Planning & Zoning Commission

Meeting Agenda

Tuesday, July 11, 2023 - 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. June 20, 2023

III. Public Hearing

1. PP23-1: Arbor Estates Second Addition (revised) preliminary plat, a residential subdivision in northeast Newton.
2. ZOA23-1: Text amendments to the City of Newton Zoning Code - general edits and updates.

IV. Old Business

V. New Business

VI. 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
June 20, 2023

ROLL CALL: Board members present: Elbert, Johnson, Poynter, Woody

Board members absent: Cantu, Holschuh, Van Gilder

STAFF PRESENT: Brian Dunkelberger, City Planner

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

Minutes. Minutes of the previous meeting from May 16, 2023 were reviewed. **Motion** by Poynter, **seconded** by Johnson to approve the minutes as written. **Voice vote**, approved 4-0.

Public Hearing.

1. FP23-1: Final Plat for Stelpflug Addition, a 7-lot residential subdivision at 1404 1st Avenue West. 2B Constructed Inc., applicant.

Dunkelberger reviewed the prepared staff report and shared an aerial map of the subject property and the final plat. The proposal is to replat the property into 7 new lots, all fronting onto W. 15th St. Pl. N. Dunkelberger reviewed the platting process, shared information from *Envision Newton 2042 (*the adopted comprehensive plan), and provided additional information about the history of the proposed development. Discussion ensued about the subdivision and platting process.

Johnson inquired about sidewalk connections and safe routes to schools such as Thomas Jefferson. Dunkelberger described how the Subdivision Code requires sidewalks to be installed at the time lots are developed or as otherwise directed by City Council (no waiver request was submitted as part of this review). In regards to connections in existing neighborhoods, that could be explored as part of a program or initiative but it would be a separate undertaking.

Craig Decker, 303 W. 16th St. N., expressed concerns about several potential impacts resulting from the 7 new homes. First, he shared concerns about utility infrastructure and questioned if existing capacity would be sufficient to accommodate the 7 new homes. Next, he described worries about traffic and parking problems created by the new homes. Finally, Decker inquired about construction activity at the site and impacts on the street. Dunkelberger answered and provided specific information pertaining to each of Decker's concerns.

Discussion about the concerns and review of plans provided by the applicant for potential homes at the 7 new lots.

With no additional public input, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter, **seconded** by Elbert to close the public hearing. Voice Vote: approved 4-0.

Johnson reiterated her concern about pedestrian and traffic safety. She suggested that efforts be continued to establish sidewalk connections for safe routes to schools and to ensure no negative impacts to the neighborhood are caused by the new development. Discussion ensued regarding such issues. Dunkelberger reminded Commissioners that such issues touch upon a much grander

scale, whereas the final plat they were reviewing was just one piece of the puzzle and the primary focus of the public hearing.

Motion by Johnson to recommend approval of FP23-1: a final plat for Stelpflug Addition, **seconded** by Poynter. Roll Call Vote: approved 4-0.

Old Business.

Dunkelberger shared a brief update regarding Arbor Estates Second Addition.

New Business.

Dunkelberger introduced new Commissioner, Andy Elbert, and asked him to share a little bit about himself. Pleasantries were exchanged and he was thanked for his willingness to serve.

Discussion about an upcoming meeting date.

Motion by Poynter to adjourn the meeting, s**econded** by Johnson. **Voice vote,** approved 4-0. Meeting was adjourned at 5:28 PM.

Planning & Zoning Commission Staff Report: PP23-1

Applicant:	City of Newton
Proposal:	Proposed subdivision of land creating new residential lots
Location:	Parcel 0826426008; extensions of E. 23rd St. N. & E. 26th St. N.; N. 10th Ave. E. cul-de-sac
Current Use:	Agricultural
Current Zoning:	R-1, R-2, and R-3

- Arbor Estates Second Addition was originally presented to the P&Z Commission on 5/2/2023, the Commission recommended approval, and it was approved by City Council on 5/15/2023. Shortly thereafter, the idea of incorporating the N. 10th Ave. E. cul-de-sac (northwest of Cardinal Pond) was introduced, and necessary adjustments to the design of the subdivision were recognized. Therefore, another review by the Commission and City Council is required before any public improvements may be constructed.

