

**Dubuque County Zoning Commission
Minutes of July 19, 2016**

Chairperson Mary Klostermann called the meeting to order at 6 p.m.

1. ROLL CALL: Members present: Janet Reiss, Mary Klostermann, John Goodmann, Kevin Soppe, and Jerry Sigwarth. Staff Present: Anna O’Shea & Tammy Henry.

2. APPROVAL OF MINUTES: A motion was made by Mr. Sigwarth, seconded by Mr. Soppe, **and passed unanimously to approve the minutes of the June 21, 2016 meeting. Vote: 5-0.**

3. PLAT APPROVAL: None

4. REZONING CASES:

a. ZC#06-21-16 Thomas & Jeanette Bell A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 1 acre more or less, to allow the grandson who is currently living in the home to purchase the home and continue to assist in the farming operation. The property, located 1.34 miles NE of the City of Worthington along Fortman Road, is legally described as NE NW S 24 AC Section 28, (T88N R2W) Dodge Township, Dubuque County, Iowa.

The property is owned by Thomas & Jeanette Bell. Zoning in the area includes A-1 Agricultural to the north, south, east and west. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Four (4) rezoning notification letters were sent to the property owners and the City of Worthington was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 objective 3.1 and Chapter 8 Housing page 122 objective 12.7 may apply to this case.

Speaking to the Board was Thomas & Jeanette Bell, 415 8th Ave SE, Dyersville. Mr. Bell stated that his grandson wants to purchase the home.

Mr. Goodmann asked Mr. Bell if his grandson assists with the farm operation? Mr. Bell said yes.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, seconded by Ms. Reiss **to approve the rezoning with the conditions for one home only and the balance is to stay A-1 with no additional homes unless the property is rezoned. The motion passed unanimously. Vote 5-0.**

b. ZC# 07-22-16 Donald & Mary Besler Revocable Trust A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 3 acres more or less, to separate the family home and buildings from the

farmland and to allow the current family member who lives in the home to continue to assist in the farming operation. The property, located 1.25 miles east of the City of Dyersville along Kramer Road, is legally described as NW SE and the NE SE all in Section 24, (T88N R2W) New Wine Township, Dubuque County, Iowa.

The property is owned by Donald & Mary Besler Revocable Trust. Zoning in the area includes A-1 Agricultural to the north, south, east and west. R-1 Rural residential to the north and south. The R-1 Rural Residential to the south on ZC#06-13-93 was to rezone 10 acres to allow for a single family home. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Seven (7) rezoning notification letters were sent to the property owners and the City of Dyersville was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 objective 3.1 and Chapter 8 Housing page 122 objective 12.7 may apply to this case.

Speaking to the Board was Jayne Houselog, 11684 Oak St, Dyersville. Ms. Houselog stated the property is her parents and her nephew is going to purchase the home and buildings.

Ms. O'Shea said this rezoning is contained in two 40-acre parcels and the plat will cross Kramer Road because it is an easement. It will be one lot with a total of 11 acres. Three acres will be A-2, Agricultural Residential and the balance will remain A-1, Agricultural.

Ms. Klostermann asked if anyone wished to speak in favor or against this case?

Speaking to the Board was Wayne Vorwald, 13939 Farley Rd, Farley. He wanted to know what was the difference between A-2 and A-1? Ms. Klostermann said A-2 allows a person to rezone around a home and buildings. In the past, it was required to have 5 acres, for a home, which took a lot of agricultural ground. Mr. Goodman said it keeps from spot zoning with an R-1 zoning in the middle of agricultural land. Ms. Klostermann said the rezoning is not intended to put in subdivisions and there are conditions put on the property for one home only and it cannot have any additional homes unless the property is rezoned for that use. Mr. Vorwald said he is not against the rezoning request, he just wanted to have clarification.

