

Dubuque County Zoning Commission Minutes of March 16, 2021

Chairperson Sam Boyes called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Jerry Sigwarth, Cathy Caitlin, Kathleen Scherrman and Ron Breitbach. Members present the Dubuque County West Campus, 1225 Seippel Road: Kevin Soppe, Sam Boyes and Ken Runde. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Angela Steffens.

2. APPROVAL OF MINUTES: A motion was made by Mr. Runde, **seconded by Mr. Sigwarth and passed unanimously to approve the minutes of the February 16, 2021 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Table Mound Acres-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Table Mound Acres a division of Lot 1 of the N ½ of the NE ¼ Section 12, (T88N-R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Royal Oaks Development Corporation and is located adjacent to the City of Dubuque along Cascade Drive and Noonan Street with a total of 69.63 acres surveyed. The property is zoned R-3, Single Family Residential and C-1, Conservancy. The purpose of the plat is to allow the separation and sale of Lot 1 to the adjoining landowner Table Mound Mobile Home Park LLC.

The survey creates 2 lots. Lot 1 has a total of 22 acres surveyed and it will be sold to the adjoining landowner Table Mound Park LLC. Lot 2 has a total of 47.63 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will have access to the private roads Noonan Street & Cascade Drive across the adjoining land in common ownership. Lot 2 will have access to Hwy 61 across adjoining land in common ownership.

Speaking to the Board was Mike Weber, Weber Surveying, 26789 46th Avenue, Bernard. Mr. Weber said the purpose of this plat is to be able to sell Lot 1, which is 22 acres. He said the City of Dubuque has already approved it.

Ms. Boyes asked if after the plat is done and the 22-acre piece is owned by Table Mound Park LLC can the City restrict the number of mobile homes that can be there. Ms. Henry said that parcel will still be in Dubuque County and will follow County rules.

Ms. Henry asked Mr. Weber if Table Mound Park LLC is planning on expanding their mobile home park. Mr. Weber said he doesn't know their exact plans but he said they are extending the city sewer up to this property and hooking up to the city water system.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 7-0.**

b) Plat of Survey of Regan Farm Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 Regan Farm Subdivision comprised of Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 2 in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Lot 1 of Lot 1 of Lot 1 in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Lot 4 and Lot 1 of Lot 3 in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and Lot 2 in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ all in Section 7, (T88N-R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Sandra Regan and is located .83 miles southeast of the City of Dubuque along North Cascade Road with a total of 41.52 acres surveyed. The property is zoned R-1, Rural Residential. The purpose of the plat is to separate 18.47 acres to sell to her daughter and son-in-law for a future home site.

The survey creates 2 lots. Lot 1 has a total of 23.05 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 18.47 acres surveyed and will be sold to the daughter and son-in-law.

Lot 1 will use an existing entrance off of North Cascade Road. Lot 2 will use a 30' wide access easement across Lot 1.

Speaking to the Board was Dave Schneider, Schneider Surveying 906 1st Street N. Farley. Mr. Schneider said this plat is taking five different parcels and creating them into two parcels. He said Sandra Regan's daughter and son-in-law are buying Lot 2 to build a home and will use the access easement across Lot 1.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Ms. Scherrman to approve the plat. The motion passed unanimously. Vote 7-0.**

c) Plat of Survey of Ridgeway Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 Ridgeway Subdivision a division of Lot 1 of Lot 2, Lot 2 of Lot 2 and Lot 3 of Lot 2 all in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, (T90N-R2E) Peru Township, Dubuque County, Iowa.

The property is owned by Ridgeway LLC and is located .22 west of the City of Dubuque along Peru Road with a total of 22.725 acres surveyed. The property is zoned M-2, Heavy Industrial. The purpose of the plat is to split off 3.297 acres to sell to the adjoining landowners Ronald & Francis Pothoff.

The survey creates 2 lots. Lot 1 has a total of 19.428 acres surveyed and will remain in current ownership and agricultural use. Lot 2 will has a total of 3.297 acres surveyed and will be sold to Ronald & Francis Pothoff.

Lot 1 will use an existing field entrance off of Peru Road. Lot 2 will have access from the adjoining land in common ownership.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N. Farley. Mr. Schneider said that the Pothoff's own some property that adjoins with Lot 2 and they would like to buy that parcel. He said that Lot 1 is a crop field that is rented out by Ridgway LLC and Lot 2 is a steep, rocky parcel. He said the purpose of the plat is to be able to sell Lot 2 because it is not tillable.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Runde, **seconded by Ms. Caitlin to approve the plat. The motion passed unanimously. Vote 7-0.**

d) Plat of Survey of Keller Acres-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Keller Acres comprised of Lot 2, Lot 2-1-2-3 and Lot 2-2-2-3 all of the SW ¼ Section 11 and Lot 2-1 and Lot 2-2 all of the NE ¼ SE ¼ of Section 10, all in (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Keller Acres LLC and is located 1.05 north of City of Asbury along Budd Road with a total of 63.456 acres surveyed. The property is zoned R-1, Rural Residential and C-1, Conservancy. The purpose of the plat is to create two lots.

The survey creates 2 lots. Lot 1 has a total of 39.079 acres surveyed with a home and buildings and it will be owned by a member of the Keller Family and remain in current use. Lot 2 has a total of 24.377 acres surveyed and will be owned by members of the Keller Family and remain in current use.

Lot 1 will use an existing residential entrance off of Budd Road. Lot 2 will use an existing field entrance off of Budd Road.

Speaking to the Board was Marce Keller, 2011 Acorn Drive, Prescott, Arizona. Ms. Keller said the reason for the plat was to split the ownership of the farm differently between herself and her two siblings.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to approve the plat. The motion passed unanimously. Vote 7-0.**

e) Plat of Survey of Fox Ridge #2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Fox Ridge #2 comprised of Lot 1 & Lot 2 of the SW ¼ NW ¼ of Section 14 and Lot 2 of Fox Ridge in Section 14 & Section 15, all in (T88N-R1W) Taylor Township, Dubuque County, Iowa.

The property is owned by Luella C. Polfer Survivors Trust, Luella C. Polfer, Trustee and is located adjacent to the City of Epworth along Placid Road & Kidder Road with a total of 63.884 acres surveyed. The purpose of the plat is to sell 32.485 acres to Greg Rausch the adjacent land owner.

The survey creates 2 lots. Lot 1 has a total of 31.399 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 32.485 acres surveyed and will be sold to the adjacent landowner and will remain in current agricultural use.

Lot 1 will use an existing field entrance off of Placid Road. Lot 2 will use an existing field entrance off of Kidder Road.

Speaking to the Board was Terry Koelker, Buesing & Associates, 1212 Locust St. Dubuque. Mr. Koelker said that Greg Rausch wants to buy the property for possible future development. He said at this time Mr. Rausch plans on keeping it as agricultural ground.

Ms. Henry said that it is her understanding that they would annex Lot 2 into the City of Dyersville before there would be any development on Lot 2.

Mr. Koelker said that the City of Dyersville was very much in favor of the future development.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Runde, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 7-0.**

4. REZONING CASES:

ZC#03-07-21 KSSB Revocable Trust/Gerald Connolly and Mike Weber, Surveyor A-1 Agricultural to R-2 Single Family Residential

The applicants are requesting to rezone from A-1, Agricultural to R-2, Single Family Residential 18.75 acres to allow the separation of the existing home and to create an additional lot for a future single family home. The property, located 3.96 miles southeast of the City of Peosta along Monastery Road and is legally described as Lot 1-1 SE SE Section 36, (T88N-R1E) Vernon Township, Dubuque County, Iowa.

