

Minutes – Special Meeting of Woodbury County Zoning Commission January 23, 2006

The meeting convened on the 23th of January, 2006 at 6:27 PM in the conference room of the Planning and Zoning office on the 6th floor of the Court House, Sioux City, Iowa. Present were the following Commission members – In the absence of vacationing Don Groves, vice-chair Dwight Rorholm acted as Chairperson, Arvin Nelson, Christine Zellmer Zant, and Grady Marx; Zoning Staff Present: John Pylelo and Peggy Napier. Riley Simpson, consultant for Flat Earth Planning, was also present.

The next agenda item was the work session and discussions of the new and revised zoning ordinances.

Mr. Simpson began by reminding the commission they had decided two weeks ago to put all the districts in one chapter and use the “Use Matrix” as the outline of what is allowed in each district. Of the packets the commission received prior to this meeting, one packet is the updated copy of the Use Matrix and the other is the text that would support it.

Mr. Rorholm suggested making the initials for each district more reader friendly; i.e. “GC” to mean “General Commercial” instead of “CG” for “General Commercial”. The commission agreed.

Mr. Simpson discussed questions that had risen at a previous meeting regarding mobile homes. His question was; did the commission want to have a mobile home zone, or just a statement mobile home parks are approved only by PD (Planned Development – subcategory #10). The process would be similar. A site plan and a full review of it would be required. The commission agreed to strike Mobile Home Parks as a district (page 5 in packet), but to determine at some future time minimum standards for Mobile Home Parks, such as number and size of lots, etc.

Mr. Simpson moved on to #404.02; the official zoning district map that basically says there will be a map that will have the entire unincorporated area that can be divided up into the zones that were created above, and tells the dates it would be effective. A map for these new zoning ordinances has yet to be created. Mr. Pylelo observed the commission would get so far on the new ordinances and then would “roll them over” onto a zoning map. After they do that and try to apply some of the new changes and see what problems they may present, they will come back to the ordinances and change it again until it is acceptable. Ms. Zellmer Zant wanted to be clear that the map represented what was included in the whole document the commission was working on. Mr. Pylelo stated they should be clear it wasn’t written in stone, but was to be used as a guideline. Zellmer Zant wanted to be sure that was clarified in writing of the document somewhere. She felt it would avoid misunderstandings and misinterpretations like what happened with the previous new plan by those in the public who read it. For now the statement “to be determined” or “available at a later date” should be where the map will be in the plan that appears on the internet. It should also state the map can be amended. How a map is amended will also appear as a chapter in the ordinances and be available to the public. The commission noted an interest in doing whatever they could to prevent “uproars” in the public perception.

Mr. Pylelo stated whenever the commission felt there was enough material discussed to disseminate to the public, he would be ready to announce a town hall meeting. The public would also be advised the information to be discussed will be available on the website. Said information will be clearly marked “draft” to inform the public this is not the final version.

4.04.03: Descriptions of Zoning Districts;

1. AG – Agricultural Zoning District

- a. same purpose statement as one in table commission has been working with. Mr. Rorholm suggested when making reference to “table,” its full title should be used; i.e. “Land Use Summary Table.”

Mr. Marx discussed his discomfort with the word “permitted” in the ordinance descriptions. His concern was those reading it would interpret it as meaning they were required to apply for a “permit” when considering a particular ordinance. The consensus of the commission was “permitted” was a standard term in this type of document and, except for being included in “Definitions,” did not believe it would be misinterpreted. Mr. Marx made a motion that “allowed uses” be used in lieu of “permitted uses” as suggested by Mr. Rorholm. Mr. Rorholm and Ms. Zellmer Zant were not comfortable with seconding the motion. Zellmer Zant wanted to see how changing to “allowed” could possibly affect the rest of the document once the commission was deeper into it, but agreed to note it as a hotbutton during the remaining discussions. Rather than making a motion, the commission agreed to be mindful of the word “permitted” throughout the document and resolve it later.

b. Allowed/Permitted Uses in AG Zoning District:

- i. Agricultural uses
- ii. Limited single family residential uses
- iii. Not more than 2 residences shall be allowed on any 40 acre quarter quarter section tract. If a property owner wishes to subdivide to create more than 2 parcels on the 40 acre tract, and currently with the plotting process the zoning designation should be changed from the AG zoning district.

