



Planning & Zoning Commission Meeting Agenda

Tuesday, August 20, 2024 - 5:00 PM

Newton City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

View this Meeting: Mediacom Channel 12/85/121.12 or www.newtongov.org/cablecast

- I. Call to Order & Roll Call
- II. Review of Minutes of Previous Meeting:
 1. August 6, 2024
- III. Public Hearing
 1. ZOA24-1: Text amendments to the City of Newton Zoning Code - general edits and updates.
- IV. Other Business
 1. Signatures for Rules of Procedure and Bylaws
- V. Adjourn

ADA Compliance: *The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance in being able to participate in the meeting. Please contact the Community Development Department at least 24 hours in advance of the meeting by calling 641-792-6622 to arrange for accommodations to be provided.*

Chair: Dana Woody; **Vice Chair:** Jane Johnson; **Members:** Joshua Cantu, Andrew Elbert, Jeff Holschuh, Don Poynter, Dana VanGilder

**Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
August 6, 2024**

ROLL CALL: Board members present: Cantu, Elbert, Holschuh, Johnson, Poynter, Woody
Board members absent: VanGilder

STAFF PRESENT: Brian Dunkelberger, Senior City Planner
Varsha Borde, City Planner
Craig Armstrong, Development Specialist

A quorum being present, Chair Woody called the meeting to order at 5:00 PM.

Minutes. Minutes of the previous meeting from November 7, 2023 were reviewed. **Motion** by Poynter, **seconded** by Johnson to approve the minutes. **Voice vote**, approved 5-0.

Public Hearing.

1. FP24-1: Arbor Estates, Second Addition final plat – a 28-lot residential subdivision in northeast Newton. City of Newton & NHDC, applicants.

Dunkelberger reviewed the prepared staff report and shared images of the subject property and public improvements installed over the course of the past several months. He also presented clippings from the Newton Zoning Map, the Future Land Use Map from the comprehensive plan, and proposed address numbers for all 28 lots.

Bruce Showalter, Director of Newton Housing Development Corporation, pointed out that a next subdivision phase, if N. 9th Ave E. is extended, could add up to 18 additional lots after this second phase is platted. Showalter offered to answer any questions.

Holschuh and Johnson inquired about Outlot 'A' and what it's purpose would be in connection to the subdivision phase. Dunkelberger answered that it would be consolidated into the Cardinal Pond parcel and used for wetland protection, trail connections, and greenspace.

Cantu joined the meeting at 5:12 PM.

Holschuh asked about the address assignments and several Commissioners were curious about that process. Dunkelberger explained how each number is based on the location of access to the public right-of-way for local EMS, mail/delivery services, etc.

Cantu inquired about zoning in Arbor Estates, Second Addition, and he specifically wanted to know if any conflicts existed with the proposed duplexes along N. 10th Ave. E. Dunkelberger confirmed that the zoning was appropriate for the proposed residential development in this subdivision and that all lots exceeded the minimum established requirements.

Johnson asked about sidewalks in the area and expressed concerns with children walking on the street. Dunkelberger clarified that sidewalks are required to be installed at the time of development of each lot, as per the Subdivision Code.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter to close the public hearing, **seconded** by Johnson. Voice Vote: approved 6-0.

Commissioners expressed excitement for the new subdivision and development in Newton.

Motion by Elbert to recommend approval of FP24-1: Arbor Estates, Second Addition final plat as presented, **seconded** by Poynter. Roll Call Vote: approved 6-0.

New Business.

1. Rules of Procedure and Bylaws.

Dunkelberger reviewed a select few rules contained within the document, then asked if any Commissioners had feedback or questions about the rules. Discussion ensued about expectations for future meetings. Cantu suggested the Commission should consider a time limit to avoid ambiguity or conflicts during a meeting. Commissioners agreed at directed staff to implement the change in the document.

Motion by Johnson to approve the Planning & Zoning Commission Rules and Bylaws, with the understanding that the discussed amendments would be implemented and Commissioners would sign the document at a future meeting, **seconded** by Poynter. Roll Call Vote: approved 6-0.

2. Next meeting date.

Dunkelberger shared that a future meeting date needed to be scheduled. It was understood that a quorum could be achieved on August 20, 2024, so staff confirmed that preparations for that date would begin.

Motion by Elbert to adjourn the meeting, **seconded** by Poynter. **Voice vote**, approved 6-0. Meeting was adjourned at 6:15 PM.