The property is owned by KSSB Revocable Trust. Zoning in the area includes A-1, Agricultural to the north, south and west. R-1, Rural Residential to the west, south and east. R-2, Single Family Residential to the south. R-3, Single Family Residential to the south and east. The R-1, Rural Residential to the west on ZC#9000-08-78 was to allow 36.74 acres to be rezoned for a residential subdivision. The R-1, Rural Residential to the south on ZC#02-07-95 was to allow for residential homes on a family home. The R-1, Rural Residential to the south on ZC#10-23-13 was to allow a single family home into compliance with the Zoning Ordinance. The R-1, Rural Residential to the east on ZC#02-03-89 was to allow 25.5 acres to be rezoned for a residential subdivision. The R-2, Single Family Residential to the south on ZC#9000-29-78 was to allow for single family home. The R-2, Single Family Residential to the south on ZC#11-34-16 was to allow Randy Urbain to add additional ground to the home lot to build a new house and to allow Rick & Amy Bergfeld to build a new home on one of the residential lots and farm the balance.

The R-3, Single Family Residential to the south on ZC#08-27-16 was to allow 4.46 acres more or less, to create three lots and to allow for two (2) additional homes to be built. The R-3, Single Family Residential to the east on ZC#9000-14-71 was to allow 36 acres to be rezoned for a residential subdivision.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Thirty-three (33) rezoning notification letters were sent to the property owners and no city 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.

Ms. Henry read two letters that she received regarding this case:

New Melleray Abbey has a long history with this property under discussion. Older monks tell me that in decades past the monastery "fire department" would get a panicked call from the previous owner, our neighbor Frank Driscoll, almost every year. He would be cleaning up and burning dead wood from his beloved woodlot and it would get out of control. It is also said that when Frank was building his new house there he would frequently stop by the monastery hoping to acquire "spare" plumbing supplies and other building materials.

When it came time for his wife Grace Driscoll to sell the property she asked if the monastery would be interested in buying the property, hoping to maintain it in its natural state. At that time we didn't have a very active forestry program and financially we were just trying to make ends meet with our farm income. (An interesting historical note, "back in the day" we acquired the 26 acre parcel on the north border of their property for the price of \$1, a heifer, and 2 bulls.

Apparently after all the valuable timber was harvested from it by the seller.) Although the Driscoll property was contiguous with our forest property it was a long distance from the monastery itself and we were not in an expansion mode. We were told it would not be developed so we let be; content to have another forest owning neighbor. I must admit the very first time I heard this story I thought to myself, "We should have bought it. It is going to be subdivided and developed." Now we are having what might be described as "non-buyer's" remorse.

The time has finally come. Part of the property was sold this summer at a price several times its value to us or anyone else as merely woodland property. The remaining wooded lot is before the zoning commission seeking to be rezoned as residential. I can only ask the zoning to look at the larger picture and long term view of this property as valuable native forest land on the watershed leading down to Catfish Creek and part of a contiguous forest that extends from our 80 acres on Prairie Creek Rd. through Mary Connolly's property, through this property and Melleray Estates, and then continues north through the monastery property

and into Swiss Valley Park. I know nothing about zoning regulations and what limitations you can put on development. I look at the wooded area south of Monastery Road and I see 3 widely spaced houses in an otherwise undisturbed forest. This is a level of development I can live with. If we could be assured that it never goes beyond 2 house on this 18.75 acre lot that would be acceptable. What I don't want to see is another Melleray Estates type of development in this area where the former native forest has been transformed into a residential area of houses with big yards with lots of trees on them. New Melleray Abbey's forester, John Schroeder can present a more scientific evaluation of what is at stake in this rezoning request.

Forest Supervisor for New Melleray Abbey
Br. Joseph Kronebusch, O.C.S.O.

From John Schroeder, CCF, Forest Manager-New Melleray Abbey,
Peosta, IA 52068

In Opposition to Proposed Zoning Changes at Lot 1-1 SE SE SEC26 T88N R1E. An ecological perspective.

Development and further parcelization will further negatively impact the ecological fabric of the upper catfish creek watershed and further development is diametrically opposed to the regional goals set forth in the Dubuque county regional zoning plan.

Subdividing land for development will lead to increase stressors on wildlife. With decreasing size of forested tracts we will continue to see an increase of generalized wildlife such as deer, blue jays, and raccoon while seeing a reduction in pheasant, turkey, migratory song birds, raptors, bats, endangered reptiles and turtles all of which require large areas of contiguous wildland with no hard edges such as paved or graveled roads with high traffic:- These species have specialized habitat needs to thrive, this includes prairie (farm land does not count), dense forest cover, mature timber, and old decaying trees to maintain effective populations. Increasing amounts of edge habitat with hard edges, such as paved roads and building envelopes, can reduce the amount of "deep woods" habitat. "Deep woods" means minimum sound from highways, light from houses, moderated temperatures, increased water availability, minimal stress from the human environment, and the predators that thrive on these edges. The wildlife that live in these "deep woods" add to the overall value of the ecosystem and an attempt at maintaining balance between predators and prey. For example by having timber rattlesnakes and raptors such as owls and hawks we reduce the amount of mice that can damage basements and insulation. By making efforts to increase or maintain the bat population we reduce the density of disease carrying mosquitos, all without the use of damaging pesticides. Without predators deer and mice populations will increase which could lead to an increase of zoonotic diseases such as Lyme disease occurring in this area "Deep woods" provides appropriate habitat for predators that keep them from interacting with human populations and keep the pest populations down.

2. This land, as it currently exists, represents and nearly 2.5 mile corridor of woodland from here to Swiss Valley park. No permanent roads cross this corridor, which is a rarity in Iowa. Every effort needs to be made to increase this size, not decrease. Increasing the connectivity of forest and prairie cover is important to maintaining diverse wildlife species for the future and a primary goal of New Melleray Abbey's forestry program.

Subdividing this land will increase the amount of runoff and erosion that will occur in light of anticipated rainfall events associated with climate change. As a headwaters drainage of the catfish creek watershed, the dilution effect of these are as is greatly reduced. Catfish Creek is a watershed of special concern for the county due to its value for fishing, boating and swimming. The segment of Catfish creek in this area (roughly from the end of Swiss Valley to the headwaters) is adequate water quality. However further downstream the water quality degrades sharply to level 5 impaired per IADNR. Research done at Purdue University suggests that if this land was developed beyond the current proposal that storm water runoff will increase leading to further erosion, sedimentation water velocity, and decrease in oxygen availability necessary for a healthy aquatic ecosystem.⁴ According to National Oceanic and Atmospheric Administration, the mid-west is seeing an increase in extreme weather events, such as flash droughts, regular extreme flooding, heat waves, and heavy wind events (such as the 2020 Derecho). By investing in this rezoning proposal the county 'Will be removing carbon sinks with no replacement or offset. Mitigation efforts include replacing and increasing the amount of woodlands elsewhere on the watershed. Local green solutions include: investing in water (rain gardens and prairie patches), pollinator friendly landscaping with limited turf, more trees on properties, smart drainage development with settlement basins, minimal to no foreign landscape plants. These mitigation proposals can help reduce the effects of extreme weather events on the local ecosystem. They can also increase air, water, and soil quality.

5. New Melleray Abbey has concerns about various ornamental and introduced non-native species jumping from newly subdivided areas to New Melleray forested acres. Invasive pests such as burning bush, ornamental and pasture grasses, Japanese beetle, and emerald ash borer (EAB) reduce the quality of the woodland and prairie ecosystem by drastic altering the landscape. This happens by reducing the amount of palatable food for herbivores (namely deer), decreasing habitat availability, and degrading soil and water quality. Excessive land clearing and suburban/exurban development can stimulate the nearby invasive pests and push them further into our woodlands.

Speaking to the Board was Mike Weber, Weber Surveying, 26789 46th Avenue, Bernard. Mr. Weber said the owner, Jerry Connolly wants to sell the north portion of his land and keep five acres around his home. He said the current zoning does not allow them to split the parcel. He said there is residential zoning all around this property.

Ms. Boyes asked if there were any questions from the Board members.

