 114(j)</u>	<u>C</u>						<u>C</u>	<u>C</u>		<u>C</u>	

**SECTION 6. SECTION MODIFIED.** Chapter 107, Article IX, Section 107-180 is hereby amended by revising existing definitions, to read as follows:

*Dwelling, two-family*, means a building containing two dwelling units that doesn't meet the requirements of an Accessory Dwelling Unit. Also "*Duplex*."

*Two-family dwelling* means a building containing two dwelling units that doesn't meet the requirements of an Accessory Dwelling Unit. Also a duplex.

**SECTION 7. REPEALER.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8. 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 9. SAVING.** The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

## **LINN COUNTY BOARD OF SUPERVISORS**

Planning & Zoning Commission on the 15<sup>TH</sup> day of MAY, 2023.

Public hearing and First consideration on the 30<sup>TH</sup> day of MAY, 2023.

Second consideration on the 31<sup>ST</sup> day of MAY, 2023.

Third consideration and final passage on the 7<sup>TH</sup> day of JUNE, 2023.

Published in the Gazette on the 10th day of June, 2023.