

Recorder Use Only



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SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

ret.
to -

**BOARD OF SUPERVISOR
BOONE COUNTY, IOWA**
Co. Auditor

ORDINANCE NO. 98

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 84 NORTH, RANGE 27 WEST THE 5TH PM, BOONE COUNTY, IOWA, CONTAINING APPROXIMATELY 2.88 ACRES MORE OR LESS.

WHEREAS, In this case, Todd and Shantel Smith purchased approximately 2.88 acres, more or less, east of Ogden on old Highway 30/216th Drive just outside of the city limits, and has applied for re-zoning of their property from A-1 (Agricultural Conservation District) to C-1 (General Commercial) to accommodate the construction of a physical therapy clinic.

WHEREAS, At certain times it is necessary to clarify or change language of the Zoning Ordinance to make regulations more proficient in addressing issuers of growth and desires of the citizens. It is also necessary to clarify the ordinance to make it organized and easier to understand.

WHEREAS, The Director of Planning and Development forwarded a recommendation for approval to the Boone County Zoning Commission. The Zoning Commission held a public hearing on **Monday, March 30, 2009** in accordance with Iowa Code and has forwarded a letter of recommendation of approval to the Boone County Board of Supervisors for the rezoning of the property noted hereinabove. The Zoning Commission, with a unanimous vote, recommend approval of Petition 2009003 by the Board of Supervisors with recommendations of the Planning and Development Department and the Boone County Engineer.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
BOONE COUNTY, IOWA AS FOLLOWS:**

SECTION ONE: That Boone County shall, and it does hereby, approve an amendment to the Official Zoning Map that the property described above (*See Exhibit A) be re-zoned from A-1 Agricultural Conservation District to C-1 General Commercial District.

*See Exhibit A as recorded with the Boone County Recorder.

SECTION TWO: Approval with the following conditions:

1. The proposed site for the physical therapy clinic has a history of standing water and is prone to poor drainage. The owners are aware of the storm water runoff problem and plan to

install a detention pond. That the owners hire an engineer to draft plans reflecting where the detention pond and detention pond outlet is being directed so neighboring properties will not experience an increase in water runoff and flooding. That a copy of the plan be provided for the Boone County Planning and Development Department.

2. That the owner's work closely with their engineer to implement appropriate storm water runoff, erosion, and sedimentation controls pre-during-post construction. That a copy of the plan be provided for the Boone County Planning and Development Department.

SECTION THREE: That this amendment shall be in full force and effect from and after its passage and approval in the manner provided by law.

ACTION UPON FIRST READING

DATE: 4-21-2009

Moved by: Lusher

Seconded by: Foster

Discussion: Approved with agreeing to make grammatical change to Section 1 - #1 from retention pond to detention pond.

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien Bill Lusher Tom Foster

ACTION UPON SECOND READING

DATE: 4-28-2009

Moved by: Lusher

Seconded by: Foster

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien Bill Lusher Tom Foster

ACTION UPON FINAL READING

DATE: 5-5-2009

Moved by: Lusher

Seconded by: Foster

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien Bill Lusher Tom Foster

M. O'Brien

Chairman

Boone County Board of Supervisors

May 5, 2009

Date

Philippe E. Meier

May 5, 2009

Date

ATTEST:

Philippe E. Meier, County Auditor



Ordinance: 98

I hereby agree to the conditions set forth above.



Applicant Signature

5-28-09

Date

Boone County GIS

Geographic Information System

Map created by the Boone County Planning and Development Department 515-433-0550

This data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden of determining accuracy for the applicant lies with the user. The County makes no warranty, express or implied, as to the use of the data. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance and update.



Legend

Roads

— <all other values>

ROAD_TYPE

— : <Null>; Gravel

— Paved; paved; pavedS; raved

Shantel and Todd Smith
Petition No. 2009003
Re-Zone From A-1 to C-1

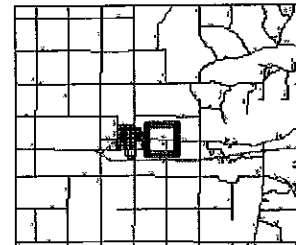
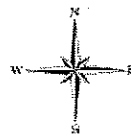


EXHIBIT "A"