

LINN COUNTY ORDINANCE # 1-4-2024

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, LINN COUNTY, IOWA BY MODIFYING PROVISIONS IN CHAPTER 107: ARTICLE IV SECTION 107-72 REGARDING SAFETY INSPECTIONS FOR DWELLINGS LOCATED ON PROPOSED LOTS IN MINOR SUBDIVISIONS, ARTICLE IV SECTION 107-74 REGARDING STANDARDS FOR GRANTING VARIANCES, ARTICLE VII SECTION 107-143 REGARDING CABIN SIZE AND RELATED ACCESSORY STRUCTURE SIZE IN THE REC SEASONAL CABIN AND RECREATION AREAS OVERLAY DISTRICT, AND ARTICLE VII SECTION 107-144 REGARDING THE FLOOD INSURANCE RATE MAP ADOPTION DATE

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

SECTION 1. SUBSECTION ADDED. Chapter 107, Article IV, Section 107-72 § (3)(d) is hereby added to read as follows:

- d. Existing dwellings constructed prior to January 1, 1985 located on proposed minor subdivision parcels shall be reviewed by Linn County Planning & Development in accordance with the safety inspection checklist established by the zoning administrator.

SECTION 2. SUBSECTION MODIFIED. Chapter 107, Article IV, Section 107-74 § (B)(3) is hereby amended to read as follows:

(3) The provisions of this chapter, as applied to this property, result in an unnecessary hardship and amount to a practical confiscation. The applicant must demonstrate that a hardship is a compelling force and will not merely serve as a convenience to the applicant. Factors that shall be considered include:

- a. Topographical conditions;
- b. Surroundings;
- c. Size and shape of the property;
- d. Location of public utilities or improvements on or adjacent to the subject property;
- e. Other extraordinary or exceptional situation(s).

SECTION 3. SUBSECTION MODIFIED. Chapter 107, Article VII, Section 107-143 § (e)(3) is hereby amended to read as follows:

(3) *Size limited.* No enlargement or expansion shall result in a total cumulative floor area that exceeds 1,200 square feet.

SECTION 4. SUBSECTION MODIFIED. Chapter 107, Article VII, Section 107-143 § (e)(7) is hereby amended to read as follows:

(7) *Accessory structure size limited.* Accessory structures (garages, sheds and similar structures) shall not cumulatively exceed 576 square feet of floor area.

SECTION 5. SUBSECTION MODIFIED. Chapter 107, Article VII, Section 107-144 § (c) is hereby amended to read as follows:

(c) Establishment of official floodplain zoning map. The county and incorporated areas flood insurance rate map (FIRM), prepared as part of the Federal Emergency Management Agency (FEMA) flood insurance study, dated May 22, 2024, and digital FIRM equivalents are hereby adopted by reference and declared to be the official floodplain zoning map.

SECTION 6. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. 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 8. SAVING. The Code of Ordinances, Linn County, Iowa, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. 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 18TH day of MARCH, 2024.

Public hearing and First consideration on the 1st day of APRIL, 2024.

Second consideration on the 3rd day of APRIL, 2024.

Third consideration and final passage on the 10TH day of APRIL, 2024.

Published in the Gazette on the 13th day of APRIL, 2024.