Mr. Breitbach asked what land was previously purchased. Mr. Weber said he thought it was the land to the west of Jerry Connolly's house. Ms. Henry said there are three parcels to the west of the parcel in question that were sold but remained in the current A-1 zoning district.

Mr. Breitbach asked where the access for this parcel would be. Ms. Henry said they have an approved entrance from the County Engineer that will be about 302' west of the current driveway directly across from the driveway in Pfab Acres.

Mr. Soppe asked if there was a lane or easement that ran to the New Melleray property to the north.

Speaking to the Board was John Schroeder, New Melleray Abbey, 6632 Melleray Circle, Peosta. Mr. Schroeder said that New Melleray owns that gravel roadway that runs parallel with the lot line to the north New Melleray property. He said they graveled the road to get back to the other property but it is not a permanent road.

Ms. Caitlin asked if the plan for the 18.75 acres was to put build one home. Ms. Henry explained that the total is 18.75 acres and they want to keep 5 acres around the existing home and sell the remaining property. She said the intent of the buyer at this time is to put build one home, but with the re-zoning there is a possibility that someone could build more than one home. Ms. Caitlin said she is concerned that they are using so much property just for one home. She said she wants to address the concerns of the monastery and she agrees with their concerns and doesn't like to see this much wooded property get re-zoned and possibly subdivided at some point in the future.

Speaking to the Board was Ken Kress, Remax Advantage Realty, 11416 Cottingham Road, Peosta. Mr. Kress said he approached Jerry Connolly about buying some property because he has a potential buyer that would like to buy some wooded land and wants to build one home and have a couple horses. He said that is the whole intent of this case, is for one home.

Ms. Caitlin said if this buyer doesn't end up buying the property someone else could come in and create more lots. Mr. Kress said yes he can't guarantee that won't happen.

Mr. Sigwarth said the parcel that would be sold is mostly trees and scrub ground and would not ever be tillable so he feels like a home and some horses fits perfectly. He said the monastery had a chance to buy this property and didn't and they should not be able to tell the owners what they can do with that property. He also said there is residential properties all around this parcel.

Mr. Runde said he agrees with Jerry and is in complete support of giving the Connolly's their rezoning. He feels that if someone owns some acreage they should be able to put just one house on it.

Ms. Caitlin asked why they can't leave it zoned A-1, Agricultural and still build one home. Ms. Henry said they want to split the lot and it will not meet the platting ordinance if they leave the current zoning in place. She said the platting ordinance says it has to be 35 acres or more in the A-1 zoning district or they have to show that they are farm exempt.

Mr. Schroeder said that the monastery has a managed timber property that they are making money and feels that they make more than if it would be farm ground. He said as far as the water shed issues, the more pavement for access roads and barns the amount of run off goes up.

Speaking to the Board was Cory Pfab, 6333 Olde Davenport Road, Peosta. Mr. Pfab said he farms with his brother and father just across the Monastery road from Jerry Connolly's property. He asked if this could be zoned A-2, Residential Agricultural. Ms. Henry said no. Mr. Pfab said he feels like it might be difficult to raise horses on this property because it is so wooded.

Ms. Henry said she spoke with Jerry Connolly and she asked him if he would be willing to sign an agreement to allow only one home to the rear property. She said he made it very clear that he would be fine with that because he has no intentions of developing more lots.

Mr. Breitbach said there is residential on all sides of this property and feels that they really can not deny this zoning request.

Mr. Sigwarth said if they can limit the property to only one house he would be in favor of the rezoning. Ms. Caitlin agreed with Mr. Sigwarth and said this was a good solution.

Speaking to the Board was AJ Pfab, 15017 Ryan Road, Peosta. Mr. Pfab said that he is part of the grain operation across the Monastery Road and would like the Board to limit this to one house only. He said he already has problems with people throwing garbage into his corn field from the other subdivision adjacent to his property. He said he doesn't like the idea of a house with horses because they would have to cut down too many trees for the horses to graze.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N., Farley. Mr. Schneider said this piece of land is A-1 zoned and is Agriculture land and it is just a matter of what limits they put on it.

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to approve the rezoning, with the condition that there are only 2 homes allowed on the 18.75 acres. The motion passed unanimously. Vote 7-0.**

ZC#03-08-21 Martin & Mary Langel and Jerome Riniker A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2.73 acres to allow the separation of an existing home from the crop ground. The property, located 1.14 miles east of the City of Luxemburg along Route 52 North and is legally described as Lot 1 NW NE Section 23, (T90N-R2W) Liberty Township, Dubuque County, Iowa.

The property is owned by Martin & Mary Langel. 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. Two (2) rezoning notification letters were sent to the property owners and the City of Luxemburg 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 Dave Schneider, Schneider Land Surveying, 906 1st Street N., Farley. Mr. Schneider said that the Riniker's bought this farm back when you had to buy a five acre piece. He said the intent was never to buy the whole five acres and now the Riniker's would like to put the crop ground with the other existing crop ground and keep the ground around their home and buildings.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Ms. Scherrman to approve the rezoning, with the conditions that 2.73 acres more or less around the existing home be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural. That the balance of the parcel is not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote 7-0.**

f) Plat of Survey of North Fork Maquoketa River Subdivision Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 North Fork Maquoketa River Subdivision Plat 2 a division of Lot 2 in the North Fork Maquoketa River Subdivision and Lot 1 in the NW ¼ of the NE ¼ all of Section 23, (T90N-R2W) Liberty Township, Dubuque County, Iowa.

The property is owned by Martin & Mary Langel and Jerome & Julie Riniker and is located 1.14 miles east of the City of Luxemburg along Route 52 North with a total of 72.16 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#03-08-21 requesting to rezone 2.73 acres to A-2, Agricultural Residential. The purpose of the plat is to separate the existing home from the crop ground.

The survey creates 2 lots. Lot 1 has a total of 2.73 acres surveyed with a home & buildings and will remain in current ownership. Lot 2 has a total of 69.43 acres surveyed and it will remain in current ownership and agricultural use.

Lot 1 will use an existing residential access off of Route 52 North. Lot 2 will access will have access from adjoining land in common ownership.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N. Farley. Mr. Schneider said the purpose of the plat is to take the remainder of the original five acres and adding it back into the other crop ground.

Ms. Boyes asked if there were any questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Mr. Breitbach to approve the plat. The motion passed unanimously. Vote 7-0.**

5. OLD BUSINESS:

Update on Zoning Cases

Ms. Henry said William & Dianne Ernzen and Jeff & Barb Bergfeld rezoning A-1 Agricultural to R-2 Single Family Residential was approved. Coates Development and Ryan & Jessi Coates M-1 Industrial Conditional to M-1 Industrial Conditional rezoning was approved. David & Rose Schneider rezoning A-1 Agricultural to A-2 Agricultural Residential was approved. The Trappistine Nuns/Sister Myra Hill rezoning R-2 Single Family Residential to PC Planned Complex was also approved by the Board of Supervisors as recommended.

6. NEW BUSINESS:

Discussion on Zoning Code Update

Attached is Part 3 thru Part 13 General Provisions of the Zoning Ordinance that her and Ms. Steffens have been working on. She said she would like to go through it with the Board and show them what they found should be taken out and what shouldn't be taken out. She would like the Board to give their opinions.

PART 3 GENERAL PROVISIONS

1-21 COMPLIANCE. No building, structure or premises shall hereafter be erected, extended, converted, moved, rebuilt or altered except in conformity with all district regulations established by this Ordinance for the district in which it is located. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that work is under way, but such temporary buildings shall be removed upon completion of the construction work as determined by the Administrative Officer. This shall include trailers and mobile homes used as offices and for tool storage only.