Ms. Zellmer Zant asked what a 40 acre tract would actually look like along the roadside with the minimum number of allowed single family dwellings per quarter quarter considering the goal is to protect ag land.

Mr. Simpson deferred to a drawing on the conference room board showing a 40 acre tract with a farm house sitting on a 2 acre parcel (minimum size for AG zoned district) while the remaining 38 acres can still be used for farming. Ms. Zellmer Zant suggested if all consecutive 40 acre tracts had one farm house each and were lined up along the same road; there would be a row of 8 houses in less than one half mile. Looking to the other side of the road, it is conceivable there could be another 8 houses. Mr. Pylelo commented that would be less than was allowed now under a subdivision process. Mr. Rorholm said strip developments were what the commission wanted to avoid. The commission recognized people wanted to give pieces of their land to relatives, children, or sell it off for some quick cash. The commission agreed to allow the flexibility with their 40 acre quarter quarter section, but any more than 2 parcels from the same 40 acres would

force the owners to develop the entire 40 acres as a subdivision.

Mr. Nelson stated his disapproval of the phrase “protect AG.” He did not want to be told what he could and could not build on his AG zoned land. Nelson agreed with Mr. Rorholm this was more about protecting property rights. A discussion ensued among the commission and Mr. Pylelo. There were no changes made but Mr. Nelson’s disapproval was noted. How the Zoning office was notified about violations regarding splits and multiple houses being build was also reviewed. Mr. Rorholm felt the building permit process was relatively simple and it respects the ownership of the land while avoiding things getting out of control.

Mr. Marx introduced the concept of the “grampa house” – an extra house on the parcel close to the family house for family members who are still contributing members of the family. After a discussion, it was determined this should be decided on an individual basis following the ordinances that are currently in place for those situations. Mr. Pylelo did not want these infrequent situations to be something the board of adjustment needed to be called on to decide unless the interested party wants to contest the decision. Mr. Simpson offered to research state code on items such as “grampa houses” and bring them to the next meeting.

iv. Dimensional Standards.

Mr. Simpson asked the commission if they wanted to rely on a table for the dimensional standards at the end of the chapter as they were doing for the uses, or did they want them defined with each zone with the option of putting a table at the end of the chapter as well.

Mr. Pylelo thought the table was the easiest to work with in showing the public as well as making amendments. He thought the table would work best at the end of all the zoning designations and just before the chart. Mr. Rorholm said the zoning designations could prompt when to go to table (i.e. “See table such-and-such on page such-and-such for...”).

The commission discussed the dimension standards for AG. There were some questions regarding the 20,000 square feet minimum requirement currently allowed for non-conforming farmsteads and what verbiage should be used for these conditions. Mr. Simpson suggested “If the lot was an existing lot of record at the time this ordinance was adopted it is a buildable, non-conforming lot.” Mr. Pylelo said he was fairly flexible with structure replacement but his main concern was front setbacks regarding the right-of-way. Discussion continued on other related issues.

- | | |
|-----------------------------|--------------------------------|
| 1. Minimum lot area | 2 acres |
| 2. Minimum lot width | 200 feet |
| 3. Front yard setback | 100 feet |
| 4. Side yard setback | 20 feet |
| 5. Corner side yard setback | 50 feet (questions/discussion) |
| 6. Rear yard setback | 50 feet (discussion) |
| 7. Maximum height | 45 feet |

Discussion ensued regarding workable definition of “accessory structure.” Mr. Pylelo said even a structure on “skids” will require a building permit. Anything that is “affixed or set upon the ground” is considered an accessory structure. Mr. Simpson said the definition of ‘structure’ that is in the building code says “...placed upon the ground.” It doesn’t have to have foundation, footings, or anything like that.

Mr. Pylelo also said he would like accessory structures to be 5-10 feet away from the lot line and shall not be located in the front yard without a variance hearing. This allows enough space for maintenance of the structure, aversion of property damage from water or fire or other possible disasters. Discussion ensued regarding variables.