Planning & Zoning Commission Staff Report: ZOA24-1

Applicant: City of Newton

Proposal: To amend the City of Newton Zoning Code – general edits and updates

Proposal: To amend the Newton Zoning Code (Ch. 158). The proposed ordinance amendments involve general edits and updates to further clarify regulations found in the chapter and in accordance with the adopted *Envision Newton 2042* Comprehensive Plan.

Analysis: City Staff regularly reviews the Zoning Code and identifies errors or needed changes throughout each year. This process was pursued around the same time in 2023, and staff intends to pursue it at least annually to ensure the code is updated and aligns with the vision, goals, and action steps outlined by the comprehensive plan along with applicable state and federal laws.

The primary changes are summarized as follows:

- 158.003 - Agriculture – update definition to prevent confusion about how such regulations are applied in Newton.
- 158.003 - Front Lot Line – remove outdated language and update definition to prevent confusion and reflect the rest of the code.
- 158.020 - R-4 Zoning – move single-family dwellings to conditional uses.
- 158.023 - C-A Zoning – move single-family dwellings to conditional uses.
- 158.024 - C-N Zoning – update regulations and reduce transitional yard requirement to be consistent with the rest of the code.
- 158.026 - C-T Zoning – remove typo and replace “C-A” with “C-T” in section (F).
- 158.028 - I-L Zoning – update residential conditional use to be consistent with C-A language; add size regulations to be consistent with I-H district.
- 158.118 – Wind Energy Conversion Systems – fix typos.
- 158.120 – Towers and Wireless Communication Facilities – fix typos.
- 158.139 - Parking Regulations – remove outdated reference to previous code.
- 158.176 – ZBA – remove “other appointive office” restriction for members and outdated reference.
- 158.178 – Posted signs – clarify language by removing City Council requirement.

Notice of Proposal: The Notice of the meeting and proposal was published in the Newton Daily News on August 13, 2024.

Recommendation: Staff recommends approval of the proposed zoning text amendments.

ZOA24-1 - ATTACHMENT:

The Code of Ordinances, City of Newton, Iowa, Title XV: LAND USAGE, Chapter 158: ZONING, is hereby amended by **adding** or **deleting** the following:

§ 158.003 DEFINITIONS.

AGRICULTURE. The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that, the operation of any such accessory use shall be secondary to that of normal agricultural activities; and, provided further that, the above uses shall not include the operation of a commercial feed lot. **The conditions of use regulated under § 158.016 (b) of this chapter shall apply to any zoning district that identifies AGRICULTURE as a permitted or conditional use.**

LOT LINE, FRONT. A lot line separating the lot from the street. **Corner lots have two FRONT LOT LINES for the purpose of this chapter. On corner lots, the front lot line is the shortest street dimension; except that, if the lot is square or almost square with dimensions at the ratio of from 3:2 to 3:3, then the front lot line may be along either street.**

§ 158.020 R-4: MULTI-FAMILY RESIDENTIAL.

(D) Conditional uses. The following uses may be allowed in the R-4: Multi-Family Residential District upon approval of a conditional use permit by the Zoning Board of Adjustment:

- (1) CLUBS, LODGES, FRATERNITIES, SORORITIES AND THE LIKE;
- (2) BED AND BREAKFAST INN;
- (3) SINGLE-FAMILY DWELLINGS**
- (4) TEA ROOM OR TEA HOUSE; AND**
- (5) ACCESSORY BUILDINGS AND USES WITH A BUILDING FOOTPRINT GREATER THAN 1,000 SQUARE FEET.**

§ 158.023 C-A: ARTERIAL COMMERCIAL.

(B) Locational criteria. The C-A: Arterial Commercial District is appropriately located adjacent to primary arterials and expressways. It should be well buffered from low-density residential uses and particular care given to addressing traffic issues.

- (14) **One through Multi-family dwellings** up to 25 units per acre; and

(D) Conditional uses. The following uses may be allowed in the C-A: Arterial Commercial District upon approval of a conditional use permit by the zoning board of adjustment:

- (4) Outdoor display for the permitted sale of goods and services allowed or defined as conditional uses in this district; **and**
- (5) Paintball facility; **and**
- (6) Single-Family Dwellings**

§ 158.024 C-N: NEIGHBORHOOD COMMERCIAL.

(E) Size regulations. The following minimum and maximum size regulations shall apply in the C-N: Neighborhood Commercial District:

- (1) Minimum lot size: **5,000 10,000** square feet;
- (3) Minimum lot dimensions:
 - (a) Lot frontage: **50 100** feet;
 - (b) Lot depth: 100 feet; and
 - (c) Lot width: **50 100** feet.
- (5) Minimum building dimensions: width - **22 20** feet for 75% of its length.

