

Notice of Public Hearing
DELAWARE COUNTY ZONING COMMISSION

DATE: Wednesday, May 17, 2023
TIME: 1:00 PM
PLACE: Conference Room (basement), Delaware County Courthouse, 301 E Main St, Manchester, IA

Notice is hereby given that the Delaware County Zoning Commission will meet at the time, date, and place as noted above. The tentative meeting agenda is as follows:

MEETING AGENDA

CALL TO ORDER AND ROLL CALL

APPROVAL OF MINUTES: April 19, 2023

PUBLIC HEARINGS:

The public is invited to ask questions or to comment on the proposals at the public hearings. Written comments may be presented to the Commission at or before the public hearings. The Commission may recommend denial or approval of the proposals to the Board of Supervisors, with or without conditions, within the constraints of the Code of Iowa and the Delaware County Zoning Ordinance.

CASE: 1-23 **Rezoning – Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions in Section 30, Township 88, Delhi Township, Delhi, Iowa**

Applicant: Alex Linderwell, Zoning Administrator

Owner: List on file in Delaware County Zoning Office

Proposal: Rezone Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions from A-1 Agricultural District to R-4 Lake Delhi Residential/Recreational District

CASE: 2-23 **Zoning Ordinance Amendment – Section 2.07 C-2 General Commercial District, Subsection A. Permitted Principal Uses and Structures**

Applicant: Alex Linderwell, Zoning Administrator

Proposal: Amend Section 2.07 A. to read: 3. Any **non-residential** uses and structures permitted in A-1 Agricultural District.

Copies of the proposals are available from the Delaware County Zoning Office. All interested persons are encouraged to attend the public hearings. Oral and written questions and comments are welcome. Written comments may be sent to the Zoning Office address shown below or e-mailed to alinderwell@co.delaware.ia.us.

ITEMS FROM PUBLIC:

At this time, anyone may address the Zoning Commission on matters which are of concern to that person and which are not an agenda item; however, no formal action may be taken at this time because of the requirements of the Iowa Open Meetings Law.

ITEMS FROM COMMISSION: Other Business: Potential Zoning Ordinance Amendments

ITEMS FROM STAFF: Next Meeting

ADJOURNMENT

This notice is given pursuant to Chapter 21, Code of Iowa and applicable local regulations of Delaware County. If you have any questions or comments concerning this notice, please contact Alex Linderwell, Zoning Administrator, Delaware County Courthouse, 301 E Main Street, Manchester, IA by Phone: 563-927-5925, Cell: 563-920-5185; Email: alinderwell@co.delaware.ia.us

DRAFT MINUTES

DELAWARE COUNTY ZONING COMMISSION

1:00 p.m.

Wednesday, April 19, 2023

Conference Room (basement), Delaware County Courthouse

301 E Main Street, Manchester, Iowa

Commissioners Present: Chairperson John Zietlow, Vice Chair Brad Kimmerle, Commissioners Patti Glanz, Dave Kronlage, and Kris Coeey.

Commissioners Excused: None.

Commissioners Absent: None.

Staff Members Present: Zoning Administrator Alex Linderwell, ECIA Senior Planner Laura Carstens.
Peggy Hildebrand Deputy Auditor

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Chairperson Zietlow at 1:00 p.m. and roll call taken. There were no members of the public in attendance.

MINUTES: Motion by Glanz, seconded by Coeey, to approve the minutes of the January 18, 2023 Zoning Commission meeting and the minutes of the February 15, 2023 Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Kimmerle, Glanz, Zietlow, Kronlage, and Coeey; Nay – None.

WORK SESSION:

Zoning Administrator Alex Linderwell explained that the purpose of this work session is to review and discuss potential Zoning Ordinance amendments for clarity and compliance with Iowa Code.

Definitions for Storage Warehouse vs Storage Garage: Mr. Linderwell reviewed storage warehouses are allowed as an accessory use in C-1 and C-2 commercial districts conjunction with a permitted principal use or structure, and they are allowed as a principal use in the I-1 and I-2 industrial districts. He noted that there is no definition for storage warehouse, but there is a definition for storage garage.

Mr. Linderwell noted that he has had requests to build standalone mini-storage rental units, but the accessory use limitation in the commercial districts has stalled some projects. ECIA Senior Planner Laura Carstens suggested staff could review how other counties handle these types of storage rental units and develop a definition for storage warehouse, and then bring the results back to the Commission. Commissioners agreed.

Reference to A-1 Agricultural District in Commercial and Industrial Districts: Mr. Linderwell reviewed Industrial Districts refer to the commercial districts for additional permitted uses and structures. The Commercial districts refer to the Agricultural district for additional permitted uses and structures. However, there are several residential uses in the Ag district that probably would not be a good fit in a commercial or industrial district.

Discussion followed as to what uses would be appropriate and what uses would not be appropriate, inconsistencies between uses in the different districts, and if taxable and non-taxable services could be a way to distinguish uses. Mr. Linderwell suggested they begin by amending the I-1 District to refer only to the non-residential uses and structures in the C-2 Commercial District as a start. Commissioners agreed.

Manufactured, Mobile, and Modular Homes, and Land-Lease Communities: Ms. Carstens explained the Zoning Ordinance has been pre-empted to some extent by recent Iowa Code amendments. She noted ISU Extension and the Iowa League of Cities provide good reviews of the recent updates to Iowa Code, and the impact on cities to regulate these types of dwellings and housing communities. These same impacts apply to counties. She explained the effect of the recent state code amendments on the County's existing regulations is shown in a redline version. The clean version shows the resulting recommended amendments. Discussion followed. Commission consensus was to review and discuss this information at an upcoming meeting.

Home Based Businesses: Ms. Carstens explained the Zoning Ordinance has been pre-empted to some extent by a 2022 amendment to Iowa Code Chapter 335 County Zoning. She explained the effect of the recent state code amendments on the County's existing regulations is shown in a redline version. The clean version shows the resulting recommended amendments. Discussion followed. Commission consensus was to review and discuss this information at an upcoming meeting.

Other potential ordinance amendments: Commissioners had no suggestions for other amendments. Mr. Linderwell indicated staff would bring forward items for discussion as they came up.

ITEMS FROM PUBLIC: None.

ITEMS FROM Commission: Other Business - None.

ITEMS FROM STAFF: Next Meeting - May 17, 2023. Mr. Linderwell explained that there will be a rezoning case at the May 17 meeting initiated by the County for a subdivision in the Lake Delhi area that is zoned A-1 but should be zoned R-4.

ADJOURNMENT: Motion by Kronlage, seconded by Kimmerle, to adjourn the April 19, 2023 Zoning Commission meeting. Motion carried by the following vote: Aye – Kimmerle, Glanz, Zietlow, Kronlage, and Coe; Nay – None. The meeting adjourned at 2:01 p.m.

Respectfully submitted,
Alex Linderwell, Zoning Administrator

Adopted:

Case 1-23

Rezoning:

Lake Pointe Estates and Lake Pointe
Estates 2nd Addition Subdivisions

DELAWARE COUNTY REZONING APPLICATION FORM

FOR ZONING OFFICE USE ONLY – APPLICATION SUBMITTAL CHECKLIST: Existing Zoning: _____ Floodplain: _____				
Fee Paid: _____ Site Plan _____ Date: _____ BOA Docket #: _____ ZC Case #: _____ Zoning Permit #: _____				

PROPERTY OWNER See list	MAILING ADDRESS See list	CITY	STATE	ZIP CODE
EMAIL ADDRESS N/A		DAYTIME PHONE N/A	CELL PHONE N/A	
APPLICANT Zoning Administrator	MAILING ADDRESS 301 E Main St	CITY Manchester	STATE IA	ZIP CODE 52057
EMAIL ADDRESS alinderwell@co.delaware.ia.us		DAYTIME PHONE 563-927-5925	CELL PHONE 563-920-5185	
SITE LOCATION/ADDRESS Lake Pointe Estates and Lake Pointe Estates 2 nd Addition		ZONING A-1 Agricultural	ESTIMATED COST none	
BRIEF LEGAL DESCRIPTION Lake Pointe Estates and Lake Pointe Estates 2nd Addition		PARCEL ID NUMBER(S) See list		
EXISTING USE(S) Single- Family Residential, vacant lots		PROPOSED USE(S) Single-Family Residential		
DESCRIPTION OF PROPOSED PROJECT (ATTACH A LETTER OF EXPLANATION, IF NEEDED): The Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions at Lake Delhi were platted in 2021. One house was started last fall. Only one lot meets the 1-acre minimum of the current A-1 Agricultural zoning. These subdivisions should have been zoned R-4 Lake Delhi Residential/Recreational District. A list of parcels to be rezoned and a map of the recommended rezoning area are attached with the staff report.				
<p>REZONING CHECKLIST: All information itemized below is required for a complete application.</p> <ol style="list-style-type: none"> 1. The application fee and a dated signed application form with the name, address, phone number, email of the applicant and the owner; requested site information; and a description of the proposed project. 2. Completion of the Rezoning Questionnaire on page 2. 3. For proposals to build a new structure or build an addition to an existing structure, a site plan is required showing location and dimensions of property lines, existing and proposed primary and accessory structures, and other project information (see sample site plan on page 3). 4. <i>It is the property owner's responsibility to locate property lines and review the abstract for easements and restrictive covenants, and to contact Delaware County about the need for well and septic system permits, a 911 rural address, and a driveway permit for a new home or a new commercial/industrial structure.</i> <p style="text-align: center;">NO WORK SHALL COMMENCE PRIOR TO ISSUANCE OF ZONING PERMIT</p>				
I hereby certify that I have read and examined this application and know the same to be true and correct, and that the new construction and use will comply with all provisions of the Zoning Ordinance and other applicable building and health ordinances of Delaware County, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of the Zoning Ordinance or other applicable building and health ordinances of Delaware County.				
SIGNATURE OF APPLICANT <i>Alex Linderwell, Zoning Administrator</i>			DATE 04/17/23	
SIGNATURE OF OWNER			DATE	

