

JONES COUNTY IOWA ORDINANCE 2009-__

An ordinance amending the code of ordinances of the County of Jones, State of Iowa.

Be it enacted by the Board of Supervisors of Jones County, Iowa, as follows:

Section 1: The purpose of this ordinance is to amend CHAPTER 3, JONES COUNTY ZONING ORDINANCE OF TITLE VI - PROPERTY & LAND USE.

Section 2: The Chapter will be amended as follows:

Amend ARTICLE II GENERAL, SECTION 6. EXEMPTIONS by replacing item B. with the following:

- B. No regulation or restriction adopted under the provisions of this Ordinance shall be construed to control the type or location of distributing equipment and structures of utility companies, including but not limited to poles, towers, wires, gas mains, cables, or any other similar distributing or operating equipment of a telephone, power, gas, railroad company, or *publicly owned wastewater treatment lagoons*, which are subject to the regulation of the Iowa Commerce Commission or the Iowa Department of Natural Resources.

Amend ARTICLE III DEFINITIONS, SECTION 2. DEFINITIONS as follows:

amend HH. Farmstead: as follows:

- HH. Farmstead: The farmhouse and/or associated farm buildings, and adjacent service areas of a farm. A farmstead split will be defined as a one-time split of ~~2 acres from a 42 acre farm for the purposes of building a single family dwelling~~ *the farmstead and nearby land areas from the farm unit.*

add the following definition:

- II. Farmland Split: *The splitting of a smaller parcel of land from the farm.*

and change the alpha designation of all remaining definitions in SECTION 2 beginning with II. Flood: through EEEEE. Zero Lot Line: by advancing each definition by one letter combination.

Amend ARTICLE IV GENERAL REGULATIONS AND PROVISIONS, SECTION 2. DWELLINGS PER PARCEL as follows:

There shall be no more than one (1) dwelling per lot, except for auxiliary and seasonal dwelling units (See Article III, SECTION 2. IIII. Seasonal dwelling Units). ~~Each new lot in the County shall be no less than one (1) acre of land, exclusive of road rights of way. Lots may be smaller than one (1) acre, as permitted by the Jones County Subdivision Ordinance if certified soil test allow for appropriate septic systems within the framework of smaller lots. However, lots created by a farmstead split shall be no less than two (2) acres.~~

Amend ARTICLE V ZONING DISTRICTS, SECTION 1.A - AGRICULTURAL as follows:

add the following unnumbered paragraph at the beginning of the section:

Parcel size in the Agricultural District shall be no less than two acres in area exclusive of the public road right of way, provided certified soil tests show the parcel can support a conventional septic system.

amend the first paragraph of item A. Intent: as follows:

- A. Intent: The Agricultural District is intended to protect agricultural land from encroachment of urban land uses. It is also intended to preserve the rural character of this area by restricting the development of ~~new rural, non-farm dwellings and limiting the amount of land that can be used for a building site~~ *farmland for non-agricultural use*. It is further the intent of these regulations to protect the groundwater resource to the maximum extent practical through the proper management of sources and routes of contamination within the district.

add the following as the second unnumbered paragraph to item A. Intent:

The property to be separated from the farm shall contain no less than two (2) acres, exclusive of road rights-of-way, and a width of no less than 150 feet, consistent with required area regulations, unless the Jones County Department of Public Health has a higher minimum acreage requirement in which case the property to be separated from the farm shall meet that minimum requirement.

amend item B. Principal Permitted Uses: as follows:

amend item 6. Farmstead splits as follows:

6. ~~Farmstead~~*land* splits (residential) subject to the following restrictions:

amend item a. of item 6. as follows:

- a. Where, as of December 1, 2005, an existing farm with or without a farm residence has forty-two (42) or more contiguous acres, ~~except right of ways, a minimum of two (2) acres, exclusive of road rights of way, may be separated from said farm one time only, for the purposes of building a single family dwelling~~ *a single parcel may be split for a non-farm use.*

delete items f. and g. of item 6

and amend item E. District Regulations: as follows:

amend the Principal Buildings and Uses chart to reflect the following change: Residential uses (as per ~~Farmstead~~*land* Split requirements)

Section 3. When Effective

This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

APPROVAL:

First Consideration: _____ xxx xx, 2009 Book "S" Page _____

Second Consideration: _____ xxx xx, 2009 Book "S" Page _____

Final Consideration and Adoption: _____ xxx xx, 2009 Book "S" Page _____

Published: xxx xx, 2009 in the Midland Times, xxx xx, 2009 in the Monticello Express, and xxx xx, 2009 in the Anamosa Journal-Eureka.

I, Janine Sulzner, Jones County Auditor, hereby certify that the foregoing Jones County, Iowa, Ordinance 2009-____, to amend the Jones County Code of Ordinances, was considered, approved, and published as stated.

Janine Sulzner, Auditor

Date

JONES COUNTY IOWA ORDINANCE 2009-___

An ordinance amending the code of ordinances of the County of Jones, State of Iowa.

Be it enacted by the Board of Supervisors of Jones County, Iowa, as follows:

Section 1: The purpose of this ordinance is to amend CHAPTER 4, JONES COUNTY SUBDIVISION ORDINANCE of TITLE VI - PROPERTY & LAND USE.

