

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. 107

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

Shirley Stevens, Richard Wilson, and Linda Anderson, property owners, are petitioning to rezone 8.03 acres, more or less, from A-1 Agricultural Conservation District to R-1 Rural Estates Residential District to accommodate Stevens Subdivision, a minor residential subdivision.

LEGAL DESCRIPTION:

Parcel F described as all that part of the south one-half (S1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) and the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 32, Township 84N, Range 26W of the 5th P.M., Boone County, containing 9.03 acres, more or less, including 1.00 acres of road easement.

PETITIONERS:

- a. *Shirley Stevens*, 827 South Division Street, Boone, Iowa 50036 (sister)
- b. *Richard Wilson*, 832 South Division Street, Boone, Iowa 50036 (brother)
- c. *Linda Anderson*, 5185 W 58th Street N., Newton, Iowa 50208 (sister)

PROPERTY OWNER: Same as the Petitioners

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 County of 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, Shirley Stevens, Richard Wilson, and Linda Anderson, Petitioners and

Property Owners, are requesting to rezone 8.03 acres, more or less, from A-1 Agricultural Conservation District to R-1 Rural Estates Residential District to accommodate a three parcel/lot residential minor subdivision called Stevens Subdivision. Refer to *Exhibit (A).

*as recorded in the office of the Boone County Recorder

WHEREAS, the 8.03 acres, more or less, owned by Shirley Stevens, Richard Wilson, and Linda Anderson, is ideally located for future residential development within the two-mile fringe of the City of Boone and is in compliance with the Boone County Comprehensive Development Plan Future Land Use Map.

WHEREAS, minor and major subdivisions cannot maintain an A-1 Agricultural Conservation District zoning classification and require rezoning.

WHEREAS, the Comprehensive Development Plan Future Land Use Map has designated the area where the 8.03 acres, more or less, is located as Rural Residential.

WHEREAS, the Director of Planning and Development forwarded to the Zoning Commission a recommendation for approval to allow for the re-zoning from A-1 Agricultural Conservation District to R-1 Rural Estates Residential District.

WHEREAS, The Zoning Commission held a public hearing on Monday, September 27, 2010 in accordance with Iowa Code and heard Case No. 2010-007. At the September 2010 meeting the Zoning Commission unanimously voted to table the petition to rezone until the October 2010 Zoning Commission meeting in order for the petitioners, Shirley Wilson and Richard Wilson, provide sufficient evidence of proof of legal title to said 8.03 acres.

WHEREAS, The Zoning Commission held a public hearing on Monday, October 25, 2010 in accordance with Iowa Code and reheard Case No. 2010-007. The Zoning Commission determined that Shirley Stevens, Richard Wilson, and Linda Anderson each had an undivided interest in the property. All three signatures were on the petition to rezone. The commission voted unanimously recommending approval of the zoning change to R-1. 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) be re-zoned from A-1 Agricultural Conservation District to R-1 Rural Estates Residential District.

SECTION TWO: Approval with the following conditions:

None.

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: November 23, 2010

Moved by: O'Brien

Seconded

by: Foster

Discussion:

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

Mike O'Brien A Bill Lusher

X Tom Foster A

ACTION UPON SECOND READING

DATE: November 30, 2010

Moved by: O'Brien

Seconded

by: Foster

Discussion:

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

Mike O'Brien A Bill Lusher

A Tom Foster A

ACTION UPON FINAL READING

DATE: December 7, 2010

Moved by: O'Brien

Seconded

by: Foster

Discussion:

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

Mike O'Brien A Bill Lusher

A Tom Foster A

William J. Lusher
Chairman

December 7, 2010

Boone County Board of Supervisors

Date

Philippe E. Meier

December 7, 2010

Date

ATTEST:

Philippe E. Meier, County Auditor