Return completed application with fee and any other required materials to:

Alex Linderwell, Zoning Administrator, Delaware County Courthouse, 301 E Main Street, Manchester, IA 52057
Phone number: (563) 927-5925 Email: alinderwell@co.delaware.ia.us

REZONING QUESTIONNAIRE

What is the Future Land Use Map Designation of the site? Residential

Relationship to 2012 Delaware County Comprehensive Plan				
How would the rezoning impact each Land Use Goal?	+	-	?	N/A
Plan for the future and orderly development within a regional context.	+			
Protect viable land for agriculture.				N/A
Recognize agricultural lands outside the urban fringe areas as an important natural resource of the region, and to preserve agricultural soils that have historically exhibited high crop yields and are considered most suitable for agricultural production.				N/A
Discourage development of productive agricultural soils by nonfarm uses in the non-fringe areas.				N/A
Encourage farming techniques and soil conservation practices that will protect and conserve top soil and prevent degradation of water resources.				N/A
Minimize conflicts between agriculture and non-farm rural development.	+			
Promote the protection, preservation, and enhancement of bluffs, prairies, wetlands, waterways, scenic views, vegetation, wildlife, and natural areas.				N/A

+ is positive -- is negative ? is unknown **N/A** is not applicable

REZONING STANDARDS FOR REVIEW:

1. Is the current zoning district classification of the property to be rezoned valid? Why or why not?

No, it is not. These subdivisions should have been zoned to R-4 Lake Delhi District.

2. Is there a need for additional land zoned for the purpose requested? Yes Why?

Most of the land in Delaware County is zoned A-1 Agricultural. This zoning will not allow the subdivisions to develop.

3. What impact would the rezoning have on a population density or development in the area?

Minimal impact due to anticipated low density single-family residential uses.

4. What impact would the rezoning have on demand for services and utilities for the area?

Minimal impact due to anticipated low density single-family residential uses.

5. Is the capacity of services and utilities planned for the area enough for the rezoning? Yes, the capacity is enough to serve anticipated low density single-family residential uses.

6. What impact would the rezoning have in generating traffic on existing or planned streets in the vicinity? Minimal impact due to anticipated low density single-family residential uses.

What street improvements will be needed? A platted 266th St. will be extended to a cul-de-sac and a second unnamed street.

7. Does the applicant intend to develop the property to be rezoned diligently and within a reasonable time? Yes. Explain how this will be done. Contractors and homebuilders are ready to begin construction this spring.

Location: Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions, Lake Delhi area

PIN: Numerous, see attached list

Applicant: Alex Linderwell, Zoning Administrator

Proposal: Rezone Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions from A-1 Agricultural District to R-4 Lake Delhi Residential/Recreational District

Section: 30 **Township Number and Name:** 88 Delhi **Range:** 4
Existing Land Use: Residential, vacant **Existing Zoning:** A-1 Agricultural **Floodplain:** Yes
Proposed Land Use: Residential **Proposed Zoning:** R-4 Lake Delhi Residential/Recreational
Surrounding Land Use: **North:** Residential **South:** Ag **East:** Residential, Ag **West:** Ag
Surrounding Zoning: **North:** R-4 **South:** A-1 **East:** R-4 **West:** R-1

Site Characteristics: The heavily-wooded subdivisions encompass 29 parcels. One parcel is a platted road right-of-way (ROW) for extension of 266th Street within the subdivisions to a cul-de-sac and a second unnamed street. There are 2 small lots. There are 26 home lots of at least one-half acre in lot area. The subdivision is in the Allison Creek-Maquoketa River Watershed. 24 parcels are partially in Flood Zone A. Zone A areas have a 1% annual chance of flooding. This flood is also called the 100-year flood. Maps of the recommended rezoning area and various site characteristics are attached.

Details of Applicant’s Proposal: The Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions at Lake Delhi were platted in 2021. One house was started last fall. Only one lot meets the 1-acre minimum of the current A-1 Agricultural zoning. These subdivisions should have been zoned R-4 Lake Delhi Residential/Recreational District. This rezoning can be considered an expansion of the existing R-4 District to the north and east of the subdivisions.

Applicable Zoning Regulations: Section 7.08 Rezonings and Section 2.05 R-4 Lake Delhi Residential/Recreational District.

Other Applicable County Regulations: None.

Relationship to 2012 Comprehensive Plan

Future Land Use Map Designation: Residential

Is the site in the 2-mile urban fringe of a city? Yes, the City of Delhi.

If yes, has the city reviewed the proposal? No. Delhi does not have a comprehensive plan.

How would the rezoning impact each Land Use Goal?	+	-	?	N/A
Plan for the future and orderly development within a regional context.	+			
Protect viable land for agriculture.				N/A
Recognize agricultural lands outside the urban fringe areas as an important natural resource of the region, and to preserve agricultural soils that have historically exhibited high crop yields and are considered most suitable for agricultural production.				N/A

Discourage development of productive agricultural soils by nonfarm uses in the non-fringe areas.				N/A
Encourage farming techniques and soil conservation practices that will protect and conserve top soil and prevent degradation of water resources.				N/A
Minimize conflicts between agriculture and non-farm rural development.	+			
Promote the protection, preservation, and enhancement of bluffs, prairies, wetlands, waterways, scenic views, vegetation, wildlife and natural areas.				N/A

+ is positive - is negative ? is unknown N/A is not applicable

REZONING STANDARDS FOR REVIEW:

Section 7.08 D. Standards for Review. The Zoning Commission shall review the proposed rezoning for conformance to the following standards for review.

1. *Is the current district classification of the property to be rezoned valid?*

No, it is not. These subdivisions should have been zoned to R-4 Lake Delhi Residential/Recreational District.

2. *Is there a need for additional land zoned for the purpose requested?*

Yes. Most of the land in Delaware County is zoned A-1 Agricultural. This zoning will not allow the subdivision to develop. Only one lot meets the 1-acre minimum of the current A-1 Agricultural zoning. These subdivisions should have been zoned R-4 District.

3. *Is proposed change consistent with the Comprehensive Plan, considering such factors as:*

a. *Would the rezoning result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area?*

No, there will be minimal impact due to anticipated low density single-family residential uses.

b. *Would the rezoning result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity?*

No, there will be minimal impact due to anticipated low density single-family residential uses.

c. *Is there intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time?*

Yes. Contractors and homebuilders are ready to begin construction this spring.

Staff Analysis:

With any rezoning request, the big picture needs to be considered. Each zoning district has many permitted uses, and that is what should be considered – not just the applicant’s proposal.

The Lake Pointe Estates and Lake Pointe Estates 2nd Addition subdivisions at Lake Delhi were platted in October 2021. The Lake Pointe Estates Homeowners' Association, Inc. was established in September 2021. One house was started last fall. Only one lot meets the 1-acre minimum of the current A-1 Agricultural zoning. These subdivisions should have been zoned R-4 Lake Delhi Residential/Recreational District with adoption of the Delaware County Zoning Ordinance. R-4 zoning is necessary for homes to be built in the subdivisions.

Section 7.08 E. Recommendation. The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested rezoning subject to this Ordinance.

Iowa Code 335.7 County Zoning requires: The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

Recommended conditions to alleviate negative impacts:

Staff recommends that the Zoning Commission recommend approval of the R-4 rezoning with no conditions.

RECOMMENDED COMMISSION ACTION:

Staff recommends that the Zoning Commission review **Section 7.08 D. Standards for Review** for consideration of rezoning applications. The Commission then should vote to recommend approval, approval with conditions, or deny the proposal based on those standards.

Suggested Format for Motions:

Motion to recommend approval of the rezoning as presented based on the Commission's determination that all standards have been met without conditions, OR with the following condition(s); list the specific condition(s) for the record.

Motion to recommend denial of the rezoning as presented based on the Commission's determination that the following standard(s) have not been met; list the specific standard(s) for the record.

