

#12

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S)

Date: March 17, 2016

Weekly Agenda Date: March 22, 2016

DEPARTMENT HEAD / CITIZEN: John Pylelo, Director of Planning and Zoning

SUBJECT: Amendment of Woodbury County Zoning Ordinances

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Give Direction

Other: Informational

Attachments

WORDING FOR AGENDA ITEM: Hold public hearing; and for the 2nd reading for a text amendment to Woodbury County's zoning ordinance as authorized under Section 2.02:3.

EXECUTIVE SUMMARY: On March 15, 2016 your Board held a public hearing and accepted the Zoning Commission; recommendation on this agenda item.

In the latter part of 2015 your Board directed the Planning and Zoning Department and your county's Zoning Commission to study the impact of county ordinances applicable to smaller over the road trucking operations. The study was to be limited to those trucking operations located on parcels qualifying under the zoning ordinance's home occupation use tests. Your Board specifically asked for a study of the impact of one of the home occupation test restrictions which states vehicles and equipment related to the business operation cannot be viewed from outside the parcel. The Planning and Zoning Director has previously reported the Commission's study recommendation to your Board. Your Board then directed the Zoning Commission to proceed toward adoption of the language within the recommendation.

The Commission held the requisite public hearing on February 22, 2016. Significant public testimony was submitted at the hearing from citizens, and a legal representative, requesting the ordinances remain unchanged. Significant public testimony was also offered from citizens supporting the recommended ordinance language change which would grant the potential for the specified relief.

After considering the February 22nd public testimony the Commission voted to make no changes in their initial study recommendation to your Board that certain ordinance text amendments be made. Those language changes recommended are within the zoning ordinance amendment document attached and marked Exhibit "A".

CITIZEN IMPACT: If enacted an opportunity for conditional use permit approval by the Board of Adjustment would be put in place for those citizens operating smaller over the road trucking companies from their residences. The potential would then exist for the trucking operation to become compliant with zoning ordinances even though business vehicles are visible from any off parcel location.

FINANCIAL IMPACT: \$350.00; primarily for legal publication and misc. administrative and meeting fees. All costs are budgeted.

RECOMMENDATION: The Planning and Zoning Commission and the County's zoning staff recommend adoption of the ordinance language within Exhibit "A".

ACTION REQUIRED:

- 1.) To open, hold and then close the public hearing on this agenda item;
- 2.) A motion to accept the Zoning Commission's and staff's recommendation on this agenda item and to approve the 2nd reading of the zoning ordinance amendment language on attached Exhibit "A".

ORDINANCE NO. 39.
WOODBURY COUNTY, IOWA

AN ORDINANCE AMENDING PORTIONS OF SECTION 3.01:4 ENTITLED *LAND USE SUMMARY TABLE OF ALLOWED USES IN EACH ZONING DISTRICT*; AND SECTION 6.02: ENTITLED *DEFINITIONS* OF THE WOODBURY COUNTY, IOWA ZONING ORDINANCES.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGUAGE AMENDMENTS BE MADE:

Amendment #1 –

On page 32: To add the following line item use language within zoning ordinance Section 3.01:4 *Land Use Summary Table of Allowed Uses in each Zoning District*:

“Truck Terminals (Home Occupation Use)”. With placement of the letter **“C”** within the AP (Agricultural Preservation) and AE (Agricultural Estates) zoning districts columns of the table related to this line item use.

Amendment #2 –

On page 38: To change the following line item use language within zoning ordinance Section 3.01:4 *Land Use Summary Table of Allowed Uses in each Zoning District*:

Remove *“Truck Terminals”* and replace with *“Truck Terminals (Non-Home Occupation Use)”*

Amendment #3: On page 93: To add the following language within Section 6.02: *Definitions* as item 6.02:168.01.

“Truck Terminal Operation (Home Occupation Use). A truck terminal operation meeting all Section 4.14 home occupation use tests except the test listed at subsection 4.14:4 stating home occupation and employee vehicles shall be stored either in a building or screened from a public or private road or from adjacent property.”

Adopted this 29th Day of March, 2016

By: _____
Larry Clausen, Supervisor Dated _____

By: _____
Mark Monson, Supervisor Dated _____

By: _____
Jaclyn Smith, Supervisor Dated _____

By: _____
Jeremy Taylor, Chairman Dated _____

By: _____
Matthew Ung, Supervisor Dated _____

ATTEST: _____
Patrick Gill, Auditor

1st Reading: March 15, 2016
2nd Reading: March 22, 2016
3rd Reading and Adoption: March 29, 2016
Effective Date: Upon Publication