- The revised Arbor Estates Second Addition is a 28-lot residential subdivision located in northeast Newton and it will include extensions of both East 23rd Street North (connecting to North 11th Avenue East), East 26th Street North (cul-de-sac east of Cardinal Pond), and the North 10th Avenue East (cul-de-sac NW of Cardinal Pond) as an add-alternate.

- The minimum zoning requirements of the R-1, R-2, and R-3 zoning districts for single-family homes are as follows:
    - Building Setbacks:
        - R-1: Front - 30 feet, Side - 8 feet, Rear – 30 feet
        - R-2 and R-3: Front - 25 feet, Side - 8 feet, Rear – 25 feet
    - Minimum Lot Size:
        - R-1: 9,000 sq. ft.; R-2: 8,000 sq. ft.; R-3: 7,000 sq. ft.
    - Minimum Lot Dimensions:
        - Lot Width: R-1: 70 feet; R-2: 65 feet; R-3: 60 feet
        - Lot Depth (all): 120 feet
    - Lot coverage (all): 40%

- Each lot exceeds the minimum bulk zoning requirements of the zoning classifications.

- The project area drains (generally)

outward away from the proposed rights-of-way locations towards rear yards. This provides developers and builders the opportunity to incorporate “walk-out” basements. The preliminary plat includes dedicated areas to be reserved for storm sewer & storm water flowage easements in addition to the grading work already completed/to be scheduled.

- Notice of the meeting was sent to all neighbors within 200 feet of the subject property. Notice of the meeting was also published in the *Newton Daily News.*

- *Envision Newton 2042*, the comprehensive plan, shows the subject area on the future land use map as mostly single-family residential with multi-family residential to the west. Generally speaking, future land use maps are intended to serve as broad guides for future development but do not always translate to actual outcomes. Regardless, the comprehensive plan specifically recognizes the benefit of residential land uses in the area.

- Housing is an integral component of community development and growth, and it was considered a top priority by respondents throughout the planning process, thus being established as a foundation for the new comprehensive plan and Newton’s future. In fact, an entire study and housing assessment was created as part of the comprehensive plan, and various goals are tied directly to housing.

- All local utilities and city departments have received a copy of the revised preliminary plat and were able to provide comments. That feedback will be shared during the meeting and shall be addressed prior to the City Council review and any final approval.

- Review of the Preliminary Plat Process: (step by step)
  1.) Pre-application Conference with Staff
  2.) Submittal of Application
  3.) Notice to property owners within 200’ of subject area and *Newton Daily News*
  4.) Planning and Zoning Review
      a. Consider conformity with the Adopted Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance
      b. Consider recommendations of the City Planner or other reviewing agencies
  5.) Planning and Zoning Action
      a. Expressed recommendation of approval or disapproval to the City Council. Any recommendation of approval shall include conditions of such approval.
  6.) City Council Action
  7.) Begin construction of the subdivision public improvements
  8.) Final Plat process after the completion of the public improvements

Recommendation: Staff finds that the preliminary plat is supported by the comprehensive plan and accommodates development of new residential lots and a new street connection for the neighborhoods to the south. This addition would also encourage future phases that could accommodate development of residential lots along a future N. 9th Ave. E. connection and to the west. Staff recommends approval of the preliminary plat noting that all neighborhood comments and questions are addressed during the public hearing or prior to City Council review.

NEWTON HOUSING DEVELOPMENT CORPORATION

PRELIMINARY PLAT FOR

ARBOR ESTATES SECOND ADDITON

JULY 2023

GOVERNING SPECIFICATIONS

THE 2023 EDITION OF THE "IOWA STATEWIDE URBAN SPECIFICATIONS FOR PUBLIC IMPROVEMENTS" (SUDAS) AND 2019 CITY OF NEWTON SUPPLEMENTAL SPECIFICATIONS TO THE 2019 EDITION OF THE SUDAS STANDARD SPECIFICATIONS.