Section 2: The Chapter will read as follows:

Amend ARTICLE I GENERAL, SECTION 4. SCOPE OF ORDINANCE as follows:

amend the first unnumbered paragraph as follows:

Every owner of any tract of land located within an unincorporated area of Jones County, Iowa, who subdivides or plats said tract or parcel into ~~four (4)~~ *three (3)* or more parts, any part of which is less than forty (40) acres, for the purpose of laying out an addition, subdivision, building lot, or lots, acreage, or suburban lots, within the County, shall cause a subdivision of such area to be made in conformity with the restrictions and procedures set forth in this Ordinance. Except as may be hereinafter specified, no construction of any structure in a subdivision shall commence until the final plat and required attachments are recorded with the Jones County Recorder.

delete SECTION 5. MINOR SUBDIVISIONS

Amend ARTICLE II DEFINITIONS, SECTION 2. DEFINITIONS as follows:

amend AA. Subdivision: as follows:

AA. Subdivision: The division of land by the owner into ~~four (4)~~ *three (3)* or more parts for the purpose of transferring of ownership or building a development. The term when appropriate to the context, may refer to the process of subdividing or to land subdivided.

delete BB. Subdivision - Minor: Any subdivision that contains not more than three (3) lots fronting on an existing street and that does not require construction of any public improvements and that does not adversely affect the remainder of the parcel shall be classified as a minor plat and may require a plat of survey.

and re-alphabetize all remaining definitions in SECTION 2 beginning with CC. Subdivision Plat: through FF. Structure: to reflect the previous definition deletion.

Amend ARTICLE IV SUBDIVISION DESIGN, SECTION 6. LOCATION as follows:

No subdivision shall be approved unless the entrance of the subdivision is within ½ mile of a hard surface road. ~~In addition, the Home Owners Association shall be required to provide dust control on the ½ mile of non-paved road annually for residences, bridges, and intersections along the ½ mile of non-paved road.~~

Amend ARTICLE V MINIMUM IMPROVEMENTS as follows:

amend SECTION 3. INTERIOR STREET STANDARDS, as follows:

The following ~~standards shall apply to~~ *criteria are recommended for* all private streets to be located within the proposed subdivision.

~~The minimum specifications for streets in new subdivisions shall conform to standards established by Board of Supervisors resolution.~~

- A. ~~Cul-de-sacs shall provide a~~ turnaround right-of-way diameter of no less than one hundred (100) feet.
- B. ~~Cul-de-sacs shall be~~ no longer than seven hundred fifty (750) feet and no shorter than one hundred (100) feet.
- C. Interior roads within the subdivision shall remain private and maintained by the Home Owners Association.
- D. ~~Bus turnarounds shall be required in all new subdivisions. It shall be constructed in accordance with the design requirements of the appropriate school district.~~
- D.E. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the E911 Service Board. All signs placed in the county right-of-way shall conform to the standards contained in the *Manual on Uniform Traffic Control Devices (MUTCD)*, as amended.

amend SECTION 4. SANITARY SEWER SYSTEM, as follows:

~~Provisions for the disposal of sanitary sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing municipal sanitary sewer system is available within one (1) mile, the developer shall connect to the existing system. If the proposed subdivision is greater than one (1) mile from an existing system, or the governing body of the system denies access, the developer shall construct a centralized system able to adequately provide for the disposal of the projected waste generated by the proposed subdivision. No individual septic systems and / or leach fields shall be approved. In addition, any system constructed by the developer shall meet all applicable State and County regulations. No subdivision shall be approved until the proposed system for the disposal of sanitary sewage from the platted area has been approved by the Jones County Board of Health.~~

amend SECTION 5. WATER SYSTEM, as follows:

~~If an existing municipal water supply system (including Rural Water) is available within one (1) mile, then the developer shall connect to the existing public water supply system. If the proposed subdivision is greater than one (1) mile from an existing system, or the governing body of the system denies access, the developer shall construct a system to adequately provide water service to the proposed subdivision. All systems must contain shared wells. The shared system shall conform to all applicable state and county rules on water systems. No subdivision shall be approved until and unless the proposed system for providing water has been approved by the Jones County Board of Health.~~

amend SECTION 7. STORM DRAINAGE AND EROSION CONTROL, item B. as follows:

- B. Soil Erosion and Sediment Control. The subdivider shall submit a letter of intent including a soil erosion and sediment control plan *created by a licensed engineer* for the entire area of the proposed subdivision. *Natural drainage shall be preserved.* ~~The subdivider shall bear final responsibility for controlling erosion of the subdivision by such methods as seeding, sodding, earth dikes, sediment basins or other controls as deemed necessary. No preliminary plat and/or final~~

~~plat shall be granted approval unless it includes a soil erosion and sediment control plan created by a licensed engineer. The following standards shall apply:~~

- ~~1. Tree cutting and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities.~~
- ~~2. Earth movements, such as grading, topsoil removal, mineral extractions, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, water course, water regimen and topography.~~

Amend ARTICLE VII PROCEDURE FOR REVIEW OF PLATS, SECTION 4. PROCEDURE, items H. and I. as follows: REPLACEMENT OF "31 days" YET TO BE DETERMINED>>>>>>

- H. Final Plat Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall study the final plat and such other information offered for consideration of the application to assure that it is in full conformance with the provisions and purpose of these regulations. The Commission shall hear each application appearing on its agenda and within 31 days, unless an extension is agreed to by the subdivider, transmit its recommendations to approve, disapprove or grant conditional approval to the Board of Supervisors. If it is the recommendation of the Commission to disapprove the application, or to grant conditional approval, the Commission shall give its reasons or specify its conditions in writing for submission to the Supervisors.
- I. Final Plat Action by the Board of Supervisors: Within 31 days of receipt of the Planning and Zoning Commission recommendation, the Board of Supervisors shall hear the application and shall approve or disapprove the final plat. The final plat shall be approved when found to be in conformance with the approved preliminary plat and accompanied by the approved documents. Approval of the final plat shall be by resolution of the Board of Supervisors and shall be indicated on each of five (5) copies of the plat signed by the Chairperson.

Section 3. When Effective
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Janine Sulzner, Auditor

Date