Ms. Klostermann asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Goodman, seconded by Ms. Reiss **to approve the rezoning with the conditions for one home only and the balance of both parcels is to stay A-1 with no additional homes unless the property is rezoned. The motion passed unanimously. Vote 5-0.**

c. ZC#07-23-16 Emerald Development Inc. & Jeff & Sharon Willenborg R-5 Multi-Family Residential to R-3 Single Family Residential

The applicants are requesting to rezone from R-5 Multi-Family Residential to R-3 Single Family Residential 3.7 acres more or less, to allow for a single family home to be built on the site. The property, located 0.67 miles north of the City of Dubuque along Clay Hill Road is legally described as Lot 1 E ½ NE Section 08, (T89N R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Emerald Development Inc. Zoning in the Area includes A-1, Agricultural to the north, south, east & west. R-2 Single Family Residential to the east. R-3, Single Family Residential to the north. The R-2 Single Family Residential to the east on ZC# 05-07-84 was to allow for 35 acres more or less, to be rezoned to allow for single family homes. The R-3, Single Family Residential to the north on ZC# 10-11-87 was to allow for fifty four (54) acres to be zoned to R-3, Single Family Residential for single family homes. ZC# 10-11-87 was to rezone to R-5 Multi-Family Residential to build townhouses. There is one previous rezoning case attached to this property. There are no Special Use Permits attached to this property. Twenty Seven (27) rezoning notification letters were sent to the property owners and the City of Dubuque was notified.

Comprehensive Plan Policy Chapter 12 Land Use page 179 3.5 may apply to this case.

Speaking to the Board was Jeff Willenborg, 10793 Watters Forest Dr, Dubuque. He said he would like to build a single family home on the property.

Ms. O’Shea said the property does not have an approved residential entrance but is going to the Board of Supervisors on Monday, July 25, 2016 with a recommendation from the County Engineer for approval.

Ms. Klostermann asked if anyone wished to speak in favor or against this case?

Speaking to the Board was James McDonald, 16853 Northern Hills Dr, Dubuque. He asked why the field entrance to the current property is not able to be used as an entrance? Ms. O’Shea said the request for an entrance was further down on the lot, because of where the new home is planned to be placed. He has no issues with the rezoning request.

A motion was made by Mr. Goodmann, seconded by Mr. Sigwarth **to approve the rezoning request subject to the entrance permit being approved. The motion passed unanimously. Vote 5-0.**

d. ZC#07-24-16 Hartbecke Road Property, LLC M-2 Heavy Industrial Conditional to M-2 Heavy Industrial Conditional

The applicants are requesting to rezone from M-2 Heavy Industrial Conditional to M-2 Heavy Industrial Conditional 11 acres more or less, to allow any use allowed in the M-1 Industrial district; a construction office and yard which will include outdoor recycling, processing, crushing, sales and storage of cement, aggregate, wood, etc; commercial storage buildings; with outdoor storage and the composting of yard waste and organic materials not including meat or meat products after February 28, 2017. The property, located .75 miles west of the City of Epworth just east of the intersection of Hartbecke Rd. and U.S. Route 20 is legally described as Lot 1 of the SW SE ¼, Section 9, (88N R1W) Taylor Township, Dubuque County, Iowa.

The owners have asked to have the case tabled.

A motion was made by Mr. Soppe, seconded by Mr. Goodmann **to table the rezoning request. The motion passed unanimously. Vote 5-0.**

5. OLD BUSINESS:

1) Update on previous zoning cases

Ms. O’Shea stated the Jeffrey & Stephanie Then and Jacob & Beverly Reiter cases from A-1, Agricultural to M-1, Industrial were denied by the Board of Supervisors. Ms. O’Shea said the Board of Supervisors would like to see an ordinance change that might allow some types of businesses be allowed to operate in an agricultural district or with getting a Special Use Permit. She has been getting input from other counties and would like to have some changes to ready by the end of the year. The Johanna Gloeckner rezoning from A-1, Agricultural to A-2, Agricultural was approved as well as the entrance permit for the new home.

2) Ms. O’Shea stated the Board of Supervisors and some of the Zoning Board members have previously discussed having a meeting to go over what Zoning is and what each other’s views are. Ms. O’Shea said she would setup a meeting with the Board of Supervisors for August 22, 2016 at about 4:00 p.m. for a work session if that would work with the Board. The Board all agreed.