1-22 PERMITS AND CERTIFICATES REQUIRED. All permits and certificates required by this ordinance must be in writing, issued by the Administrative Officer after a proper application and accompanied by the required fees. Fees shall be established by a resolution of the Board of Supervisors in an official schedule of fees for zoning and development services. [Amended May 10, 1999] [Amended June 8, 2001]

~~a — MORATORIUM FOR PERMITS AND REZONING IN THE SOUTHWEST ARTERIAL CORRIDOR~~

~~The administrative officer shall not issue any permit for any new construction or substantial enlargement, alteration, repair or remodeling of any structure, building or sign in the Southwest Arterial Corridor but not to include demolition, as delineated on the drawings and maps on file at the Dubuque County Zoning Office from the effective date of this Section to July 1, 2016, except where a vested right to the issuance of such permit accrued prior to the effective date of this section. In addition, said administrative officer nor the Board of Supervisors shall give final approval to any zoning reclassification (rezoning) request for property in the Southwest Arterial Corridor that lies within the county limits of the county of Dubuque, as shown delineated on drawings on file in the County Zoning Office from the effective date of this section to July 1, 2016 except where a vested right to the issuance of said approval accrued to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the Administrative Officer and the County Board of Supervisors may approve a requested zoning upon a determination that the proposed rezoning will not negatively impact the acquisition of right of way along the preferred alignment of the Southwest Arterial Corridor. The County Board of Supervisors and administrative officer shall also consider any recommendation from the Southwest Arterial Technical Committee regarding potential negative impact, if any, that would result from approval of the requested re-zoning and~~

~~the subsequent development of the parcel(s). [Amended August 2, 2010, June 6, 2011, July 30, 2012, June 17, 2013, June 16, 2014, August 10, 2016]~~

- 1-23 FRONTAGE REQUIRED. All lots shall abut a public dedicated street or road right-of-way unless otherwise provided in this Ordinance.
- 1-24 CORNER LOTS. Corner lots platted hereafter shall provide a side yard adjacent to the intersection which shall be equivalent to the front yard requirement of the lots to the rear of the corner lot, which front on the intersecting street or road.
- 1-25 PRINCIPAL RESIDENTIAL BUILDINGS. Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one (1) principal residential building on one lot unless otherwise provided for by this Ordinance.
- 1-26 HALF STREETS. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- 1-27 SEWER AND WATER. In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and public sewer or public water supply is not available, the sewerage disposal or domestic water supply shall comply with the requirements of the State Plumbing Code and the County Board of Health and the application for a zoning certificate shall be accompanied by a certificate of approval from said Board of Health. Where a public sewer and public water supply is available, such public utilities shall be used. Where an existing system is in operation, or is to be provided for a planned development of 20 acres or more (residential, commercial or industrial); such sewer and water system may be used in lieu of a public system.
- 1-28 EXISTING RESIDENCE. Any residence existing prior to the adoption of this Ordinance shall be considered to be a conforming use in any industrial district.
- 1-29 CAPPED BASEMENTS. A "capped" basement is not to be used as living quarters except on a temporary basis not to exceed one (1) year and must comply with state laws.
- 1-30 ADDITIONS. Any additions to the unincorporated area of the County resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A-1" Agricultural District until otherwise classified by amendment.

- 1-31 HEIGHT-AIR NAVIGATION OBSTRUCTIONS [Repealed November 3, 1997; see Section 1-17]
- 1-32 VARIANCES. All variances and special permits shall be recorded and certified in a form appropriate for recording in the Dubuque County Recorder's Office. No zoning certificate shall be issued by the Zoning Administrator prior to recording. [Amended November 16, 1979]
- 1-33 through 1-40 Reserved.

PART 4 TRAFFIC, PARKING AND ACCESS

- 1-41 TRAFFIC VISIBILITY. [Amended December 9, 1991]
 - 1-41.1 No obstruction, such as structures, parking or vegetation, shall be permitted in any district if the obstruction could block a driver's view of potentially conflicting vehicles. Obstructions shall not be permitted in clear sight triangles configured according to the current version of the American Association of State Highway and Transportation Officials (AASHTO) policy on geometric designs of highways and streets. Restricted clear sight triangles shall include both approach sight triangles and departure sight triangles as defined by the AASHTO policy. [Amended November 5, 2001]
 - 1-41.2 Unless otherwise designated by the transportation plan, all State Highways and County Collector Highways shall be treated as arterials. [Amended November 5, 2001]
- 1-42 LOADING REQUIREMENTS. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- 1-43 PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
 - 1-43.1 Parking Stalls Required. In the case of structures or uses not mentioned in the District Regulations, the provision for a use which is similar should apply. Combination of any uses shall provide the total of the number of stalls required for each individual use.
 - 1-43.2 Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of twenty-four (24) feet wide for all other uses.
 - 1-43.3 Size of each parking space shall be not less than one hundred and eighty (180) square feet exclusive of the space required for ingress or egress. Location to

be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveways except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

- 1-43.4 In residence districts boats, campers, house trailers, trucks (other than pickups), boat trailers or similar vehicles or similar accessories to vehicles shall not be parked in front yards or required side yards.

1-44 VEHICULAR ENTRANCES AND EXITS to drive-in theatres, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

1-45 HIGHWAY ACCESS. Access to a state highway shall be subject to the regulation of the Iowa State Highway Commission. Access to a county road shall be subject to the regulations of the Board of Supervisors.

- 1-45.1 No direct public or private access shall be permitted to the existing or proposed right-of-ways of the following:

- (a) Freeways, Interstate Highways and their interchanges or turning lanes nor to intersecting or interchanging streets within fifteen hundred (1,500) feet of the most remote end of the taper of the turning lanes.
- (b) Arterial Streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
- (c) Temporary Access to the above rights-of-way may be granted by the Board of Adjustment after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months. In all Residential Districts driveways shall be spaced at intervals no closer than six hundred (600) feet except to serve lots platted in accordance with the procedures and requirements of the County Subdivision Ordinance.

1-46 LIMITED ACCESS ROADS.

- 1-46.1 All properties located adjacent to or abutting upon roads, streets, county, state or federal highways which have been or are hereafter declared as limited access roads shall meet the following front yard setback requirements in addition to the front yard setback requirements specified in the applicable zoning district.

1-46.2 Front Yard Setback Fifty (50) feet from the right-of-way line or one hundred ten (110) feet from the centerline of the right-of-way whichever is greater. (In determining the total setback for a specific situation, add the setback requirements as specified in the applicable district regulations, plus a distance

of fifty (50) feet from the right-of-way, or one hundred ten (110) feet from the centerline of the right-of-way, whichever is greater.

1-46.3 1-47 through 1-50 Reserved.

PART 5 MODIFICATIONS

1-51 HEIGHT. The following structures may exceed the height limitations set out in Section 1-15, District Regulations, but shall be subject to the procedures and limitations of the air navigation obstruction provisions set out in Section 1-17. [Amended December 12, 1983]

1-51.1 Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.

1-51.2 Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks.

1-51.3 Essential Services, utilities, water towers, electric power and communication transmission lines.

1-51.4 Communication structures, such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.

1-52 YARDS.

1-52.1 Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

1-52.2 The required street yards may be decreased in any residential or business districts to the average of the abutting structures on each side but in no case less than fifteen (15) feet in any residential district.

1-53 NOISE. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are permitted.

1-54 through 1-60 Reserved.

PART 6 MOBILE HOMES, MOBILE HOME PARKS AND TRAILER CAMPS

All mobile homes shall be placed or located only in mobile home parks, or as provided for in the "A-1" District.