(F) Special provisions. The following special provisions shall apply for all uses in the C-N: Neighborhood Commercial District.

(2) Transitional yards shall be provided where the rear or side lot line coincides with a side or rear lot line of a residential district. In such circumstances the minimum setback shall be **25 50** feet and shall be fully landscaped and screened...

§ 158.026 C-T: TOURISM ORIENTED COMMERCIAL DISTRICT.

(F) Size regulations. The following minimum and maximum size regulations shall apply in the **C-T: Tourism Oriented Commercial District** ~~C-A: Arterial Commercial District~~

§ 158.028 I-L: LIGHT INDUSTRIAL.

(D) Conditional uses. The following uses may be allowed in the I-L: Light Industrial District upon approval of a conditional use permit by the Zoning Board of Adjustment:

(7) One- through **12 Multi-family** residences **up to 25 units per acre**;

(E) Size regulations. The following minimum and maximum size regulations shall apply in the I-L: Light Industrial District:

(1) Maximum building dimensions: **height – 50 feet.**

(A) Height: 50 feet; and

(B) Lot coverage: 50%.

SPECIFIC REGULATIONS

§ 158.118 WIND ENERGY CONVERSION SYSTEMS.

(A) Purpose and applicability.

(3) This section applies to all wind energy conversion systems (WECS) located on privately owned or **publically publicly** owned property. ...

(B) General guidelines.

(a) Setbacks.

1. Privately or **publically publicly** owned lots. ...

(b) Height.

1. Privately or **publically publicly** owned parcels and platted lots. ...

§ 158.120 TOWERS AND WIRELESS COMMUNICATION FACILITIES.

(A) Purpose and applicability.

(1) ... Wireless communication facilities proposed for installation in the public right-of-way or other **publically publicly** owned property shall be a part of networks or systems available for use by citizens, businesses, and the general public.

(3) ... This section applies to all freestanding or building-mounted towers and wireless communication facilities located on privately owned or **publically publicly** owned property.

(B) General guidelines.

(a) Setbacks.

1. Privately or **publically publicly** owned lots. The minimum distance between any freestanding towers or wireless communication facilities on a privately or **publically publicly** owned lot and any property line shall be a distance that is equivalent to the height (100%) of the total system height. ...

2. City public right-of-way. ... Setbacks, or offsets, shall be determined on a **case-by-case** basis for any proposed freestanding tower or wireless communication facility located near existing underground utility mains, services, or lines - both **publically publicly** and privately owned. ...

(b) Height.

1. Privately or **publically publicly** owned lots. ...

(C) Conditional use permit requirement. Towers and wireless communication facilities are recognized to be necessary and desired by some property owners to conduct activities on a given property.

(1) Towers and wireless communication facilities are conditional uses in all zoning districts if the proposed location is on a privately owned or **publically publicly** owned lot, provided that the setback and height requirements can be met. ...

§ 158.139 SCHEDULE OF PARKING REQUIREMENTS.

(G) Commercial.

Other commercial uses **not listed as listed in 34.04**

§ 158.176 ZONING BOARD OF ADJUSTMENT.

(A) General. A Board of Adjustment is hereby created, such Board to consist of five members appointed by the City Council. All members shall be residents of the city. No member of the Board shall hold other elective **or appointive** office in the city or county government. **(see § 158.003 of this chapter for extra-territorial members.)**

§ 158.178 PERMITS AND PROCEDURES.

(A) Notice by posted sign. The developer or applicant for any project that requires a public hearing before a board, **or** commission, **or** **city council** shall be responsible for posting a physical sign in a conspicuous place on the property upon which action is pending. ...

Section VIII. Commission Signatures

In accordance with Ch. 414 of the Iowa Code and Ch. 158 of the Newton City Code – both of which establish requirements of the Planning & Zoning Commission (the “Commission”) to adopt rules to carry out the provisions of the Newton Zoning Ordinance – the following rules of procedure and bylaws are hereby adopted by the Newton Planning & Zoning Commission.

Andrew Elbert, _____ Date _____

Dana VanGilder, _____ Date _____

Jeff Holschuh, _____ Date _____

Josh Cantu, _____ Date _____

Don Poynter, _____ Date _____

Jane Johnson, Vice Chair _____ Date _____

Dana Woody, Chair _____ Date _____

The rules of procedure and bylaws found herein may be amended whenever necessary or when it is in the best interest of the Commission, provided that such an amendment is proposed in writing and approved by a simple majority of the Commission (at least four members). If approved, the Zoning Administrator shall update the official document and it shall be maintained at the Newton Community Development Department offices.