

ORDINANCE NO. 92

ORDINANCE NO. 92 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 X: USE REGULATION FOR AA-L@ AGRICULTURAL LIMITED DISTRICT, SUB SECTION A (9) AND SUB SECTION A (10):

Delete in its entirety the present Section X (A)(9) and Section X (A)(10) and renumber the following accordingly:

- 9. Private, recreational areas, including parks, playgrounds, golf courses and country clubs, boy scout, girl scout, service and church camps, hunting and fishing clubs, private gun clubs and skeet shooting ranges and similar uses. This Provision shall not be construed to mean automobile race tracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini bikes, and snowmobiles, miniature golf courses, drive-in theaters, and similar commercial uses.
- 10. Private commercial campgrounds.

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

SECTION X: USE REGULATION FOR AA-L@ AGRICULTURAL LIMITED DISTRICT, SUBSECTION F (3):

Create in its entirety a new Section X (F)(3):

- 3. Private, commercial and non-commercial recreational areas, including parks, playgrounds, golf courses and country clubs, boy scout, girl scout, service and church camps, campgrounds, hunting and fishing clubs, private gun clubs, outdoor paintball facilities, skeet shooting ranges and similar uses. Non-commercial areas, such as non-profit clubs, etc. shall only be regulated by this part when organized events or activities occur more than 12 times in a calendar year. This provision shall not be construed to mean automobile racetracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini bikes, and snowmobiles, miniature golf courses, drive-in theaters, and similar commercial uses.

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

SECTION XI: USE REGULATION FOR AA-R@ AGRICULTURAL-RESIDENTIAL DISTRICT, SUB SECTION A (3):

Amend in portion the present Section XI (A)(3) and replace that section with the following amended Section XI (A)(3):

- 4. Specialized animal farms and livestock subject to the following maximum density requirements:

<u>Size and Type of Animal</u>	<u>Density</u>
Large Animals: Horses, cattle, elk, deer, and similar animals	1/20,000 square feet
Intermediate Animals: Sheep, swine, goats, lama, emu and similar animals	1/5,000 square feet
Small Animals: Poultry, fowl, rabbits, mink, chinchilla, and similar animals	1/1,500 square feet

Or any combination that does not exceed the above animal unit limitations. For large animals, the minimum area required per animal unit shall be 20,000 square feet, however there shall be a minimum lot area of at least 40,000 square feet to have any. Animals under six (6) months old shall not be included in the density limit. Said uses shall be operated to meet County Health Department standards and that nuisance conditions shall not be created for neighboring properties as determined by the County Health Department. Note: More restrictive deed restrictions may supersede the above standard.

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

SECTION XII: USE REGULATION FOR AR-S@ RESIDENTIAL-SUBURBAN DISTRICT, SUB SECTION B (4):

Create in its entirety a new Section XII (B)(4):

- 5. Specialized animal farms and livestock subject the requirements of Section XI(A)(3).

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

SECTION XIII: USE REGULATION FOR AR-M@ RESIDENTIAL-  
MULTIPLE DISTRICT, SUB SECTION B (2):

Create in its entirety a new Section XIII (B)(2):

2. Specialized animal farms and livestock subject the requirements of Section XI (A)(3).

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

SECTION XIV: USE REGULATION FOR AC@ COMMERCIAL DISTRICT,  
SUB SECTION A (3)(19):

Amend in portion the present Section XIV (A)(3)(19) and replace that section with the following amended Section XIV (A)(3)(19):

19. Commercial indoor recreation facilities including bowling alleys, billiard and pool halls, theater (indoor), skating rinks, ballrooms and dance studios, game arcades, tennis courts, swimming pools, handball courts, archery, paintball facilities, gymnasiums and other similar indoor uses.

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

SECTION XV: USE REGULATION FOR AC-M@ COMMERCIAL-  
MANUFACTURING DISTRICT, SUB SECTION A (2):

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

2. Agricultural retail/service outlets and farm implement establishments for display, hire and sales (excluding auctions), including repair work clearly incidental and secondary to the primary use.