Prepared by: Alex Linderwell, Zoning Administrator

Date: 05/08/23

Attachments:

Rezoning Area Parcel Numbers and Property Owners

Vicinity Map of Subdivisions (Rezoning Area)

Vicinity Map of Parcels, Road ROW, and Zoning

Vicinity Map of Lakes and Rivers

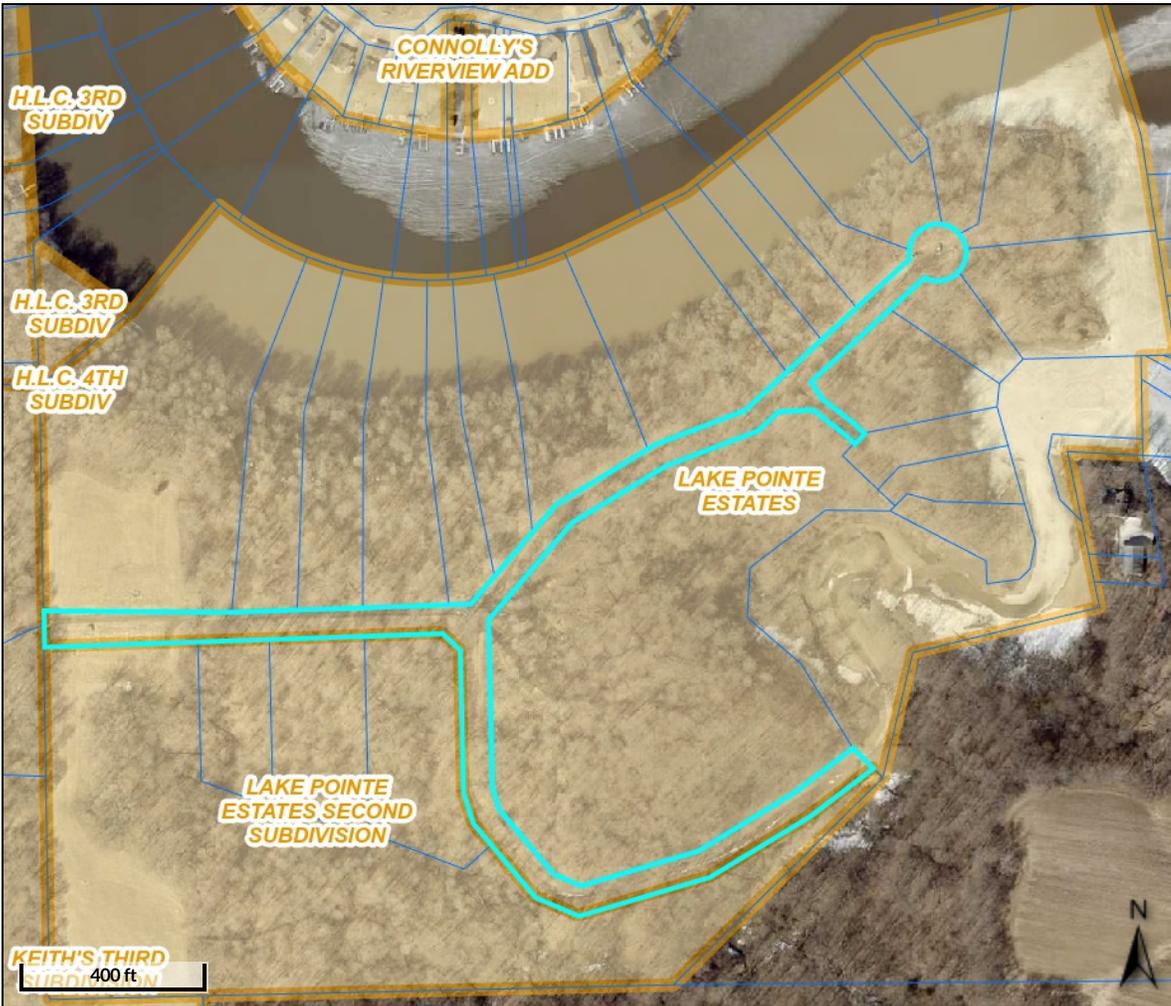
Vicinity Map of Flood Zones

Aerial Map of Parcels within 500 Feet

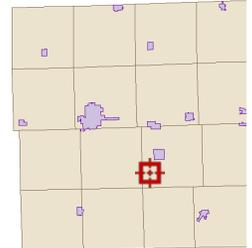
Mailing List of Property Owners in Rezoning Area and within 500 Feet

Lake Pointe Estates Subdivision
Rezoning to R-4 Lake Delhi District

Created by: Zoning Office



Overview



Legend

-  Corporate Limits
- Parcels**
-  BLL
-  Parcel
-  Subdivisions

Parcel ID	220300002700	Alternate ID	n/a	Owner Address	Lake Pointe Estates Homeowners Association Inc
Sec/Twp/Rng	30-88-4	Class	R		1197 Candle Rd
Property Address		Acres	n/a		Manchester, IA 52057
District	DELHI MAQ. V. LAKE FD 12				
Brief Tax Description	LAKE POINTE ESTATES				
	LTE				

(Note: Not to be used on legal documents)

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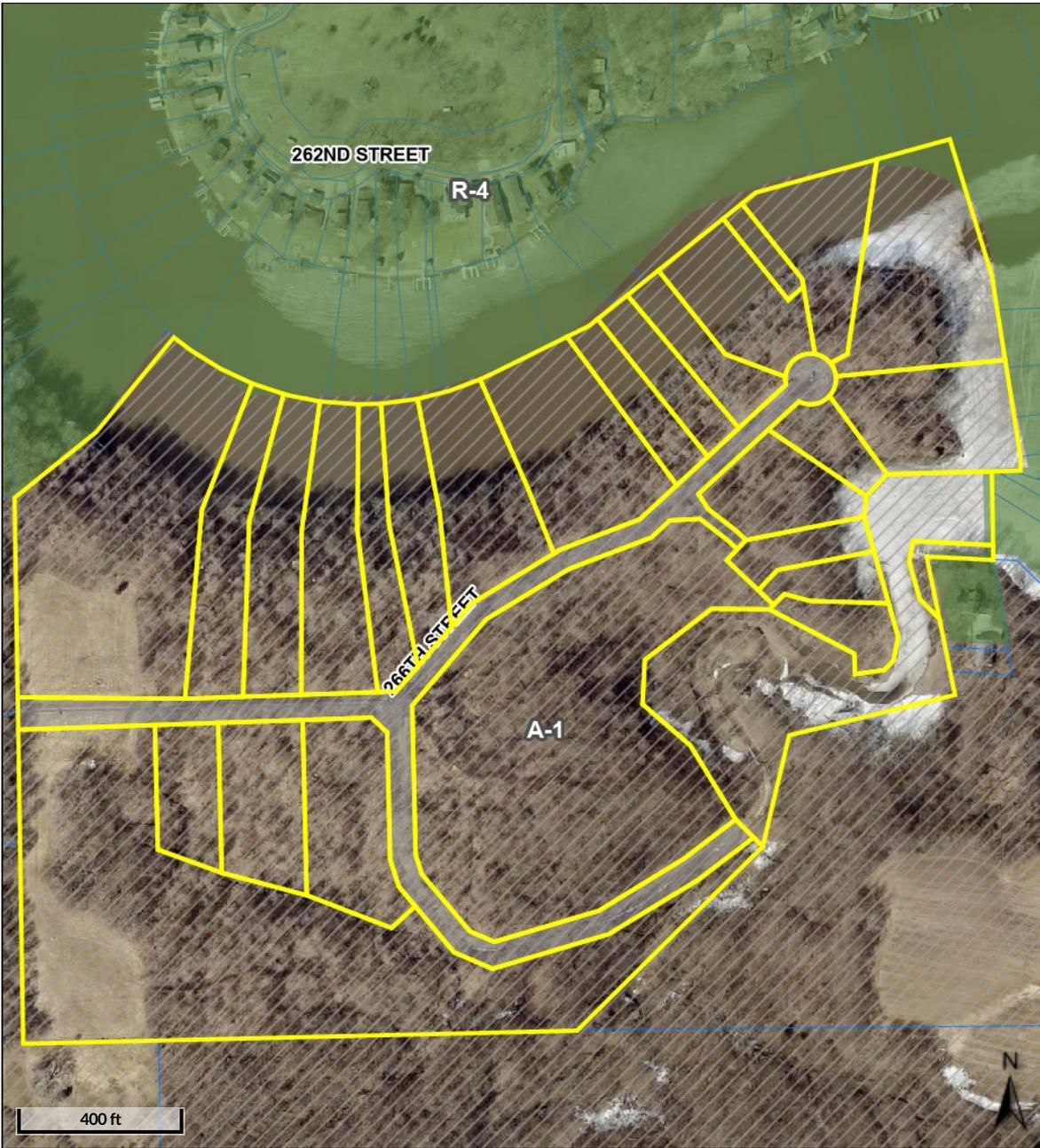
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Lake Pointe Estates Subdivisions: Rezoning Area Parcel IDs and Property Owners