6. NEW BUSINESS:

1) Discussion on Zoning Code Update -Zoning Districts

The Zoning Board discussed the Zoning District Descriptions for the C-1 Conservancy, A-1 Agricultural and A-2 Agricultural Residential districts and recommended that there be no changes.

The Zoning Board reviewed the Zoning Ordinance Template and current Zoning Ordinance for the A-1 Agricultural district, A-2, Agricultural Residential and C-1, Conservancy districts. Ms. O’Shea is recommending the following changes:

A-1 AGRICULTURAL:

ADD: Zoning District Description – Purpose and Intent

PERMITTED PRINCIPAL USES AND STRUCTURES:

KEEP: UNDER PERMITTED PRINCIPAL USES AND STRUCTURES (Headings only)

- 1) Agriculture
- 2) Farming
- 3) Roadside Stands
- 4) Public Buildings
- 5) Recreational Areas
- 6) Temporary Mobile Homes
- 7) Household or Home Occupations

REMOVE: FROM PERMITTED PRINCIPAL USES AND STRUCTURES

- 1) Section 1-15.2a(4) Truck gardens, orchards, nurseries and greenhouses
- 2) Section 1-15.2a(13) Recreational uses as regulated in the C-1 Conservancy District
- 3) Section 1-15.2a(14) Grain storage bins
- 4) Section 1-15.2a(15) Cow pools
- 5) Section 1-15.2a(17) Summer cottages.

MOVE: FROM PERMITTED PRINCIPAL USES AND STRUCTURES TO SPECIAL PERMIT USES AND STRUCTURES (Headings only)

- 1) Veterinary Clinics
- 2) Stables, public or private riding academies or clubs
- 3) Schools
- 4) Churches
- 5) Cemeteries
- 6) Hospitals
- 7) Sanitary Landfills
- 8) Kennels, Pounds or Animal Shelters
- 9) Additional Dwelling Units on a Farm

MOVE: ALL TEXT FROM PERMITTED PRINCIPAL USES AND STRUCTURES 1-7 ABOVE AND 1-9 ABOVE TO END OF DISTRICT

PERMITTED ACCESSORY USES AND STRUCTURES:

AMEND: Accessory buildings may be “built, but shall not be larger” than...

SPECIAL PERMIT USES AND STRUCTURES:

KEEP: UNDER SPECIAL PERMIT USES AND STRUCTURES (Headings only)

- 1) Amusement Parks
- 2) Fairgrounds
- 3) Electric Power Substations
- 4) Airports
- 5) Sewage Treatment Facilities and Lagoons
- 6) Quarries, Mining and Extraction of Minerals
- 7) Bed and Breakfast Homes and Inns
- 8) Child Care Center, Licensed
- 9) Water Storage Facility
- 10) Telecommunications Towers
- 11) Wind Energy Conversion Systems and Wind Towers
- 12) Motorized Race Tracks
- 13) Public or Private Shooting Ranges
- 14) Summer Cottage Converted to Year-Round Use
- 15) Distillery, Brewery or Winery
- 16) Single Family Dwelling
- 17) Nursery Products Grown Inside a Building
- 18) Sod Farming
- 19) Kennels, Pounds or Animal Shelters

AMEND: SPECIAL PERMIT USES AND STRUCTURES

- 1) Section 1-15.2c(3) Amend to “Radio and Television Towers
- 2) Section 1-15.2c(6) Remove “Natural”
- 3) Section 1-15.2c(8) Amend to “Bulk Storage and Sale of Agricultural Supplies”
- 4) Section 1-15.2c(10) Amend to “Business Providing Agricultural Materials or Services”

- 5) Section 1-15.2c(11) Delete whole section
- 6) Section 1-15.2c(12) Amend to “Temporary Bulk Mixing Cement or Asphalt Plants”
- 7) Section 1-15.2c(24) Amend to “Livestock Auction Sales Barns or Yards”
- 8) Section 1-15.2c(25) Amend to “Game or Hunting Preserves”

MOVE: ALL TEXT FROM SPECIAL PERMIT USES AND STRUCTURES 1-19 ABOVE AND 1-8 ABOVE TO END OF DISTRICT OR ORDINANCE

AMEND: SPECIAL PERMIT USES AND STRUCTURES (TEXT)