Mr. Simpson reminded the commission just because something is zoned AG does not mean it is automatically farm exempt. Farming is what makes the land farm exempt, not simply being zoned AG. However, even if an owner’s land is AG exempt and he can place structures up to the fence line, he will still have to acquire a building permit for any new structures and will be encouraged to follow the setbacks or something within reason because it is “the right thing to do” according to Mr. Simpson.

Other issues regarding setbacks were discussed by the commission. A major issue revolved around allowing accessory structures farther forward than the front of the primary structure.

Height of a garage is presently not to be less than 12 feet. Mr. Pylelo does not want the height of an accessory structure to be unlimited. Pylelo’s preference is for any accessory structure to not exceed the height of the principle structure which is limited to 45’. Certain situations left it open for further discussion.

v. Off-street parking and loading:

Mr. Simpson said every zoning district will have certain parking and loading regulations. In the AG zone, the regulations will be pretty lax.

Mr. Pylelo questioned the reasoning for the requirement to have a minimum 10’x 24’ cement pad in front of your garage, but off of a paved road you are not required to. What is the logic of that? Why would we require someone to have a paved area in front of their garage at all? Mr. Rorholm said putting a paved pad in front of a garage that has a cement floor makes good building sense. It creates a water runoff area so water doesn’t pool and cause damage in the garage. The commission agreed to confer with County Engineer Dick Storm regarding the reasoning for this regulation.

Mr. Simpson asked if it should be stated for the AG zone there simply aren’t any parking and loading requirements other than one space required for each residence. Mr. Pylelo said for permitted uses such as churches, schools, day-care centers, etc. at this time planning and zoning refers to “County Engineer standards, and in a commercial arena, they are deciding what the standards are for a particular lot based upon its intended use.” Ms. Zellmer Zant said she thought the county already had specific standards based on how many parking spaces were needed per employee. Pylelo agreed Section 23 did make references to that. The County Engineer will have to sign off on interior roads with the issue being

prevention of vehicles sinking in mud or tracking clumps of dirt onto public roadways.

Consensus was ordinances will be written for each zoning district with specifics in the table.

- vi. Landscaping, screening and buffering:
Mr. Rorholm's opinion was this was no small insignificant issue. Wind breaks, protection from dust from the roads, breaks for snow drifts, etc. make a big difference in what it costs the DOT for road repair and maintenance. Ms. Zellmer Zant did not agree that these were issues the landowners should be responsible for. Zant felt this was potentially dangerous territory to be treading. Mr. Simpson agreed saying whoever told the farmer what he could and couldn't do should be ready to be told by the farmer to "take a hike." Mr. Pylelo suggested this be added to the "separate ordinance" list to be discussed later. I might be possible that NRCS should be policing this matter.
- vii. Supplemental Regulations:
Mr. Simpson said there would be something at the end of each district section that would have "lots and lots of stuff in it," referring to any leftover, miscellaneous items that still need to be mentioned.

2. **AR – Agricultural Residential Zoning District**

- a. (written minus stricken words and sentences discussed in meeting)
The purpose of the AR, Agricultural Residential Zoning District, is to provide for a controlled expansion of residential uses in a manner that is compatible with adjacent agricultural uses. It is intended that development of residences in the AR Zoning District would be on platted lots including a waiver of rights to claim an exemption from zoning based upon farming.

Mr. Simpson added there probably will be land automatically zoned AR because of the nature of what is going on in that location.

Mr. Pylelo asked a question about waiving the rights to claim an exemption from zoning based on farming. However it is the landowner signs off on the waiver, is that impacted when they do the subdivision even though they might continue to farm the lots? They can farm the land but can no longer claim the special exemptions other farmers can. Mr. Simpson said that was correct.

- b. (written minus stricken words and sentences discussed) Allowed Uses: The AR, Agricultural Residential Zoning District, generally allows (a) single-family residential uses, (b) limited agricultural uses (i.e. allows male and female horse and foal), and (c) related public uses, which are described more definitively in the Land Use Summary Table in Section 3.04.04. The single family residential uses in the AR Zoning District may have limited agricultural uses, including not more than one animal unit per acre, as accessory uses.