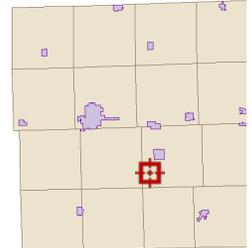
ParcelId	OwnerName	OwnerAddress1	OwnerCityStZip
220300902300	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300902200	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300900100	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300900200	Whittenbaugh, Michael D & Brandy J (DED)	20532 254th St	Delhi, IA 52223
220300900300	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300900400	Mormann, Daniel & Sandra (DED)	39688 Skip Level Rd	Colesburg, IA 52035
220300900500	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300900600	McElligott, Darrell & Nicole (DED)	1308 Evans Dr	Center Point, IA 52213-9252
220300900700	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300900800	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300900900	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901000	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901100	Long, Janne H Revocable Trust, Long, Janne H Trustee (DED)	627 Grand Ave	Keokuk, IA 52632
220300901300	Lake Delhi Combined Recreational Facility &, Water Quality District (DED)	712A Third St	Delhi, IA 52223
220300901200	Long, Janne H Revocable Trust, Long, Janne H Trustee (DED)	627 Grand Ave	Keokuk, IA 52632
220300901400	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901500	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901600	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901700	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901800	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300901900	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300902100	McSweeny, Gregory A & Jennifer J (DED)	23075 265th St	Delhi, IA 52223
220300902000	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300902400	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300002700	Lake Pointe Estates Homeowners Association Inc (DED)	1197 Candle Rd	Manchester, IA 52057
220300902500	Lake Pointe Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300902330	DM Cove LLC (DED)	1197 Candle Rd	Manchester, IA 52057
220300902310	Boies, Justin C & Alyssa C (DED)	214 N Thomas St	Earlville, IA 52041
220300902320	Kositzky, Kenneth & Jenna (DED)	5864 Rock Ridge Dr	Marion, IA 52302

Lake Pointe Estates and Lake Pointe Estates 2nd Addition
 Rezone to R-4 Lake Delhi Residential/Recreational District

Created by: Zoning Office



Overview



Legend

- Corporate Limits
- Political Township
- Parcels**
- BLL
- Parcel
- Roads
- Road Rights-of-Way
- Zoning Districts**
- A-1 Agricultural District
- R-1 Single-Family Residential District
- R-2 Multi-Family Residential District
- R-3 Mobile Home Park District
- R-4 Lake Delhi Residential/Recreational District
- C-1 Mixed Use Commercial District
- C-2 General Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

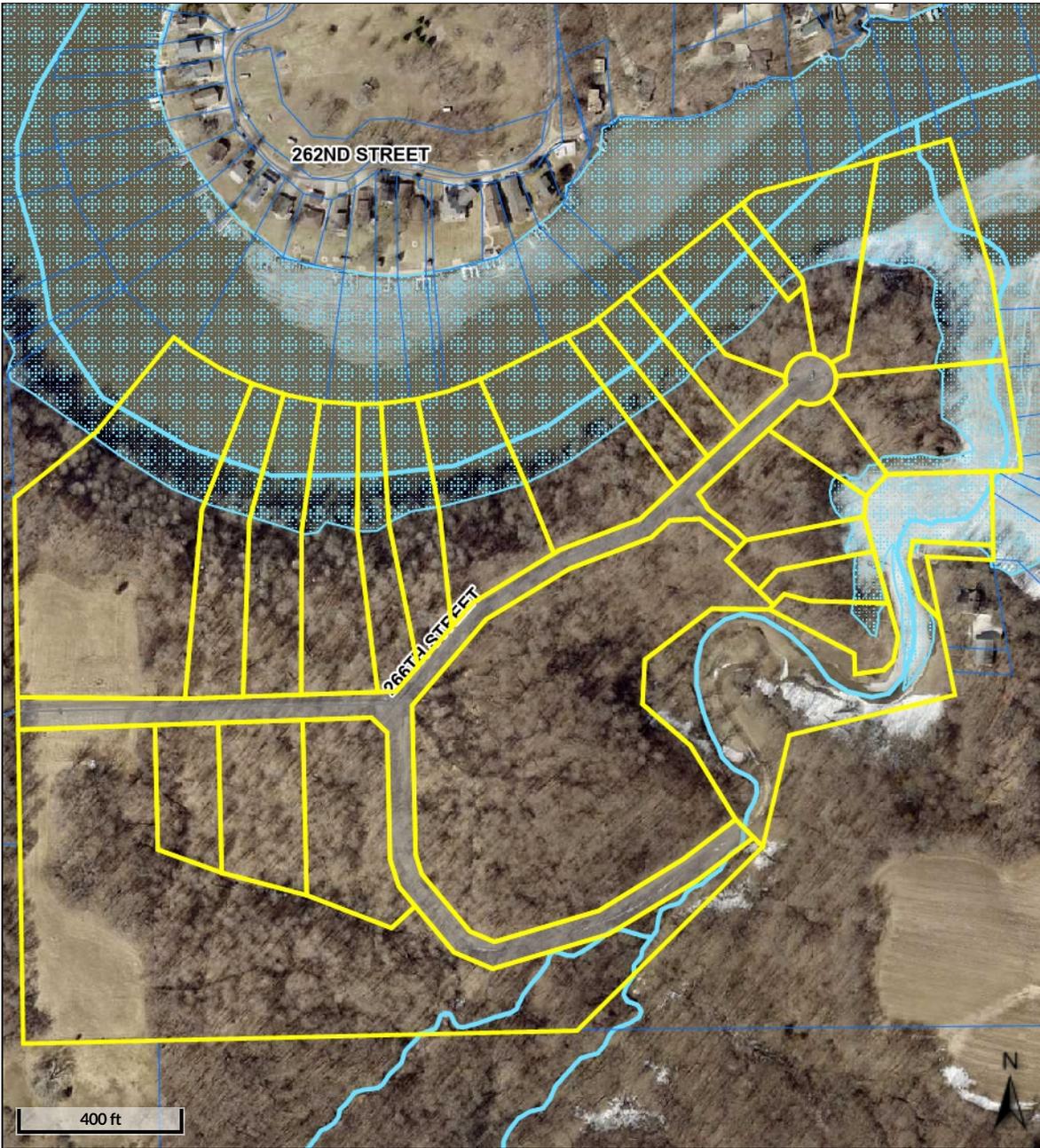
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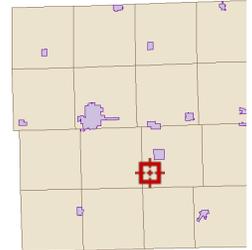
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Lake Pointe Estates and Lake Pointe Estates 2nd Addition
Rezone to R-4 Lake Delhi Residential/Recreational District

Created by: Zoning Office



Overview



Legend

-  Corporate Limits
-  Political Township
- Parcels**
 -  BLL
 -  Parcel
 -  Roads
 -  Road Rights-of-Way
 -  Lakes
 -  Rivers

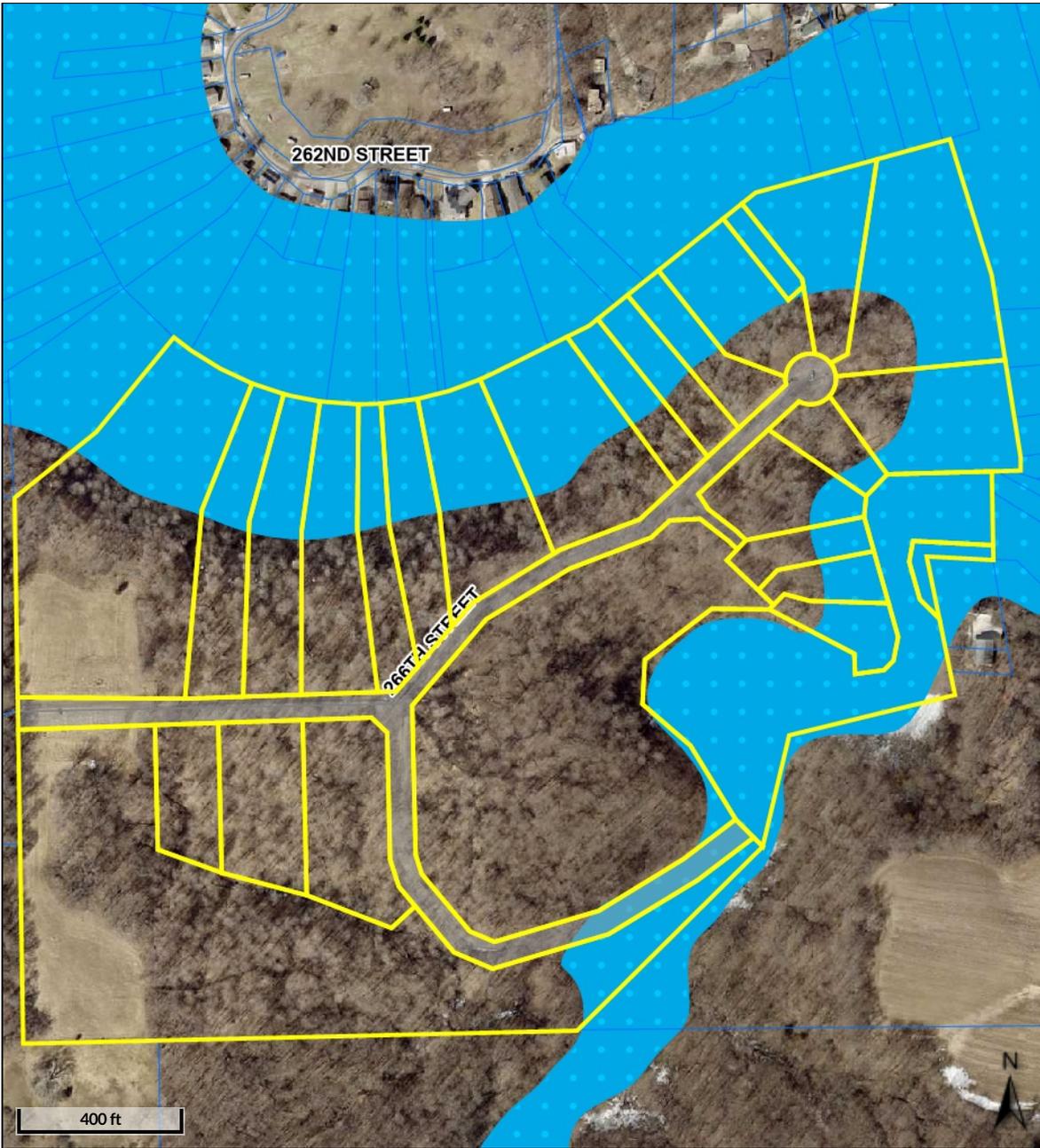
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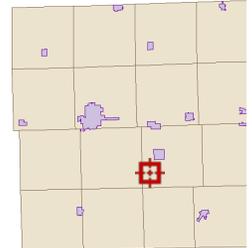
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Lake Pointe Estates and Lake Pointe Estates 2nd Addition
Rezone to R-4 Lake Delhi Residential/Recreational District