- 1) Section 1-15.2c(12)(a) Remove “and approved by signature....District Regulations”
- 2) Section 1-15.2c(12)(b) Change from “six (6) months” to “twelve (12) months”
- 3) Section 1-15.2c(14)(a)(iii) Amend to “one (1) smoke detector in proper working order in each sleeping room.”
- 4) Section 1-15.2c(14)(a)(iv) Amend to “one (1) fire extinguisher in proper working order on each floor”
- 5) Section 1-15.2c(14)(b) Add ...Code of Iowa “Chapter 137C and 137F shall be followed”
- 6) Section 1-15.2c(14)(c) Amend ... for routine cleaning “and maintenance” of the structure.

AMEND: APPLICABLE STANDARDS

- 1) Dwelling unit area from ten (10) acres to one (1) acre
- 2) Frontage from three hundred (300) feet to two hundred (200) feet

REMOVE: SPECIAL REQUIREMENTS

The Zoning Board reviewed the changes to the A-1 Agricultural district as recommended by Ms. O’Shea. Motion by Mr. Goodmann, second by Ms. Reiss to **approve the changes as recommended and to add a cheat sheet for the bulk requirements as an appendix to the end of the ordinance. Motion passed 5-0.**

A-2 AGRICULTURAL RESIDENTIAL:

ADD: Zoning District Description – Purpose and Intent

PERMITTED PRINCIPAL USES AND STRUCTURES:

KEEP: UNDER PERMITTED PRINCIPAL USES AND STRUCTURES (Headings only)

- 1) Single Family Dwelling
- 2) Summer Cottages
- 3) Household or Home Occupations

AMEND: UNDER PERMITTED PRINCIPAL USES AND STRUCTURES

- 1) Section 1-15.3(a)(1) Amend to “Existing Farm Homes”

ADD: UNDER PERMITTED PRINCIPAL USES AND STRUCTURES (Headings only)

- 1) Farming

MOVE: ALL TEXT FROM PERMITTED PRINCIPAL USES AND STRUCTURES 1-3 ABOVE AND 1) ABOVE TO END OF DISTRICT OR ORDINANCE

ADD: PERMITTED PRINCIPAL USES AND STRUCTURES (TEXT)

- 1) That the rezoning to A-2, Agricultural Residential is for one home only.
- 2) That the balance of the parcel is not allowed to have another dwelling unless the property is rezoned for that use.

PERMITTED ACCESSORY USES AND STRUCTURES:

AMEND: Accessory buildings may be “built, but shall not be larger” than...

SPECIAL PERMIT USES AND STRUCTURES:

KEEP: UNDER SPECIAL PERMIT USES AND STRUCTURES (Headings only)

- 1) Bed and Breakfast Homes and Inns
- 2) Child Care Center, Licensed

MOVE: ALL TEXT FROM SPECIAL PERMIT USES AND STRUCTURES 1 & 2 ABOVE TO END OF DISTRICT OR ORDINANCE

AMEND: SPECIAL PERMIT USES AND STRUCTURES (TEXT)

- 1) Section 1-15.3c(1)(a)(iii) Amend to “one (1) smoke detector in proper working order in each sleeping room.”
- 2) Section 1-15.3c(1)(a)(iv) Amend to “one (1) fire extinguisher in proper working order on each floor”
- 3) Section 1-15.3c(1)(b) Add ...Code of Iowa “Chapter 137C and 137F shall be followed.

The Zoning Board reviewed the changes to the A-2 Agricultural Residential district as recommended by Ms. O’Shea. Motion by Mr. Soppe, second by Mr. Sigwarth to **approve the changes as recommended and to add the conditions on all A-2 approved zoning cases in the ordinance. Specifically, that the zoning is for one home only and the balance of the parcel(s) is not allowed to have another dwelling unless the property is rezoned for that use. Motion passed 5-0.**

C-1 CONSERVANCY:

ADD: Zoning District Description – Purpose and Intent

PERMITTED PRINCIPAL USES AND STRUCTURES:

KEEP: UNDER PERMITTED PRINCIPAL USES AND STRUCTURES (Headings only)

