

ORDINANCE NO. 106

ORDINANCE NO. 106 AMENDING ORDINANCE NO. 36, AS AMENDED, THE BLACK HAWK COUNTY, IOWA, AGRICULTURAL PRESERVATION ZONING ORDINANCE ADOPTED FEBRUARY 2, 1999.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa, that the Black Hawk County Agricultural Preservation and Zoning Ordinance No. 36 is amended as set out herein, repealing those sections that the minutes indicate are being replaced and setting forth the amendment or replacement sections, and further amending the Ordinance by adding amendments as set out herein. Said Ordinance, as amended, shall apply to all lands lying outside the corporate city limits of any City within the boundaries of Black Hawk County, Iowa. Said Ordinance shall become effective upon adoption by the Board of Supervisors.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION III: INTERPRETATION OF STANDARDS:

Amend in portion the present Section III and replace that section with the following amended Section III:

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes. Where provisions or requirements of this Ordinance conflict, then the most restrictive provision or requirement applies, unless otherwise specified.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION V: DEFINITIONS, SUB SECTION A (109):

Amend in portion the present Section V (A)(109) and replace that section with the following amended Section V (A)(109):

109. Public Utilities: Public or quasi-public distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer, water, transportation and communication. For purposes of this Ordinance, a private, common water system and a common sewer system may be considered a public utility when a public or quasi-public system is not available and when the creating parties agree.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION V: DEFINITIONS, SUB SECTION A (129):

Create in its entirety a new Section V (A)(129) and renumber the remaining definitions accordingly:

129. Special Permit: A use allowed in any district, where permitted by this Ordinance, after a public hearing by the Board of Adjustment and recommendation of the Planning & Zoning Commission, that meets the necessary conditions and safeguards for its operation, including a public or private use which possesses unique characteristics that may affect the community or surrounding area; and therefore deserves special consideration and permission before being established. Such use may also be referred to as a "special exception", "use exception" or "conditional use".

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION VII: GENERAL REGULATIONS AND PROVISIONS, SUB SECTION J:

Amend in portion the present Section VII (J) and replace that section with the following amended Section VII (J):

J. Accessory Buildings:

Minimum lot area, lot frontage, and yard requirements will be determined for each of the zoning district classifications. All accessory buildings shall be placed in the side or rear yard. An unattached accessory building shall maintain a clearance of three (3) feet (wall to wall) between the principal permitted building and the accessory building.

An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall not exceed twenty (20) feet in height, however, this regulation shall not be interpreted to prohibit the construction of a four

hundred and forty (440) square foot garage on a minimum rear yard.

Accessory buildings shall not exceed one thousand (1,000) square feet in conjunction with any one or two family residence. Accessory buildings may exceed the one thousand (1,000) square feet but shall not occupy more than six (6) percent of the lot on which said buildings are located. In no case shall the total accessory buildings in conjunction with any one or two family residence be larger than six thousand (6,000) square feet. Note: This requirement does not affect buildings, structures or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used, in accordance with Section II (A).

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION IX: USE REGULATION FOR "A" AGRICULTURAL DISTRICT, SUB SECTION A (14):

Amend in portion the present Section IX (A) (14) and replace that section with the following amended Section IX (A) (14):

14. Any use erected or maintained on behalf of or pursuant to the authorization of Black Hawk County, for the use by Black Hawk County.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION XIX: NONCONFORMING USES, SUB SECTION D:

Amend in portion the present Section XIX (D) (2) and replace that section with the following amended Section XIX (D) (2):

2. Should such structures be destroyed by any means to an extent of fifty (50) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION XIX: NONCONFORMING USES, SUB SECTION G:

Amend in portion the present Section XIX (G) and replace that section with the following amended Section XIX (G):

G. Repairs and Maintenance

All nonconforming structures may be repaired for normal maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Said maintenance or restoring shall not be valued at fifty (50) percent or more of the structure's value prior to construction.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION XXIII: EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT, AND AREA REGULATIONS, SUB SECTION L:

Amend in portion the present Section XXIII (L) (1) and replace that section with the following amended Section XXIII (L) (1):

1. Any use erected or maintained on behalf of or pursuant to the authorization of any municipal, county, state or federal government agency, excluding any use erected or maintained on behalf of or pursuant to the authorization of Black Hawk County, for the use by Black Hawk County, in an "A" Agricultural District or "A-L" Agricultural-Limited District.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION XXIII: EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT, AND AREA REGULATIONS, SUB SECTION M:

Amend in portion the present Section XXIII (M) and replace that section with the following amended Section XXIII (M):

- M. A deck or unenclosed porch may project not more than twelve (12) feet into the required setback. This will not be interpreted in any way to authorize any structure to project over a platted building line or property line or road right-of-way line. Said structure is defined as a non-enclosed structure and at no time can such structure be enclosed.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION XXIII: EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT, AND  
AREA REGULATIONS, SUB SECTION N:

Amend in portion the present Section XXIII (N) and replace that section with the following amended Section XXIII (N):

- N. In any district where there is neither a public water supply or a private water supply serving three (3) or more lots or principal permitted uses, or public sanitary sewers or a private sanitary sewage treatment system serving three (3) or more lots or principal permitted uses, the minimum lot area shall be one and a half (1 ½) acres per lot or 1 ½ acres per principal permitted use, if more than one principal permitted use per lot. This provision shall not apply to any lot that is an original building site that had a dwelling in existence prior to adoption of this Ordinance.

Be it ordained by the Board of Supervisors of Black Hawk County, State of Iowa:

SECTION XXIV: ADMINISTRATION AND ENFORCEMENT, SUB SECTION H:

Amend in portion the present Section XXIV (H) (3) (j) and replace that section with the following amended Section XXIV (H) (3) (j):

- j. Review and provide recommendations on all variances involving Floodway District regulations, prior to Board of Adjustment review.

PASSED AND ADOPTED by the Black Hawk County Board of Supervisors this 15<sup>th</sup> day of September, 2009 and the 6<sup>th</sup> day of October, 2009.

CERTIFICATION

The Black Hawk County Auditor shall certify to the adoption of this Ordinance.

VOTING FOR PASSAGE

Frank Magsamen, Chair

Tom Little

Scott Jordan

Craig White

ABSENT - John Miller

Attest: Grant Veeder, County Auditor

Publication Date October 9, 2009 in  
The Courier

BLACK HAWK COUNTY, IOWA:ss  
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