

Recorder Use Only



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SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

ret. to - Co. Auditor
**BOARD OF SUPERVISOR
BOONE COUNTY, IOWA**

ORDINANCE NO. 105

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

LEGAL DESCRIPTION:

COM AT NW COR GOV L6 N 1/2 S13, E 1397.68 TO POB, TH E 754.96' S 40*44' W 33.41', Section 13, of the SW 1/4 1/4 NE 1/4 Township 84, Range 27 West CONSISTING OF 7.43 ACRES, MORE OR LESS, .

PETITIONER: Boone County Planning and Development Services, 201 State Street, Boone, Iowa 50036

PROPERTY OWNER: Richard Burdess, 829 Leaf Road, Boone, Iowa (1/2)

WHEREAS, at certain times it is necessary to amend the Boone County Official Zoning Map when addressing issues of growth, farmland preservation, *conservation*, and desires of the property owner and citizens.

WHEREAS, at certain times it is necessary for the County Boone to request that property(ies) or parcel(s) or lot(s) be rezoned in order to accommodate a different land use in accordance with the local zoning regulation.

WHEREAS, Boone County Planning and Development is requesting to establish a CO Conservation Overlay District on Richard Burdess' (+/-) 7.43 acres which is consistent with the Boone County Comprehensive Plan and Future Land Use Map. Refer to Attachment "A". (As recorded in the Boone County Recorders Office)

WHEREAS, Richard Burdess submitted Land Division Application No. 2010-024 on June 2, 2010. Said Land Division Application was approved as a simple Property Split by the Boone County Plat Officer on August 12, 2010. The Deed Holder of *Parent Parcel* 088427131300001 is Richard Burdess of 829 Leaf Road, Boone, Iowa. From this parent parcel property split two (2) Junior or Sub-Parcels were created from the (+/-) 7.43 net acres.

WHEREAS, Richard Burdess submitted Land Division Application 2010-024 for the purpose of building a modular home for his sister on the (+/-) 3 acres on the +/- 7.43 total acreage.

WHEREAS, Richard Burdess did trigger a property split within a half mile of the Des Moines River. Said property split shall be consistent with the requirements of the CO Conservation Overlay District as outlined in Section 4.13.03 of the Boone County Zoning Ordinance.

WHEREAS, Richard Burdess property is mostly hay ground. Location of the proposed new home has a (+/-) 6.5 percent slope and environmentally unique because it is less than a half mile from the river.

WHEREAS, the Director of Planning and Development forwarded to the Zoning Commission a recommendation for approval to add a CO Conservation Overlay District on top of existing A-1 Agricultural Conservation District base zoning. The Zoning Commission held a public hearing on Monday, July 26, 2010 in accordance with Iowa Code. The Zoning Commission moved to "recommend approval" of the proposed amendment to the Boone County Official Zoning Map provided that a Conservation Overlay District be included with the proposed rezoning. The recommendation to the Boone County Board of Supervisors for the proposed map amendment to the Boone County Official Zoning Map has been certified by the Thomas Ross, Chair of the Boone County Zoning Commission.

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

SECTION ONE:

That the Boone County Board of Supervisors shall, and it does hereby, approve an amendment to the Boone County Zoning Ordinance as summarized above (See Exhibit A); that said property(ies) include a CO Conservation Overlay District on top of the existing A-1 Agricultural Conservation District base zoning.

SECTION TWO: Approval with the following conditions:

A Conservation Overlay District be attached to said property. Said base zoning shall remain A-1 Agricultural Conservation and that all conservation standards set forth for said conservation overlay district be adhered to as depicted in Section 4.13 of the Boone County Zoning Ordinance.

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

Moved by: Foster

Seconded by: O'Brien

Discussion:

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

Mike O'Brien Bill Lusher

DATE: August 10, 2010

Tom Foster

ACTION UPON SECOND READING

Moved by: Foster

Seconded by: O'Brien

Discussion:

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

Mike O'Brien Bill Lusher

DATE: August 17, 2010

Tom Foster

ACTION UPON FINAL READING

Moved by: O'Brien

Seconded by: Foster

Discussion:

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

Mike O'Brien Bill Lusher

DATE: August 24, 2010

Tom Foster

William J. Lusher
Chairman

Boone County Board of Supervisors

August 24, 2010
Date

Philippe E. Meier

ATTEST:
Philippe E. Meier, County Auditor

August 24, 2010
Date

I hereby agree to the conditions set forth above.

Charlotte Burdiss
Applicant Signature

9-3-10
Date