- 1-61 MOBILE HOME AND TRAILER CAMP PARKS PROCEDURE. Mobile home parks shall be located in the "R-4" District subject to the following permit procedure:
- 1-61.1 Trailer camps shall be located in the "B-2" District subject to the following permit procedure:
- a The owner or owners of any tract of ground located within the unincorporated areas of Dubuque County who may wish to establish a mobile home park or trailer camp, shall submit six (6) copies of a preliminary plan detailing such features as are necessary to establish the fact of compliance with the specific terms of the Ordinance to the Board of Supervisors for consideration. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]
 - b The Board of Supervisors shall refer three (3) copies of said plans to the Zoning Commission and one (1) copy to the County Engineer for review.
 - c The Zoning Commission shall hold a public hearing on the proposed plans and after due consideration, shall render to the Board of Supervisors a report including, but not limited to, a treatment of the following factors:
 - (1) The relation of the proposed mobile home park to the public interest.
 - (2) The effect of the proposed mobile home park on adjacent property values.
 - (3) The consistence and compliance of the proposed mobile home park with the provisions of this Ordinance.
 - (4) The suitability of the site for present development with special attention to topography, subsurface conditions and the availability of necessary utility services.
 - (5) The relation of the population density resulting from the proposed mobile home park to the public interest.
 - (6) The exhibition of sound planning and engineering practices.
 - (7) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the trailer park.
 - (8) The availability of schools, police protection, fire protection and other community services.
 - (9) A recommendation as to the approval or disapproval of proposed plans and location.
 - d The Zoning Commission may require the owner to appear before it and make such changes as may be required. These changes shall be made promptly and the Commission shall render its report to the Supervisors within thirty (30) days after the receipt of the revisions. If the Commission requires no revision, it shall render its recommendation within thirty (30) days after its public hearing.
 - e Upon receipt of recommendations from the Zoning Commission, Iowa Board of Health and the County Engineer, the Supervisors shall take action upon the proposed location and plans and approve or disapprove the same.
- 1-61.2 The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.

- a A mobile home park shall contain at least three (3) acres.
 - b No more than eight (8) mobile homes shall be allowed per acre of land in the mobile home park.
 - c Mobile homes shall have a clearance of at least twenty (20) feet from any other mobile home or any building in the park, except in end-to-end clearance. For mobile homes parked end-to-end, the clearance shall be at least fifteen (15) feet.
 - d Mobile homes shall not be located closer than twenty-five (25) feet to any property line of the park abutting upon a public street or highway.
 - e All mobile home spaces shall abut a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street, alley or highway.
 - f All thoroughfares within the park shall be hard-surfaced.
 - g All thoroughfares shall be adequately lighted at night.
 - h An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park.
 - i Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation and plumbing and sanitation systems.
- 1-62 SEWAGE AND REFUSE DISPOSAL. Waste from showers, toilets, slop sinks and laundries shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with the applicable statutes.
- 1-62.1 Sanitary Equipment and Facilities. Trailer and tent camps shall be provided with toilets, showers, slop sinks and other sanitation facilities which shall conform to the following requirements. When such facilities are provided in a mobile home park, they shall also conform.
- a Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproofed wall.
 - b Toilet facilities for women shall consist of not less than one (1) flush toilet for each ten (10) spaces or fraction thereof, one (1) shower for each twenty (20) spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
 - c Toilet facilities for men shall consist of not less than one (1) flush toilet for each fifteen (15) spaces or fraction thereof, one (1) shower for each twenty (20) spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) spaces or fraction thereof, one (1) urinal for each twenty-five (25) spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.

- d Service buildings housing the toilet facilities shall be permanent structures and shall be located not nearer than ten (10) feet nor farther than two hundred fifty (250) feet from any space. Service buildings shall be well lighted, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, and shall permit repeated cleaning and washing. They shall be maintained at a temperature of not less than seventy (70) degrees Fahrenheit. The floors of said buildings shall be of a water-impervious material and shall slope to a floor drain connected with the sewage system of the park.
 - e Each service building and park grounds shall be maintained in a clean, sightly building and park grounds shall be maintained in a clean, sightly condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
- 1-62.2 Garbage, Waste and Rubbish. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.
- 1-63 FIRE PROTECTION. Each service building shall be equipped with approved fire extinguishers. An approved incinerator or specially equipped stove shall be provided to burn all paper and rubbish and shall be supervised by the management. No open fires shall be permitted at any place or time on the property, other than at the approved incinerator.
- 1-64 ADDITIONS TO MOBILE HOMES. No additions shall be built onto any mobile home other than a porch or entry-way which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home. No additions shall be permitted in a trailer camp to any mobile units.
- 1-65 SUSPENSION OF PERMIT. Any mobile home park permit issued under this Ordinance may be suspended by the Administrative Officer when the permit holder violates or is in violation of any of the provision of this Ordinance.
- 1-66 PERMIT NOT TRANSFERABLE. No permit granted under the provisions of this Ordinance shall be transferred to any other person. Upon every change in ownership, management and operation of any Mobile Home Park, the permit previously issued for the park shall be null and void.
- 1-67 PERMITS FOR TEMPORARY OCCUPANCY OF MOBILE HOMES OUTSIDE OF A MOBILE HOME PARK
- 1-67.1 Application for permit: Within a period of ten (10) days an application for a permit to occupy a mobile home for dwelling or sleeping purposes outside of a mobile home park upon a lot or premises occupied by a dwelling shall be made

- at the office of the administrative officer. Said application shall set forth the location of the occupied dwelling where such mobile home is to be used and occupied, the name of the occupant in control of such dwelling. [Amended December 9, 1991]
- 1-67.2 A fee may be required as provided in Section 1-95. The provisions of Part 6 as to locations of a mobile home do not include this situation. [Amended December 9, 1991] [Amended June 8, 2001]
- 1-67.3 Issuing of Permit: The Administrative Officer may issue a permit for the temporary occupancy of a mobile home outside of a Mobile Home Park upon receipt of the applications as set forth in the previous paragraph. The permit may be issued for a period not to exceed six (6) months from the date of the granting permit. Holder of a temporary occupancy permit for a mobile home shall not be subject to the occupancy certificate requirements of Part 9.
- 1-68 INSPECTION. It shall be the duty of the Administrative Officer to enforce all of the provisions of this Section. For the purpose of securing enforcement of the provisions of this Section, the Administrative Officer or any of his duly authorized representatives or any officer of Dubuque County, shall have authority to enter and inspect any Mobile Home Park and the location of any mobile home parked outside of a Mobile Home Park on a temporary occupancy permit. **1-69 USE OF A MOBILE HOME AS A HOUSE.**
[Repealed December 9, 1991]
- 1-70 through 1-72 Reserved.

PART 7

NONCONFORMING USES, STRUCTURES AND LOTS

- 1-73 EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:
- 1-73.1 **Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance. Total lifetime structural repairs or alterations shall not exceed fifty (50) per cent of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.**
- 1-73.2 **Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the Nonconforming use with the neighboring uses.**

- 1-74 ABOLISHMENT OR REPLACEMENT. Whenever the lawful nonconforming use of a building, structure or land has been abandoned, such building, structure or land shall thereafter be used only in such manner as to conform to all of the provisions of that ordinance. A nonconforming use shall be considered abandoned where the intent of the owner to discontinue the use is apparent, or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within twelve (12) months, or when it has been replaced by a conforming use, or when it has been changed to another use under permit from the Board of Adjustment.
- 1-75 EXISTING NONCONFORMING STRUCTURES.
- 1-75.1 The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- 1.75.2 A lawful nonconforming use may be extended or enlarged, permitted within the classification of the existing use, if the Board of Adjustment shall determine, after a public hearing of which public notice has been given, that such extension or enlargement will meet a county need without adversely affecting the neighborhood, and that such extension or enlargement will not defeat the spirit and intent of this Ordinance. [Amended June 27, 1977]
- 1-75.3 A lawful non-conforming single family residence in actual use, may be replaced, enlarged, or structurally altered in an A-1, Agricultural or C-1, Conservancy district as long as the total square footage of the original non-conforming structure is not increased by more than 50%. Any well and septic systems for the structure must meet all County Board of Health regulations before replacing or adding onto the structure. One accessory building of up to 600 square feet is also allowed. All setbacks and variances will be required. [Added March 25, 2002]
- 1-76 CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Adjustment.
- 1-77 SUBSTANDARD LOTS. [Amended December 9, 1991]
- 1-77.1 In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, which was recorded in the County Recorder's Office before the effective date or amendment of this

Ordinance. However, no lot of any size may be built upon unless the County Health Director approved the method of sewage disposal and source of water for any structure of such lot. [Amended December 9, 1991]

1-77.2 Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the yard requirements of this district shall be complied with. [Amended December 9, 1991]

1-78 through 1-80 Reserved.