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

SECTION XV: USE REGULATION FOR AC-M@ COMMERCIAL-  
MANUFACTURING DISTRICT, SUB SECTION F (3):

Amend in portion the present Section XV (F)(3) and replace that section with the following amended Section XV (F)(3):

3. Sales auctions such as automotive, farm implement, livestock, furniture/appliances and similar uses.

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

SECTION XV: USE REGULATION FOR AC-M@ COMMERCIAL-  
MANUFACTURING DISTRICT, SUB SECTION F (27):

Amend in portion the present Section XV (F)(27) and replace that section with the following amended Section XV (F)(27):

27. Taverns, Night Clubs and similar uses, provided that the principal building is located at least six hundred (600) feet from any AR@ Residential District, incorporated boundary line, or dwelling other than the lessee or owner of the site.

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

SECTION XXIV: ADMINISTRATION AND ENFORCEMENT,  
SUB SECTION D (4):

Amend in portion the present paragraph 1 of Section XXIV (D)(4) and replace that paragraph with the following amended paragraph 1 of Section XXIV (D)(4):

Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. Meetings requiring action will require that the Board hold at least one (1) public hearing, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. Landowners of record within five hundred (500) feet of the property in question shall receive a courtesy notice (not required by State Code) by mail about the proposed action. Landowner of record shall be considered the person or entity listed as the A tax mail to@ contact from the records of the County Assessor and shall not include any road as defined herein.

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

SECTION XXIV: ADMINISTRATION AND ENFORCEMENT,  
SUB SECTION H (j):

Delete in its entirety the present Section XXIV (H)(j) and renumber the following accordingly:

- j. Hold at least one (1) public hearing prior to any action item that is to be reviewed by the Board of

Adjustment, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. A formal recommendation from the Planning and Zoning Commission to the Board of Adjustment shall then be made. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing.

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

SECTION XXIV: ADMINISTRATION AND ENFORCEMENT,  
SUB SECTION K (1):

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

1. Procedure: The regulations, restrictions, zoning designation and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearings first before the Planning and Zoning Commission and then the County Board of Supervisors. However, the regulation, restriction, zoning designation or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following published notice. Landowners of record within five hundred (500) feet of the property in question shall receive a courtesy notice (not required by State Code) by mail about the proposed action. Landowner of record shall be considered the person or entity listed as the Atax mail to@ contact from the records of the County Assessor and shall not include any road as defined herein. Following the hearings, the County Board of Supervisors shall conduct the necessary readings regarding the Ordinance amendment, as outlined in the Code of Iowa.

In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the Board of Supervisors against such change signed by the owner of twenty (20) percent or more, either of the area included in such proposed change, or the area within five hundred (500) feet of the boundary of such propose change, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Board of Supervisors. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have denied by the Board of Supervisors, then no new petition covering the same property or the same property and additional property or any part thereof of the same property shall be filed with or considered by the Board of Supervisors until six (6) months shall have elapsed from the date of the first petition. This shall become effective sixty (60) days after adoption by the Board of Supervisors.

As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

CERTIFICATION

The Black Hawk County Auditor shall certify to the adoption of this Ordinance and cause it to be published.

PASSED AND ADOPTED by the Black Hawk County Board of Supervisors on September 20, 2005 and October 11, 2005.

VOTING FOR PASSAGE

Leon V. Mosley, Chair

John Miller

Scott Jordan

Robert L. Smith, Jr.

Tom Little

Attest: Grant Veeder, County Auditor

Publication Date October 14, 2005 in  
The Courier

BLACK HAWK COUNTY, IOWA:ss  
Filed for record October 11, 2005 at 10:00  
a.m. and recorded in Fee Book 2006  
9538.

Proposed Black Hawk County Zoning Ordinance Amendment  
A-L Use Exceptions, C-M Use Exceptions, Notice to Property Owners, Animals

SYNOPSIS ORDINANCE #92

The amendment would move Aprivate, recreational areas@ and Aprivate commercial campgrounds@ from a principle use in the AA-L@ Agricultural-Limited District to a use exception (requires issuance of a special permit), and clarifying what types of recreational areas are regulated, including outdoor paintball facilities, while indoor paintball facilities and other similar uses would be a principal permitted use in the AC@ Commercial District.

The amendment would also clarify how auction facilities are regulated in the AC-M@ Commercial-Manufacturing District.

The amendment would also clarify the notice to property owners regulations of the Administration and Enforcement section of the Ordinance.

The amendment would also make minor changes to the regulations for specialized animal farms and livestock by increasing the number of animals per area allowed on residentially zoned properties.