Created by: Zoning Office



Overview



Legend

-  Corporate Limits
-  Political Township
- Parcels**
 -  BLL
 -  Parcel
 -  Roads
 -  Road Rights-of-W:
- Flood Hazard Layer (2009)**
 -  A
 -  AE

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Zoning Regulations for the R-4 Lake Delhi Residential/Recreational District

2.05 R-4 Lake Delhi Residential/Recreational District. It is the intent of the R-4 Lake Delhi Residential/Recreational District to allow for the placement and development of temporary, seasonal, and permanent residential dwellings as well as public open space and commercial recreational uses. Uses and structures in the R-4 District also shall be subject to the deed restrictions, covenants, and Iowa Department of Natural Resources regulations applicable to development within the Lake Delhi Combined Recreational Facility and Water Quality District and Lake Delhi Iowa Taxing District.

A. Permitted Principal Uses and Structures. The following permitted principal uses and structures shall be allowed.

1. Bed and Breakfast operation.
2. Camping trailer/motor home.
3. Community meeting or recreation building.
4. Convenience store, gas station, or service station.
5. Daycare center, nursery, or pre-school.
6. Eating and drinking establishments.
7. Hotel, motel, or hostel.
8. Indoor recreation facility.
9. Laundry, dry cleaner, or laundromat.
10. Manufactured home on a permanent foundation.
11. Marina, boat storage, boat ramp, or boat dock.
12. Park and recreation areas.
13. Place of religious or public assembly.
14. Railroads and public utilities.
15. Resort or tourist campground.
16. Single-family dwelling.
17. Summer cabin.

Zoning Regulations for the R-4 Lake Delhi Residential/Recreational District

B. Bulk Regulations. The following bulk regulations shall be met for all uses and structures.

R-4 DISTRICT BULK REGULATIONS		
MINIMUM LOT AREA AND WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
<p>Permanent and Seasonal Single-Family Units:</p> <p>Area: one-half acre (21,780 square feet) of land above ordinary high-water line</p> <p>Width: 60 feet</p> <p>Lawful uses, lots, and structures in existence prior to adoption or amendment of this ordinance shall be regulated by Section 2.10 J. Nonconformities.</p>	<p>Dwellings and Accessory buildings:</p> <p>Front: 15 feet</p> <p>Rear: 15 feet</p> <p>Side: 5 feet</p> <p>Lakeside: 25 feet from ordinary high-water line</p> <p>Commercial / Recreational Uses:</p> <p>Front: 15 feet</p> <p>Rear: 15 feet</p> <p>Side: 15 feet</p> <p>Lakeside: 25 feet from ordinary high-water line</p> <p>Accessory structures:</p> <p>Shall not be erected in any required front yard.</p> <p>If attached, must comply with all front, side, and rear yard requirements.</p> <p>If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	<p>2.5 stories or 35 feet</p>

C. Permitted Accessory Uses and Structures

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to principal use.
3. Private garage, swimming pool and tennis court.
4. Private greenhouse not operated for commercial purposes.

Zoning Regulations for the R-4 Lake Delhi Residential/Recreational District

D. Special Exception Uses and Structures. Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Licensed adult day services.
2. Medical, dental, or healthcare office or clinic.
3. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
 - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
 - b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
 - c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

E. Special Requirements

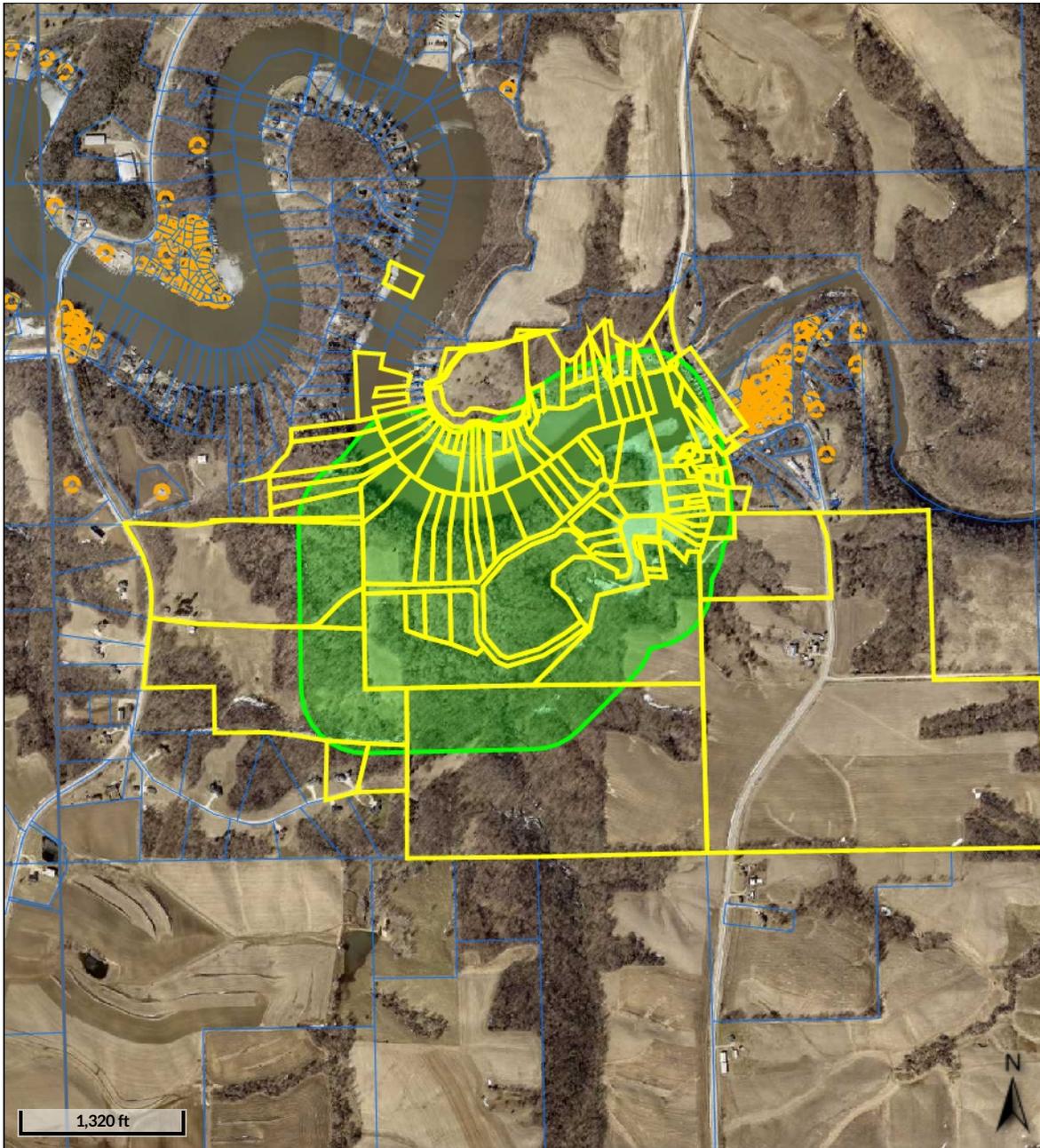
1. All supplemental district regulations pursuant to Section 2.10.
2. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.

F. Sign Requirements. All signs shall comply with regulations pursuant to Section 3.

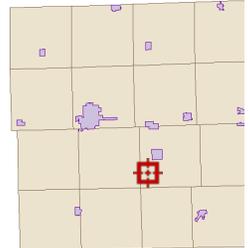
G. Off-Street Parking Requirements. All uses shall comply with regulations pursuant to Section 4.