PART 8 TELECOMMUNICATIONS TOWERS

[Added June 8, 2001]

1-81 EXEMPT TOWERS. This ordinance does not apply to private radio operators with personal telecommunication towers for private use, not exceeding 100' in total height.

1-82 REGISTRATION OF TOWERS. All owners or operators of existing telecommunication towers over 150' in the unincorporated areas of Dubuque County, shall register their towers with the Dubuque County Zoning Department within one hundred twenty (120) days of publication of this ordinance. All owners or operators of new or proposed telecommunication towers subject to these regulations shall register their towers with the Dubuque County Zoning Department within one hundred twenty (120) days of completing the tower structure. Registration shall include the following:

1-82.1 Name and address of the tower owner;

1-82.2 Name, address, phone number and title of primary contact person;

1-82.3 Address and legal description of the tower location;

1-82.4 Principal use of the tower;

1-82.5 Latitude, Longitude, Tower Height and Ground elevation;

1-82.6 Date of the last inspection of the tower;

1-82.7 Date the tower was originally erected.

1-82.8 FCC Registration #

1-83 SPECIAL PERMIT USE. A telecommunications tower may be permitted as a Special Permitted Use upon determination that all of the applicable conditions in this ordinance are met. A Special Use Permit must be granted by the Board of Adjustment in accordance with Section 1-103 of the Dubuque County Zoning Ordinance to place a telecommunication tower in the unincorporated areas of Dubuque County. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- 1-84 ZONING CERTIFICATE. A Zoning Certificate shall be issued by the Dubuque County Zoning Department before a new telecommunication tower may be built. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]
- 1-85 **PERMITTED LOCATIONS. Telecommunications towers may be permitted as a Special Permit Use in any district except C-1, Conservancy; R-2 and R-3, Single Family Residential; and R-4 and R-5, Multi-family Residential. Any telecommunication tower within 500' of the incorporated limits of a city shall be less than 200' in height.**
- 1-86 APPLICATION REQUIREMENTS. The applicant for a Special Permit Use for construction of a telecommunications tower shall file an application with the Dubuque County Zoning Administrator. The application shall include the following documents, accompanied by a fee as provided in Section 1-95: [Amended June 8, 2001]
- 1-86.1 A site plan, drawn to scale, identifying the telecommunication tower structure site boundary; tower location; tower setback from property lines and height; location of guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting the design of proposed structures, access roads, parking areas, fences, lighting, signage and landscape plans; and existing uses on abutting parcels;
- 1-86.2 A report from a structural engineer containing the following:
- a A report, including a description and visual depiction, showing the visual and aesthetic impact of the tower on the surrounding area, with technical reasons for its design and an explanation of why existing towers or other structures cannot be utilized;
 - b Engineered plans for the structure and foundation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and that the tower meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222 “Structural Standards for Steel Antenna Towers and Antenna Support Structures”;
 - c The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate;
- 1-86.3 Pursuant to Section 1-87.1, letters from owners of telecommunication towers within a four mile radius of the proposed new tower site, including county-owned property, stating that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
- 1-86.4 Evidence that the applicable conditions of Section 1-87 of this ordinance have been met;

- 1-86.5 Additional information as required to determine that all applicable conditions of this ordinance have been met.
- 1-86.6 A fee may be required as provided in Section 1-95.
- 1-87 APPLICABLE CONDITIONS. Any applicant must show that all of the following applicable conditions are met:
- 1-87.1 Prior to consideration of a permit for location on private property which must be acquired or leased, applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A new telecommunication tower is not allowed if technically suitable space can be found on an existing or alternative tower structure which meets the engineering requirements of an applicant's cellular or wireless network or other broadcasting needs within a four mile radius of the proposed new tower site.
- 1-87.2 The applicant must meet all applicable health, nuisance, noise, fire, building and safety code requirements.
- 1-87.3 Where possible, towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted towers and antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black to reduce visual impact.
- 1-87.4 For all registered telecommunications towers, pursuant to Section 1-82, the tower owner must file with the Dubuque County Zoning Administrator, proof of liability insurance of at least one-million dollars (\$1,000,000.00) in the aggregate which may arise from operation of the facility during its life. This information shall be updated annually by the owner.
- 1-87.5 Land use regulations, visibility, fencing, screening, landscaping, parking, access, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the telecommunications tower.
- 1-87.6 All towers will include signage attached to the fencing or mounted on the tower stating the following information: Tower ID#, Site Name, E-911 Address, Emergency Contact name and #, General Information (company name, address and phone number), FCC Registration # and County Registration #.
- 1-87.7 For all telecommunication towers regulated by this ordinance, setbacks on all sides shall be a distance equal to the height of the tower, measured from the base of the structure to the property line.
- 1-87.8 The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of eight feet in height and shrubbery which

will grow to at least eight-feet (8') in height and must be four-feet (4') high when planted.

- 1-87.9 No guy anchors or towers shall be located in an existing easement located on the property. No tower accessories or appurtenances shall defeat the purpose of any easement on the property.

1-88 INSPECTIONS.

- 1-88.1 At the county's discretion or by complaint, telecommunications towers may be required to be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

- 1-88.2 If, upon inspection, a tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Dubuque County Zoning Administrator may order the removal or cause the removal of such tower. All costs for such inspection, repair or removal shall be paid for by the owner of the telecommunication tower.

- 1-89 ABANDONMENT. In the event the use of any telecommunications tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Dubuque County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional one-hundred eighty (180) days within which to (1) Reactivate the use of the tower, or (2) Dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

- 1-90 Reserved.

PART 9 ADMINISTRATION AND ENFORCEMENT

- 1-91 ADMINISTRATIVE OFFICER. The Board of Supervisors shall appoint an Administrative Officer and necessary assistants and it shall be the duty of said Officer to enforce this Ordinance. It shall also be his duty to examine all applications for certificates and permits, issue certificates and permits for

construction and the establishment of uses which are in accordance with the requirements of this Ordinance, record and file all applications for certificates and permits with accompanying plans and documents, and make such reports as the Board of Supervisors or the Board of Adjustment may require. Certificates and permits for construction and uses which are a special exception or variance to requirements of this Ordinance shall be issued only upon order of the Board of Adjustment. The Administrative Officer may be a person holding other public office in the county, or in a city or other governmental subdivision within the county. The Board of Supervisors is authorized to pay to such Officer and necessary assistants out of the general fund such compensation as it shall deem fit.

1-92 ZONING AND OCCUPANCY CERTIFICATES.

- 1-92.1 Zoning Certificates Required. A Zoning Certificate shall be obtained by the administrative officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure, including signs. No contractor shall commence work on a building or structure which requires a zoning certificate until ascertaining that the appropriate zoning certificate has been issued for the building or structure. [Amended May 17, 2004]
- 1-92.2 Occupancy Certificates Required. An Occupancy Certificate shall be obtained from the Administrative Officer before the use or occupancy of any building, structure, mobile home or land, may commence for any use.
- 1-92.3 Procedure for Certificates. To secure a Zoning Certificate and an Occupancy Certificate, the applicant shall file with the Administrative Officer a written application on forms approved by the Zoning Commission and shall state the legal description of the property as of public record and the names of the owner and applicant. The applicant shall describe the uses to be established or expanded, the proposed cost of the erection, construction or structural alteration of the building or structure and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing in duplicate of the lot showing the location of buildings, dimensions of the lot and size of yards. The lot and the location of the building thereon shall be staked out on the ground before construction is started. When public sanitary sewers are not available the application shall include the approval of the Iowa State Department of Health as to plans and specifications of proposed private sanitary sewerage disposal system when said facilities are of a magnitude as to be subject to the State Department of Health requirements.
- 1-92.4 Fees. A fee may be required as provided in Section 1-95 for the issuance of Zoning Certificates and Occupancy Certificates. [Amended May 10, 1999] [Amended June 8, 2001]
- 1-92.5 Payment of Fees. Fees shall be paid to Dubuque County at the office of the Administrative Officer.