- c. Dimensional Standards: The following dimensional standards are required for the AR, Agricultural Residential Zoning District. Section 3.04.05 includes a table of comparative dimensional standards for all zones. In case of conflict, the standards in this section shall control.

Mr. Pylelo stated they were getting into an area they never had any jurisdiction on before with AR dealing with subdivision issues; specifically with enforcements and standards, etc. Ms. Zellmer Zant suggested possibly this information might be something outlined in the subdivision booklet that would deal with common areas, subdivision design, buffered areas, covenants, etc. The commission concurred this would simplify things.

3. RR – Rural Residential Zoning District

- a. Essentially the same as AG and AR except it does not allow the farm animals. It is intended that development of residences in the RR Zoning District would be on platted lots including a waiver of rights to claim an exemption from zoning based upon farming.
- b. (Allowed) Uses: The NR (Non-Agricultural Residential Zoning District) generally allows (a) single-family residential uses; and (b) related public uses, which are described more definitively in the table in Section 3.04.05.
- c. Dimensional Standards: (as written with changes) The following dimensional standards are required for the NR, Non-Agricultural Residential Zoning District. Section 4. 3.04.05 includes a table of comparative dimensional standards for all zones. In case of conflict, the standards in this section shall control.
- d. Off-street parking and loading: Off-street parking and loading facility requirements for all principal allowed, provisional, conditional and accessory uses in the NR zoning district shall be provided and maintained according to the provisions of section 4.3.XX.
- e. Grading, erosion and sedimentation control: All grading activity of more than XXXX square feet or XXXX cubic yards of soil disturbed shall be subject to compliance with the requirements and standards set forth in Chapter X, Grading Regulations.
- f. Supplemental Regulations: All pertinent provisions of section 4.3.XX, Supplemental Regulations, shall apply to uses and development in NR zoning district.

4. SR – Suburban Residential Zoning District

- a. Purpose and Intent: Essentially the same as AG and AR except it does not allow the farm animals. It is intended that development of residences in the RR Zoning District would be on platted lots including a waiver of rights to claim an exemption from zoning based upon farming.

- b. Allowed Uses: Ms. Zellmer Zant said this is the first time it has been mentioned that we require adequate public and private improvements in services such as water, sanitary, sewer, and access roads. Mr. Simpson explained this is if they are less than 2 acres. Zellmer Zant asked if that meant it was required in any RR district. Mr. Pylelo answered it only kicked in when they were in an SR (Suburban Residential) district.

Mr. Rorholm said the only reason it would be kicked out of a 2 acre lot is if a particular septic system just would not work or if for some reason you could not support a septic system on the property. District Health makes those determinations. Mr. Simpson said those requirements will show up in the subdivision regulations.

- c. Dimensional Standards: (written with changes)
1. Minimum lot area 10,000 sq. ft.
 2. Single-family 10,000 sq. ft.
Multiple-family 4,000 sq. ft./unit
 3. Mr. Simpson, Mr. Nelson, and Ms. Zellmer Zant discussed the width of the lot and thought it more reasonable to make the Minimum Lot Width 80' instead of only 60'.
 4. It was thought 15' feet would be adequate for the Front Yard Setback making a total of 55' building area.
 5. Side yard setback 10'.
 6. Corner side yard setback 15'. Accessory structure 20'
 7. Rear yard setback 25'.
 8. Maximum height 45'. Accessory structure 45'
 9. After considerable discussion, maximum lot coverage 30% of lot area.
- d. Off-street parking and loading: Off-street parking and loading facility requirements for all principal allowed, provisional, conditional and accessory uses in the SR zoning district shall be provided and maintained according to the provisions of section 4.3.XX.
- e. Grading, erosion and sedimentation control: All grading activity of more than XXXX square feet or XXXX cubic yards of soil disturbed shall be subject to compliance with the requirements and standards set forth in Chapter X, Grading Regulations.
- f. Supplemental regulations: All pertinent provisions of section 4.3.XX, Supplemental Regulations, shall apply to uses and development in SR zoning district.

RMH – Mobile Home Park Zoning District: It was decided this section would be moved to Supplemental Regulations.

Ms. Zellmer Zant made a motion to adjourn; seconded by Mr. Nelson; motion carried.

Meeting adjourned 9:00 PM