Lake Pointe Estates and Lake Pointe Estates 2nd Addition
Rezone to R-4 Lake Delhi Residential/Recreational District

Created by: Zoning Office



Overview



Legend

-  Corporate Limits
-  Political Township
- Parcels**
-  BLL
-  Parcel

Disclaimer: All critical information should be independently verified. If you have questions about this site please contact either the Delaware County Auditor's Office at 563 927-4701 or the Delaware County Assessor's Office at 563 927-2526

Date created: 4/17/2023
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Mailing Labels Rezoning Area and Within 500 Feet: Property Owners in Rezoning Area

7RC, LLC, c/o Ries, William (DED)
1822 Hwy 38
Manchester, IA 52057

Banse, Joan (1/3 Int), c/o LKB Partnership (C
39972 Hwy 410
Strawbery Point, IA 52076

Banse, Jon & Margie F, Lake Delhi Assn (C
39972 Hwy 410
P O Box 312
Strawberry Point, IA 52076

Banse, Jon (1/3 Int), c/o LKB Partnership (C
39972 Hwy 410
Strawberry Point, IA 52076

Boies, Justin C & Alyssa C (DED)
214 N Thomas St
Earlville, IA 52041

Brouwer, Kyle L &, Brouwer, Janelle L (DEC
109 Garfield St NW
Cascade, IA 52033

Camp, Douglas D (1/3 Int) (DED)
13142 205th Ave
Anamosa, IA 52205

Camp, Douglas D Et Al (DED)
13142 205th Ave
Anamosa, IA 52205

Camp, Matthew E (1/3 Int), c/o Camp, Doug
13142 205th Ave
Anamosa, IA 52205

Camp, Richard A Sr (1/3 Int), c/o Camp, Do
13142 205th Ave
Anamosa, IA 52205

Christiansen, Randy J & Stacey Lynn (DED)
2662 220th Ave
Delhi, IA 52223

Cooey, Marcheta R et al (DED)
2607 220th Ave
Delhi, IA 52223

Cornell, David E & Janice N (DED)
26511 229th Ave
Delhi, IA 52223-

Dahl, Jon E (DED)
26274 225th Ave
Delhi, IA 52223

Dardis, Gregory A & Tonya L (DED)
3021 Woodland Ridge Dr NE
Iowa City, IA 52240-7900

Decker, William (DED)
22840 262nd St
Delhi, IA 52223

Decker, William R (DED)
22840 262nd St
Delhi, IA 52223

DM Cove LLC (DED)
1197 Candle Rd
Manchester, IA 52057

Ehlers, Bruce Linn & Julie Ann, Lake Delhi
1920 Crabapple Lane
Waterloo, IA 50701

Flannagan, Robert P (DED)
23055 265th St
Delhi, IA 52223

Ford, Timothy Ty & Sandra Kaye (DED)
22710 262nd St
Delhi, IA 52223

Freeman, Carlin S (DED)
26304 225th Ave
Delhi, IA 52223-8513

Funke, Scott J & Joan A (DED)
2156 145th Ave
Manchester, IA 52057

Gaul, Michael J & Eden C (DED)
1027 Highway 13
Strawberry Pt, IA 52076-9032

Goldsmith, Anthony L &, Goldsmith, Ellen (C
26888 Meadowview Lane
PO Box 95
Delhi, IA 52223

Grow, Jillian Marie Runde (DED)
908 Deer Run Dr NE
Cedar Rapids, IA 52402

Herkelman, Stanley & Dawn (DED)
2330 Linden Dr SE
Cedar Rapids, IA 52403

Hilltop Owners Inc, c/o Odell, Mark (DED)
1555 Washington St
Muscatine, IA 52761

Hilltop Owners, Inc., c/o Odell, Mark (CON)
1555 Washington St
Muscatine, IA 52761

Hittenmiller, Scott G & Debra A (DED)
209 10th Ave SW
Dyersville, IA 52040

Holt, Stanley J & Angela S (DED)
22812 263rd St
Delhi, IA 52223

Igram, Selwah Revocable Trust, Igram, Selw
360 Parkland Dr SE
Cedar Rapids, IA 52403

Johnson, Joyce (1/3 Int), c/o LKB Partnersh
39972 Hwy 410
Strawberry Point, IA 52076

Kositzky, Kenneth & Jenna (DED)
5864 Rock Ridge Dr
Marion, IA 52302

Kromminga, Christi K Revocable Trust (1/2 I
14223 Richland Rd
Monticello, IA 52310

Kromminga, Greg & Christi (DED)
14223 Richland Rd
Monticello, IA 52310-

Kromminga, Gregory A Revocable Trust (1/2
14223 Richland Rd
Monticello, IA 52310

Lake Delhi Combined Recreational Facility &
712A Third St
Delhi, IA 52223

Lake Pointe Cove LLC (DED)
1197 Candle Rd
Manchester, IA 52057

Lake Pointe Estates Homeowners Associat
1197 Candle Rd
Manchester, IA 52057

Long, Janne H Revocable Trust, Long, Jann
627 Grand Ave
Keokuk, IA 52632

Mangold, Charles D & Tanya L, Lake Delhi
2313 180th Ave
Manchester, IA 52057

McDermott, Riley (DED)
P O Box 172
Farley, IA 52046-0172

McElligott, Darrell & Nicole (DED)
1308 Evans Dr
Center Point, IA 52213-9252

McNamara, Phaedra M (DED)
340 Floral Dr NW
Cedar Rapids, IA 52405

McSweeny, Gregory A & Jennifer J (DED)
23075 265th St
Delhi, IA 52223

McSweeny, Gregory A & Jennifer J (DED)
725 Blairs Ferry Rd
Marion, IA 52302

Mormann, Daniel & Sandra (DED)
39688 Skip Level Rd
Colesburg, IA 52035

Nation, Kristine (DED)
23091 264th St
Delhi, IA 52223

Niehaus, David L & Judith A (DED)
22881 263rd St
Delhi, IA 52223-8553

Niehaus, Travis D & Jackalin M (CON)
22881 263rd St
Delhi, IA 52223

Odell, Mark S & Mary B (DED)
1555 Washington St
Muscatine, IA 52761-

Penny, Jody Charles & Sheri A (DED)
PO Box 316
Delhi, IA 52223

Peter, Angela K &, Peter, Garth A (DED)
2633 Orchard St
Waterloo, IA 50702

Petersen, Thomas C & Catherine A (DED)
900 2nd St SE Apt 508
Cedar Rapids, IA 52401-2229

Pottebaum, Marty &, Lake Delhi Comb Rec
2725 175th St
Earlville, IA 52041

Pottebaum, Marty (DED)
2725 175th St
Earlville, IA 52041

Rave, Philip J & Tiffany S (DED)
19877 248th St
Manchester, IA 52057

Rayl, Timothy R & Donna (DED)
2331 210th Ave
Delhi, IA 52223-8412

Rieger, John D Revocable Trust, Rieger, Jol
6815 Streeter Rd
Cedar Falls, IA 50613

Roquet, Michael & Ranae (DED)
905 Adrian St
Waterloo, IA 50703

Roussell, Paul & Heidi (DED)
22666 262nd St
Delhi, IA 52223

Schatzle, Kevin J & Cheryl S (DED)
3726 Rogers Rd NW
Cedar Rapids, IA 52405

Schulte, Justine R Revocable Trust (1/2 Int),
PO Box 247
Ely, IA 52227

Schulte, Keith G Revocable Trust (1/2 Int), S
PO Box 247
Ely, IA 52227

Seamans, Joshua C & Laura A (DED)
1583 Hawk Ct NE
Solon, IA 52333

Sheetz, Robert E & Marilyn O (DED)
720 River Forest Rd
Evansdale, IA 50707

Sheetz, Robert Eugene (DED)
c/o Crane, Gene Sheetz
720 River Forest Rd
Evansdale, IA 50707

Sindt, Leonard J Trust, Sindt, Leonard J Tru
22644 262nd St
Delhi, IA 52223

Stachura, Carol Lyons Trust No 1, Stachura
1815 Ashbury Ct
Inverness, IL 60067

Stovie, Kimberly (DED)
2230 Blairsferry Crossing
Hiawatha, IA 52233-7900

Taylor-McVay, Shelly M & McVay, Joey G (D
3817 Tahoe Ln SE
Cedar Rapids, IA 52403

Well No 1 Association, c/o Odell, Mark (DE
1555 Washington St
Muscatine, IA 52761

Well Played LLC (DED)
205 Lillian Ln
Waterloo, IA 50701

Welter, Joyce C Trust, Welter, Joyce C Tru
1052 S Main St
Monticello, IA 52310

Wendt, David C (DED)
22670 262nd St
Delhi, IA 52223

Whittenbaugh, Michael D & Brandy J (DED)
20532 254th St
Delhi, IA 52223

Wilke, Randall R & Debra J (DED)
26539 229th Ave
Delhi, IA 52223-8547

Williams, Greg F & Jill Moffit (DED)
21732 Business Hwy 151
Monticello, IA 52310

Wilson, Eldon J & Velva M Rev Trust, c/o W
2650 230th Ave
Delhi, IA 52223

Yoder, Marvin J & Mary Ann (DED)
2958 220th Ave
Delhi, IA 52223

ORDINANCE #__

AN ORDINANCE AMENDING ORDINANCE #46 DELAWARE COUNTY ZONING ORDINANCE BY CHANGING THE OFFICIAL ZONING MAP BY REZONING THE LAKE POINTE ESTATES AND LAKE POINTE ESTATES 2ND ADDITION SUBDIVISIONS IN SECTION 30, TOWNSHIP 88, DELHI TOWNSHIP, DELHI, IOWA, FROM A-1 AGRICULTURAL DISTRICT TO R-4 LAKE DELHI RESIDENTIAL/RECREATIONAL DISTRICT

Whereas, the Delaware County Zoning Commission has complied with publication and notification requirements, held a public hearing, and filed a final report of their recommendation for the requested rezoning in accordance with the Delaware County Zoning Ordinance.