- 1-92.6 Construction Notice. The applicant or his agent shall give the Administrative Officer forty-eight (48) hours' notice of beginning date of construction and the Administrative Officer or his duly authorized representative shall have access to such premises from such time on, during construction, for any inspection he deems necessary.
- 1-92.7 Issuance of Certificates. The Administrative Officer shall issue, within seven (7) days of the completed application, a written Zoning Certificate or Occupancy Certificate or denial thereof with reasons in writing from the Administrative Officer, certificates hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction or if the use applied for has not been established within one (1) year. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is completed within one (1) year of the effective date of this Ordinance.
- 1-92.8 Records. All applications for Certificates, Permits and copies of those issued shall be systematically kept for ready public reference by the Administrative Officer, who shall also account to Dubuque County for all fees collected.
- 1-92.9 No zoning or occupancy certificate shall be issued for a residential, commercial or industrial structure located on property where the only public road access is to a road which has been designated area service 'B' by the Board of Supervisors under Iowa Code Section 309.57. [Added June 8, 2001]
- 1-93 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Iowa Statutes.
- 1-94 VIOLATION AND PENALTY.
- 1-94.1 Violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, may institute any proper action to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.
- 1-94.2 Simple Misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be subject to a penalty of not more than \$500.00 and imprisoned for not more than 30 days for each offense. Each day that a violation is permitted by the defendant to exist shall constitute a separate offense. [Amended June 8, 2001]
- 1-94.3. County Infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of

any of the provisions of this ordinance shall be guilty of a county infraction and shall be subject to the penalties and remedies provided in Iowa Code Section 331.307. Each day that a violation occurs or is permitted by the defendant to exist shall constitute a separate infraction. A violation of Section 1-92.1 by a contractor shall constitute a county infraction and not a simple misdemeanor. [Added June 8, 2001] [Amended May 17, 2004]

1-95 FEES. [Added June 8, 2001]

1-95.1 Fees Required. Applications for the following services shall be accompanied by the required fee:

- a Applications for special use permits.
- b Applications for Mobile Home Park and trailer camp park permits under Section 1-61.
- c Applications for temporary occupancy of a mobile home under Section 1-67.
- d Zoning Certificates except for accessory buildings up to 180 square feet.
[Amended March 25, 2002]
- e Occupancy Certificates.
- f Petitions to the Board of Adjustment for appeals, special exceptions and variances.
- g Zoning and Text Amendments to this Ordinance.

1-95.2 Amount of Fee. The amount of each fee shall be established by a resolution of the Dubuque County Board of Supervisors in an official schedule of fees for zoning and development services.

1-95.3 All fees shall be collected by the Zoning Administrator at the time the application is filed.

1-95.4 Fee Exemption. No fee shall be required for applications filed in the public interest by the Board of Supervisors, the Zoning Commission, the Zoning Board of Adjustment or the Zoning Administrator.

1-96 through 1-100 Reserved.

PART 10 BOARD OF ADJUSTMENT

1-101 CREATION AND MEMBERSHIP. A Board of Adjustment, to be hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members appointed by the County Board of Supervisors. The five members of the first Board appointed shall serve terms of one (1), two (2), three (3), and four (4) and five (5) years, respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired time of any member whose term becomes vacant. The County Board of Supervisors shall have power to remove any member of the Board for cause upon written charges and after public hearing. [Amended May 29, 1990]

- 1-102 CHAIRMAN, MEETING AND RECORDS. The Board shall adopt its own rules of procedure, not in conflict with this Ordinance or the Code of Iowa, to enable it to perform its functions and duties. The Board shall elect its own **Chairman**, who shall serve for one (1) year. Such **Chairman**, or in his absence, the acting **Chairman**, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be held at the call of the **Chairman** and at such time and place within the County as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be of public record.
- 1-103 SPECIAL PERMIT USES AND STRUCTURES. A special permit use or structure shall not be granted by the Board of Adjustment unless and until:
- 1-103.1 A written application for a special permit is submitted on forms supplied by the Administrative Officer stating the grounds on which it is requested.
- 1-103.2 **A public hearing shall be held. Any person may appear in person or by agent or attorney.**
- 1-103.3 Notice shall be given at least 15 days in advance of the public hearing by publication in a newspaper of general circulation in Dubuque County, stating the legal description of the property and general statement of its location by including adjacent streets and roads.
- 1-103.4 The Board of Adjustment, in reviewing an application for a **special permit**, shall consider the most appropriate use of the land; the conservation and stabilization of property; adequate open spaces for light and air; concentration of population; congestion of public streets; the promotion of the public safety, morale, health, convenience and comfort; and the general welfare of the persons residing or working in the neighborhood of such use.
- 1-103.5 In addition to the general requirements of this Ordinance in granting a special permit the Board of Adjustment may recommend conditions be attached which it finds are necessary to carry out the purpose of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, require screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.
- 1-103.6 The Board of Adjustment will make its findings and recommendations in writing within forty (40) days after the public hearing on proposed special permit use or structure. All actions by the Board of Adjustment with regard to special permits shall be maintained by the Administrative Officer. The Administrative Officer shall notify the applicant for a special permit use or structure in writing

of the Board of Adjustment's action within seven (7) days after the Board of Adjustment has rendered its decision.

1-104 APPEALS.

1-104.1 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrative Officer. Such appeal shall be taken within thirty (30) days of that grievance by filing with the Administrative Officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of an appeal and shall decide the appeal or application within a reasonable time. It shall give public notice and shall conduct a public hearing before making a decision on any appeal. The provisions of Section 335.6 of the Code of Iowa, relative to official notice of public hearing shall apply. Due notice by letter from the Administrative Officer shall be given to all owners of abutting property to the property for which the variation is sought. The letters shall state the location of the property and a brief description of the nature of the appeal, and shall state the time and place of public hearing.

1-104.2 An appeal stays all proceeding in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the Officer from whom the appeal is taken and on due cause shown.

1-105 POWERS OF BOARD. The Board of Adjustment shall have the following powers:

1-105.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or of the Code of Iowa.

1-105.2 To hear and decide the following special exceptions to the terms of this Ordinance:

- a Those special exceptions of Use, Height and Area Regulations which are enumerated in this Ordinance.
- b Yard variances for lots of record as enumerated in this Ordinance.
- c Exceeding of height limitations as enumerated in this Ordinance.
- d Off-site parking provisions as enumerated in this Ordinance.

- 1-105.3 To authorize upon appeal, in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. The Board shall be satisfied, by the evidence heard before it, that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from special privilege sought by the owner.
- 1-106 DECISION. In exercising the above mentioned powers such Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from or as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- 1-107 **VOTE REQUIRED.** The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.
- 1-108 RELIEF FROM DECISION. Any person or persons, jointly or severally aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board or bureau of Dubuque County, Iowa, may seek such relief through the courts as provided by the Statute.
- 1-109 FEES. A fee may be required as provided in Section 1-95 for petitions for appeal, special exceptions or variances. [Amended August 27, 1979] [Amended June 8, 2001]
- 1-110 1-110 Reserved.