- 1) Agriculture
- 2) Public Parks
- 3) Public Recreational Areas
- 4) Preservation of Scenic, Historic and Scientific Areas

- 5) Public Fish Hatcheries
- 6) Fishing and Hunting
- 7) Soil and Water Conservation
- 8) Sustained Yield Forestry
- 9) Stream and Bank and Lake Shore Protection
- 10) Water Retention
- 11) Temporary Mobile Homes

REMOVE: FROM PERMITTED PRINCIPAL USES AND STRUCTURES

- 1) Section 1-15.1a(12) Water Storage Facility and

MOVE: FROM PERMITTED PRINCIPAL USES AND STRUCTURES TO SPECIAL PERMIT USES AND STRUCTURES (Headings only)

- 1) Game or Hunting Preserves

MOVE: ALL TEXT FROM PERMITTED PRINCIPAL USES AND STRUCTURES IN # 11 ABOVE TO END OF DISTRICT OR ORDINANCE

PERMITTED ACCESSORY USES AND STRUCTURES:

AMEND: Accessory buildings may be “built, but shall not be larger” than...

SPECIAL PERMIT USES AND STRUCTURES:

KEEP: UNDER SPECIAL PERMIT USES AND STRUCTURES (Headings only)

- 1) Electric Power Substations
- 2) Drainage, Water Measurement and Water Control Facilities
- 3) Utilities
- 4) Water Storage Facility
- 5) Wind Energy Conversion Systems and Wind Towers
- 6) Bed and Breakfast Homes and Inns

AMEND: SPECIAL PERMIT USES AND STRUCTURES

- 1) Section 1-15.1c(3) Amend to “Radio and Television Towers”
- 2) Section 1-15.1c(9) Amend to “Private or Public Country Clubs, Golf Courses, Marinas, Lakes, and Resorts”
- 3) Section 1-15.1c(11) Amend to “Single Family Residence with Conservation Easement”
- 4) Section 1-15.1c(14) Amend to “Public or Private Shooting Ranges”

REMOVE: UNDER SPECIAL PERMIT USES AND STRUCTURES

- 1) Section 1-15.1c(1) Sanitary Land Fills
- 2) Section 1-15.1c(2) Fairgrounds
- 3) Section 1-15.1c(5) Airports
- 4) Section 1-15.1c(6) Natural Gas Pumping, Metering and Storage Facilities
- 5) Section 1-15.1c(10) Sewage Treatment Facilities and Lagoon

MOVE: ALL TEXT FROM SPECIAL PERMIT USES AND STRUCTURES 4 & 6 ABOVE AND 2-4 ABOVE TO END OF DISTRICT OR ORDINANCE

AMEND: SPECIAL PERMIT USES AND STRUCTURES (TEXT)

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- 1) Section 1-15.1c(15)(a)(iii) Amend to “one (1) smoke detector in proper working order in each sleeping room.”
- 2) Section 1-15.1c(15)(a)(iv) Amend to “one (1) fire extinguisher in proper working order on each floor”
- 3) Section 1-15.1c(15)(b) Add ... Code of Iowa “Chapter 137C and 137F shall be followed”
- 4) Section 1-15.1c(15)(c) Amend ... for routine cleaning “and maintenance” of the structure.

Ms. Klostermann asked if a person can request their property be zoned C-1, Conservancy? Ms. O’Shea said there have been some cases in the past.

The Zoning Board reviewed the changes to the C-1 Conservancy district as recommended by Ms. O’Shea. Motion by Mr. Sigwarth, second by Ms. Reiss to **approve the changes as recommended. Motion passed 5-0.**

2) Elections

Ms. O’Shea said that Mr. Soppe the current Vice-Chairperson will become the Chairperson and they need to have a nomination for a new Vice-Chairperson.

A motion was made by Mr. Soppe, seconded by Ms. Reiss **to appoint Mr. Sigwarth as Vice-Chairperson.**

A motion was made by Mr. Goodmann, seconded by Ms. Reiss **to close the nominations. Motion passed 5-0.**

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Goodmann, seconded by Ms. Reiss **to adjourn the meeting. The motion passed unanimously. Vote: 5-0. The meeting ended at 7:17 p.m.**