Be It Enacted by the Board of Supervisors of Delaware County, Iowa:

Section 1. Rezoning. Ordinance #46 Delaware County Zoning Ordinance is hereby amended by changing the Official Zoning Map by rezoning the Lake Pointe Estates and Lake Pointe Estates 2nd Addition Subdivisions in Section 30, Township 88, Delhi Township, Delhi, Iowa, from A-1 Agricultural District to R-4 Lake Delhi Residential/Recreational District, in accordance with Zoning Ordinance Section 7.08 F. Change of Official Zoning Map.

Section 2. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Board of Supervisors on the _____ day of _____, 2023.

Jeff Madlom, Chairperson

Attest:

Carla K. Becker, County Auditor and
Clerk of the Board of Supervisors

Case 2-23

Zoning Ordinance Amendment:
Section 2.07 C-2 General Commercial
District, Subsection A. Permitted
Principal Uses and Structures



April 28, 2023

Alex Linderwell
Delaware County Water and Sanitation
Zoning Administrator
301 E Main St.
Manchester, IA 52057

CASE: 2-23 Zoning Ordinance Amendment – Section 2.07 C-2 General Commercial District, Subsection A. Permitted Principal Uses and Structures

Dear Alex,

This letter transmits a recommendation to the Zoning Commission regarding Case 2-23 for a Zoning Ordinance Amendment to Section 2.07 C-2 General Commercial District, Subsection A. Permitted Principal Uses and Structures for the Commission's consideration at their May 17, 2023 public hearing.

At their April 19, 2023 work session, the Commission discussed that the Industrial districts refer to the Commercial districts and the Commercial districts refer to the Agricultural district for additional permitted uses and structures. The Commission noted that there are several residential uses in the Agricultural district that probably would not be a good fit in a Commercial or Industrial district.

Please see the attachment. The yellow highlights show the references to the other districts. The blue highlights are residential uses in the Agricultural district.

After discussion at their work session, the Commission agreed by consensus with your recommendation to amend the C-2 General Commercial District to refer to only non-residential uses and structures in the A-1 Agricultural District. The effect of the amendment is Section 2.07 Subsection A. would then read (new language in bold text): "3. Any **non-residential** uses and structures permitted in A-1 Agricultural District."

Since this Ordinance Amendment is to clarify the Zoning Ordinance, the recommended motion is for the Zoning Commission to recommend approval of this amendment to the Board of Supervisors. Attached is a draft ordinance for the requested Case 2-23 Zoning Ordinance Amendment to be transmitted to the Board of Supervisors.

Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Carstens".

Laura Carstens, Senior Planner

Attachments

Case 2-23: Reference to Ag Uses and Structures

2.09 I-2 Heavy Industrial District. The I-2 Heavy Industrial District is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land uses.

A. Permitted Principal Uses and Structures. The following permitted principal uses and structures shall be allowed.

1. Any use or structure permitted in the **I-1 District.**
2. Grain storage bins.
3. Grain elevator and feed mill.
4. Manufacturing, fabrication and processing uses that include outside operations.

2.08 I-1 Light Industrial District. The I-1 Light Industrial District is designed to accommodate various industrial and warehousing uses and through the use of appropriate standards, encourage the development of an area that will have minimal adverse effects on adjoining properties.

A. Permitted Principal Uses and Structures. The following permitted principal uses and structures shall be allowed.

1. Any use or structure permitted in **C-2 General Commercial District.**
2. Building fabrication and manufactured home display, sales, service and repair.
3. Distribution, processing, handling, storage, or manufacture of food products.
4. Manufacturing, fabrication and processing uses that are wholly contained within a building and create no offensive noise, dust, odor, vibration, or electrical interference.
5. Wholesaling and warehousing use but not including the bulk storage of liquid fertilizer or petroleum products under pressure.
6. Contractor's shop and enclosed storage yard.
7. Recycling plant, totally enclosed, no exterior storage.
8. Welding, tool, die, machine and repair shop.
9. Railroads and public utilities, including storage building and enclosed maintenance/storage yard.

2.07 C-2 General Commercial District. The C-2 General Commercial District is intended to accommodate uses which ordinarily serve the traveling public and commercial uses which generally require substantial land area and access to a major traffic arterial.

A. Permitted Principal Uses and Structures. The following permitted principal uses and structures shall be allowed.

1. Agricultural supply sales and retail/service outlet.
2. Animal hospital, veterinary clinic, and kennel.
3. Any uses and structures permitted in **A-1 Agricultural District.**
4. Appliance sales, service, repair.
5. Bank or lending institution.
6. Commercial condominium.
7. Drive-in theater.
8. Eating and drinking establishments.
9. Farm implement display, sales, service and repair.
10. Funeral home, mortuary, or crematorium.
11. Furniture sales, upholstery or repair.
12. General office.
13. Hotel, motel, or hostel.
14. Hospital.
15. Indoor recreation facility.
16. Lumberyard or building materials, sales, and storage.

Case 2-23: Reference to Ag Uses and Structures

17. Manufactured home display, sales, service and repair.
18. Medical, dental, or healthcare office or clinic
19. Miniature golf or driving range.
20. Monument marker display and sales.
21. Plant nursery and garden supplies sales.
22. Plumbing, heating, air conditioning, appliances, or sheet metal shop sales, service and repair.
23. Private club or lodge.
24. Radio or television broadcasting station.
25. Resort or tourist campground.
26. Retail sales and services.
27. School of private instruction.
28. Supermarket, grocery, discount, or department store.
29. Truck and freight terminals.
30. Upper story dwelling unit(s).
31. Vehicle display, body shop, sales, rental, service, and repair.

2.01 A-1 Agricultural District. The A-1 Agricultural District includes areas appropriate for agricultural and related uses, and is intended to reserve areas suitable for nonagricultural use until the land is needed for development in accordance with the Comprehensive Plan.

A. Permitted Principal Uses and Structures. The following permitted principal uses and structures shall be allowed.

1. Agriculture, horticulture, dairy farming, livestock farming, poultry farming, livestock waste handling facilities, general farming and other agricultural activities, including a farm house and one (1) mobile home/manufactured home per farmstead.
2. Airport, public or private with landing strip and associated facilities.
3. Any use erected or maintained by a public agency.
4. Bed and Breakfast operation.
5. Cemetery or mausoleum.
6. Community meeting or recreation building.
7. Fairgrounds.
8. Golf course and country club, except miniature golf course or driving range.
9. Hiking and horseback riding trails.
10. Manufactured home on a permanent foundation.
11. Park and recreation areas.
12. Place of religious or public assembly.
13. Public, private or parochial school approved by the state of Iowa (pre-K to 12).
14. Railroads and public utilities.
15. Seed and feed dealership provided, however, there is no showroom or other commercial activities.
16. Single-family dwelling
17. Stable, kennel, veterinary business, located at least fifty (50) feet from all boundary lines of the property on which it is located.
18. Summer cabin.

ORDINANCE #__

AN ORDINANCE AMENDING ORDINANCE #46 DELAWARE COUNTY ZONING ORDINANCE BY AMENDING SECTION 2.07 C-2 GENERAL COMMERCIAL DISTRICT, SUBSECTION A. PERMITTED PRINCIPAL USES AND STRUCTURES TO REFER TO ONLY NON-RESIDENTIAL USES AND STRUCTURES PERMITTED IN A-1 AGRICULTURAL DISTRICT

Whereas, the Delaware County Zoning Commission has complied with publication and notification requirements, held a public hearing, and filed a final report of their recommendation for the requested Case 2-23: Zoning Ordinance Amendment in accordance with the Delaware County Zoning Ordinance.

Be It Enacted by the Board of Supervisors of Delaware County, Iowa:

Section 1. Zoning Ordinance Amendment. Ordinance #46 Delaware County Zoning Ordinance is hereby amended in Section 2.07 C-2 General Commercial District, Subsection A. Permitted Principal Uses and Structures to read (new language in bold text):

“3. Any **non-residential** uses and structures permitted in A-1 Agricultural District.”

Section 2. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Board of Supervisors on the _____ day of _____, 2023.

Jeff Madlom, Chairperson

Attest:

Carla K. Becker, County Auditor and
Clerk of the Board of Supervisors

POTENTIAL

Zoning Ordinance Amendment:

Home-Based Business



May 3, 2023

Alex Linderwell
Delaware County Water and Sanitation
Zoning Administrator
301 E Main St.
Manchester, IA 52057

RE: Ordinance Amendment – Home Based Business draft 05-03-23

Dear Alex,

This letter transmits an updated recommendation to the Zoning Commission regarding new regulations for home-based businesses for the Commission's consideration at their next meeting.

The existing Delaware County Zoning Ordinance has been pre-empted to some extent by a 2022 amendment to Iowa Code Chapter 335 County Zoning. The effect of this new state code on the Delaware County's existing definitions and regulations is shown in the attached REDLINE version of the draft code. The CLEAN version shows the resulting update to the County Zoning Ordinance.

Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, which appears to read "Laura Carstens".

Laura Carstens
Senior Planner

Attachments

Amendment to SECTION 8. DEFINITIONS

The current definitions would be deleted, and replaced with the definitions from Iowa Code below.

NEW DEFINITIONS

Goods. Any merchandise, equipment, products, supplies, or materials in accordance with Iowa Code Section 335.35.

Home-Based Business. Any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates in accordance with Iowa Code Section 335.35.

Home-Based Business, Farmstead. Any home-based business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the farm property on which the business operates.

Amendment to Table of Contents

- 2.10 Supplemental District Regulations.
 - A. Application of District Regulations.
 - B. Exemption from Regulation.
 - C. Height Regulation Exceptions.
 - D. Visibility at Intersection.
 - E. Use of Public Right-of-Way.
 - F. Utility Installation.
 - G. Proposed Use Not Covered in Ordinance.
 - H. Structures to have Access.
 - I. Mobile Homes or Trailers.
 - J. Nonconformities.

 - K. Home-Based Businesses and Farmstead Home-Based Businesses

Amendment to SECTION 2. ZONING DISTRICT REGULATIONS

2.01 A-1 Agricultural District.

C. Permitted Accessory Uses and Structures

4. No use or structure involving the conduct of commercial business on the premises, except for home-based business and farmstead home-based business in accordance with Section 2.10.K. of this ordinance.

2.02 R-1 Single-Family Residential District.

C. Permitted Accessory Uses and Structures

3. No use or structure involving the conduct of business on the premises, except for a home-based business in accordance with Section 2.10.K. of this ordinance.

2.03 R-2 Multi-Family Residential District.

C. Permitted Accessory Uses and Structures

3. No use or structure involving the conduct of business on the premises, except for a home-based business in accordance with Section 2.10.K. of this ordinance.

2.04 R-3 Mobile Home Park District.

C. Permitted Accessory Uses and Structures

3. No use or structure involving the conduct of business on the premises, except for a home-based business in accordance with Section 2.10.K. of this ordinance.

2.10 Supplemental District Regulations. The following provisions, regulations, or exceptions shall apply equally to all zoning districts except as hereinafter provided.

New Subsection

K. Home-Based Business and Farmstead Home-Based Business

Home-based businesses and farmstead home-based businesses shall be permitted as accessory uses, provided they meet the following no-impact provisions and the requirements of the zoning district in which located.

1. Home-Based Business – No Impact. A home-based business for which all the following apply:

- a. The total number of on-site employees and clients does not exceed the County occupancy limit for the residential property, which is: Does not employ more than five (5) persons outside the resident family.
 - b. The business activities are characterized by all the following:
 - I. Are limited to the sale of lawful goods and services.
 - II. Do not generate on-street parking or a substantial increase in traffic through the residential area.
 - III. Occur inside the residential dwelling, an enclosed accessory structure no larger than the principal structure, or in the rear yard of the residential property.
 - IV. Are not visible from an adjacent property or street.
 - c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - d. Has no exterior display, no exterior storage of materials and no other exterior indication of the home-based business or variation from the residential character of the principal building, other than one (1) exterior sign which shall not exceed twelve (12) square feet in area.
 - e. Cannot occupy more than fifty (50) percent of the area of one (1) floor of the dwelling unit.
 - f. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
- 2. Farmstead Home-Based Business – No Impact.** A farmstead home-based business for which all the following apply:
- a. The total number of on-site employees and clients does not exceed the County occupancy limit for the farmstead on the property, which is: Does not employ more than five (5) persons outside the resident family.
 - b. The business activities are characterized by all the following:
 - I. Are limited to the sale of lawful goods and services.
 - II. Do not generate on-street parking or a substantial increase in traffic through the surrounding area.
 - III. Occur within or adjacent to the farmstead dwelling, within an enclosed accessory structure no larger than the principal structure, or within or adjacent to the customary farm outbuildings on the property.

- IV. Are not visible from an adjacent property or street.
- c. Is customarily engaged in on a farm, as a supplementary source of income.
- d. Is clearly incidental and secondary to the operation of the farm.
- e. Has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than one (1) sign, acknowledging the product or service available, which sign shall not exceed twelve (12) square feet in area.
- f. Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.

Amendment to SECTION 8. DEFINITIONS

These current definitions would be deleted, and replaced with the definitions from Iowa Code below.

Home Industry. Any gainful occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof. The accessory building shall not be larger than the principal structure.

Home Occupation. An occupation or a profession which:

- a. Is customarily carried on in a dwelling unit or accessory structure, and
- b. Is owned by a member of the family residing in the dwelling unit, and
- c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- d. Does not employ more than five (5) persons outside the immediate family, and
- e. Has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign which shall not exceed twelve (12) square feet in area, and
- f. Cannot occupy more than fifty (50) percent of the area of one (1) floor of the dwelling unit, and
- g. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

Home Occupation, Farmstead. An occupation customarily engaged in on a farm, as a supplementary source of income, which:

- a. Is clearly incidental and secondary to the operation of the farm, and
- b. Is owned by a member of the family residing in the farmstead dwelling, and
- c. Does not employ more than five (5) persons outside the resident family, and
- d. Is conducted within or adjacent to the farmstead dwelling or the customary farm outbuildings, and
- e. Has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than one (1) sign,

~~acknowledging the product or service available, which sign shall not exceed twelve (12) square feet in area, and~~

~~f.—Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.~~

NEW DEFINITIONS

Goods. Any merchandise, equipment, products, supplies, or materials in accordance with Iowa Code Section 335.35.

Home-Based Business. Any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates in accordance with Iowa Code Section 335.35.

Home-Based Business, Farmstead. Any home-based business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the farm property on which the business operates.

Amendment to Table of Contents

- 2.10 Supplemental District Regulations.
 - A. Application of District Regulations.
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 - C. Height Regulation Exceptions.
 - D. Visibility at Intersection.
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Amendment to SECTION 2. ZONING DISTRICT REGULATIONS

2.01 A-1 Agricultural District.

C. Permitted Accessory Uses and Structures

4. No use or structure involving the conduct of commercial business on the premises, except for home-based business occupation, home industry, and farmstead home-based business occupation located on the same lot or a contiguous lot under the same ownership in accordance with Section 2.10.K. of this ordinance.

2.02 R-1 Single-Family Residential District.

C. Permitted Accessory Uses and Structures

3. No use or structure involving the conduct of business on the premises, except for a home-based business in accordance with Section 2.10.K. of this ordinance. occupation not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.

2.03 R-2 Multi-Family Residential District.

C. Permitted Accessory Uses and Structures

3. No use or structure involving the conduct of business on the premises, except for a home-based business in accordance with Section 2.10.K. of this ordinance. occupation not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.

2.04 R-3 Mobile Home Park District.

C. Permitted Accessory Uses and Structures

3. No use or structure involving the conduct of business on the premises, except for a home-based business in accordance with Section 2.10.K. of this ordinance. occupation not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.

2.10 Supplemental District Regulations. The following provisions, regulations, or exceptions shall apply equally to all zoning districts except as hereinafter provided.

New Subsection K. Home-Based Businesses and Farmstead Home-Based Businesses. Home-based businesses and farmstead home-based businesses shall be permitted as accessory uses, provided they meet the following no-impact provisions and the requirements of the zoning district in which located.

A. Home-Based Business – No Impact. A home-based business for which all the following apply:

1. The total number of on-site employees and clients does not exceed the County occupancy limit for the residential property, which is: Does not employ more than five (5) persons outside the resident family.
2. The business activities are characterized by all the following:
 - a. Are limited to the sale of lawful goods and services.
 - b. Do not generate on-street parking or a substantial increase in traffic through the residential area.
 - c. Occur inside the residential dwelling, an enclosed accessory structure no larger than the principal structure, or in the rear yard of the residential property.
 - d. Are not visible from an adjacent property or street.

1.3. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

2.4. Has no exterior display, no exterior storage of materials and no other exterior indication of the home-based business or variation from the residential character of the principal building, other than one (1) exterior sign which shall not exceed twelve (12) square feet in area.

3.5. Cannot occupy more than fifty (50) percent of the area of one (1) floor of the dwelling unit.

4.6. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

B. Farmstead Home-Based Business – No Impact. A farmstead home-based business for which all the following apply:

1. The total number of on-site employees and clients does not exceed the County occupancy limit for the farmstead on the property, which is: Does not employ more than five (5) persons outside the resident family.
2. The business activities are characterized by all the following:
 - a. Are limited to the sale of lawful goods and services.
 - b. Do not generate on-street parking or a substantial increase in traffic through the surrounding area.

~~a.c.~~ Occur within or adjacent to the farmstead dwelling, within an enclosed accessory structure no larger than the principal structure, or within or adjacent to the customary farm outbuildings on the property.

d. Are not visible from an adjacent property or street.

~~2.3.~~ Is customarily engaged in on a farm, as a supplementary source of income.

~~3.4.~~ Is clearly incidental and secondary to the operation of the farm.

~~4.5.~~ Has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than one (1) sign, acknowledging the product or service available, which sign shall not exceed twelve (12) square feet in area.

~~5.6.~~ Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.