PART 11

CHANGES, AMENDMENTS AND FEES

- 1-111 CHANGES AND AMENDMENTS. The regulations, restrictions and boundaries established by this Ordinance may from time to time, be amended, supplemented, changed, modified or repealed by the Board of Supervisors or by petition for change by any person or corporation who owns some or all of the subject land to be affected by the petition of change; but no such amendments shall be made by the Board of Supervisors without first having received a report on such amendment from the Zoning Commission and without first having given official notice of and having held a public hearing

on such amendment as provided by the Code of Iowa. As part of an ordinance amendment changing land from one zoning district to another zoning district, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations. Such conditions shall only limit the permitted uses listed for the area proposed for rezoning. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case of a protest against such change signed by the owners of twenty (20) per cent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by favorable vote of a majority of the Board of Supervisors. [Amended December 27, 1989]

- 1-112 FEES. A fee may be required as provided in Section 1-95. The Administrator with concurrence of the Chairperson and Vice Chairperson of the Zoning Commission, may waive all or part of said fee and costs, if, in their opinion, the proposed change primarily serves a public rather than a private interest, or where the primary purpose of the proposed change is to correct an error not caused by the applicant. [Amended February 27, 1995] [Amended June 8, 2001]

1-113 through 1-120 Reserved.

PART 12 CONFLICT AND VALIDITY

- 1-121 CONFLICT. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.
- 1-122 VALIDITY. Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.
- 1-123 SEVERABILITY. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 1-124 REPEAL. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1-125 through 1-130 Reserved.

PART 13 ENACTMENT

1-131 This Ordinance shall be in full force and effect one day from and after its final passage, adoption and publication, as provided by law.

ADDENDUM A

[Added May 10, 1999] [Repealed June 8, 2001]

Ms. Henry said that the Moratoriums that are in part 1-22 are going away. She said it does not exist anymore. They moved on to section 1-30 Additions. Ms. Henry explained that any additions to an unincorporated area of the County would automatically be zoned as A-1, Agricultural. She asked the Board if they thought that should stay or be changed to let the properties be zoned to whatever the property is being used as. She explained that if there was a business on the property and automatically reverted to A-1 they would have to ask for a rezoning to continue their business.

Ms. Boyes said she thinks it should revert to the current use of the property at that time.

Ms. Caitlin asked if these could be from the state code. Ms. Henry said she does not know but would first like to get the Boards opinions then ask the County Attorney about the things they are unsure about.

Ms. Henry said she talked to the County Engineer, Anthony Bardgett about part 1-43.2 regarding adequate access to a public street and he said this part makes sense and needs to stay in the ordinance.

The Board and Ms. Henry continued to discuss each section that might need a change:

Section 1-43.4 regarding boats, campers, house trailers or similar vehicles parked in yards. Ms. Boyes thinks this part should list out each residential district, A-2 thru R-5. Mr. Sigwarth said a truck driver should be able to park his truck at his residence. Ms. Henry said that by changing this they would be able to. She also said that vehicles sitting in the yard should be operational and licensed. Mr. Soppe said campers that get parked in yards that make it difficult to see around should not be allowed. Mr. Breitbach asked if there are any organizations that could help them put these changes together. Ms. Boyes asked if Ms. Henry to look into how other counties handle this part.

Section 1-44 regarding vehicular entrances and exits:

Ms. Henry said she spoke with the County Engineer and it is his opinion that this be removed.

Section 1-45 Highway Access:

Ms. Henry said the County Engineer said they should get rid of section 1-45.1 (a, b & c). He said all of these have nothing to do with the County.

Section 1-46.2 Front Yard Setback:

Ms. Henry said the County Engineer said this should stay because it is enforceable and is something he would look at.

Part 5 Modifications-Section 1-51.4 Communications Structures:

Ms. Henry said she thinks the communication structures should be treated the same as a cellular tower and have a fall zone.

Part 6 Mobile Homes, Mobile Home Parks and Trailer Camps:

Ms. Henry said they are not called Trailer Camps anymore they are called Recreational Vehicle Parks which is in the definitions so that will get changed. She said she feels the sentence that says “all mobile homes shall be placed or located only in mobile home parks, or as provided for in the A-1 District” needs to be removed because they do allow mobile homes on a lot. Ms. Scherrman said she agrees and thought you could always put one on a lot.

Section 1-61.1 (a) says they would have to submit six copies of a preliminary plan. Ms. Henry said they have never done this and thinks it should be removed.

Section 1-61.1 (b) Ms. Henry says the Zoning Commission sees these documents first then goes to the Board of Supervisors so this statement is wrong. Ms. Henry said she will check with the County Attorney on this to make sure.

1-61.1 (d) Ms. Henry thought it should say “the Zoning Commission will require” and asked what the Board thought. Ms. Boyes said she agrees and that it should say “will require the owner or representative” to appear before the Zoning Commission. Ms. Caitlin said it should say “the Zoning Commission shall require”

Section 1-61.2 (b) Ms. Henry said she is checking with the Health Department to see what they recommend on this.

Section 1-61.2 (c) Ms. Henry said this may be fire code and she will check on that. Ms. Boyes asked if there is a fire code, can they add that to the Ordinance. Ms. Caitlin suggested that they should say that you have to be compliant with the fire code. It was agreed that that would be a good way to handle this.

Sections 1-62.1 (a, b, c, d & e), 162.2 and 1-63. Ms. Henry said these are all about campgrounds. She said she has been talking to Brian Preston and the Health Department about these sections.

She said Mr. Preston recommended they put something in the ordinance that requires a dumping station. She said she has a lot of research to do on this part. Mr. Runde asked if they could put that the campgrounds have to follow the health codes. Ms. Henry said that possibly they could do that.

Section 1-64 Additions to Mobile homes. Ms. Henry said that maybe they should check on the fire codes pertaining to the fifteen feet clearance between porch's and the next mobile home.

Section 1-66 Permits Not Transferable. Ms. Henry said they have never done this in the past. Mr. Sigwarth said this might be a good idea to keep in the Ordinance because when the park changes ownership the person applying for the permits would have to have their home cleaned up or they do not get their permit. He said it would be a way to keep the parks clean. Mr. Breitbach said this would be a hard thing to enforce. The Board agreed to keep this in the ordinance.

Part 7, Section 1-73.1 Ms. Henry said that she and Ms. Steffens thought the last line of this section should be removed and asked what the Board thought. The Board members agreed that it didn't make sense and wasn't something they have dealt with. Ms. Caitlin said that maybe this is there because if the building starts falling apart there is only so much money you can put into it before it has to conform. The Board agreed to remove this last sentence.

Section 1-75.3 Ms. Henry said this part doesn't make sense because even if you have a small home on a bigger parcel and want to do a big addition you wouldn't be able to. Mr. Breitbach said they should take this out of the ordinance.

Section 1-76 Ms. Henry said once the Board of Adjustment has given an owner permission to make a change to their building in a non-conforming parcel she doesn't think they should have to come back and ask every time they want to make a change to that building.

Section 1-85 Ms. Henry said this needs to be changed to include all the districts except the business districts.

Section 1-91 Ms. Henry said every place in the ordinance that its says "his" they will change it to "his/her" and if it says chairman it will say chairperson.

Section 1-92.3 Ms. Henry said they would remove "dimensional drawing in duplicate" because they do not require this.

Section 1-95.1 (e) Ms. Henry said there is no separate charge for the Occupancy Certificates so this would be removed.

Part 10 Board of Adjustment Section 1-101 Ms. Henry said that this part is correct and will stay in the Ordinance.

Section 1-103.2 Ms. Henry said they want to add that any person can also appear virtually.

Section 1-103.4 Ms. Henry said this should say special use permit.

Ms. Henry said she talked to the County Attorney regarding the A-1 to the A-2 rezoning that he said the Zoning Board should put something in writing whether they are allowing two houses on one parcel or whether they are not allowing it. She said the Zoning Board is going to have to decide how they want to do this.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Runde, seconded by Mr. Soppe to adjourn the meeting. The motion passed unanimously. Vote: 7-0. The meeting ended at 8:33 p.m.