IOWA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION", VERSION OCTOBER 2015 AND ALL CURRENT GENERAL SUPPLEMENTAL SPECIFICATIONS AND MATERIALS INSTRUCTIONAL MEMORANDUM SHALL GOVERN AS REFERENCED.

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

MUTCD 2009 AS ADOPTED BY IOWA DEPARTMENT OF TRANSPORTATION.

IOWA ONE CALL
1-800-292-8989
www.iowaonecall.com
811

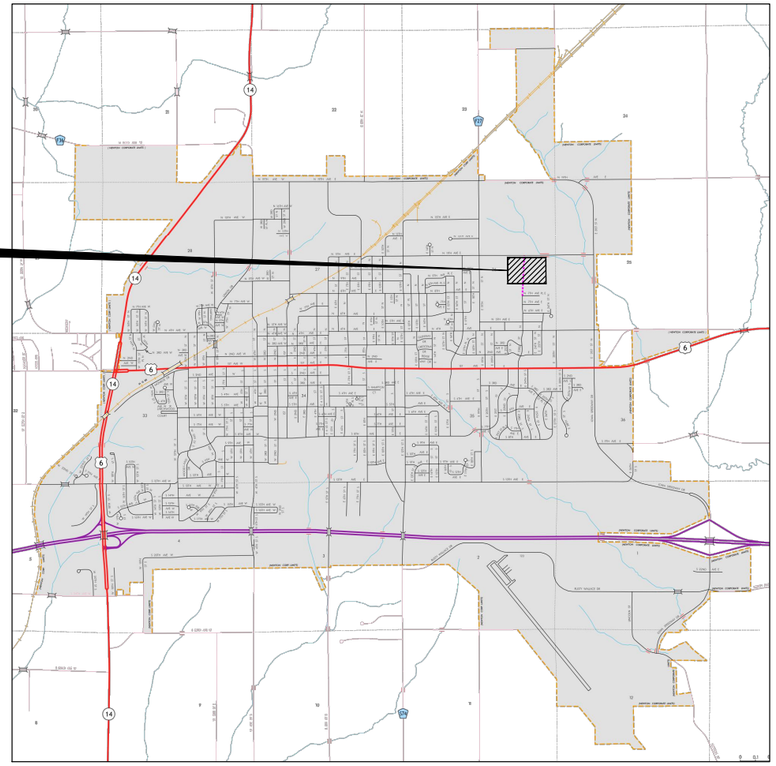
NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATION PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW, NOTIFY IOWA ONE CALL 1-800-292-8989

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

PROJECT DATUM

NAD83 IOWA STATE PLANES, SOUTH ZONE, US FOOT (IA83-SF)

PROJECT LOCATION



MAP OF THE
CITY OF NEWTON
JASPER COUNTY, IA

SHEET INDEX

SHEET NUMBER	DESCRIPTION	REVISION	DATE ISSUED
A.01	TITLE SHEET	B	07-05-2023
A.02	GENERAL NOTES & TYPICAL SECTIONS	B	07-05-2023
A.03	EXISTING CONDITIONS	B	07-05-2023
A.04	PROPOSED ROADWAY ALIGNMENTS	B	07-05-2023
A.05	PROPOSED ROADWAY ALIGNMENT DATA	B	07-05-2023
A.06	PROPOSED IMPROVEMENTS	B	07-05-2023
A.07	PROPOSED IMPROVEMENTS	B	07-05-2023
A.08	PROPOSED IMPROVEMENTS	B	07-05-2023
A.09	PROPOSED IMPROVEMENTS	B	07-05-2023
A.10	PROPOSED IMPROVEMENTS	B	07-05-2023

PREPARED FOR

OWNER & DEVELOPER

CITY OF NEWTON
123 W 2ND ST N
NEWTON, IA 50208

PREPARED BY

BOLTON & MENK
309 E 5TH STREET
SUITE 202
DES MOINES, IA 50309

SUBMITTAL DATE

07-11-2023

LEGAL DESCRIPTION

OUTLOT ZZ, ARBOR ESTATES FIRST ADDITION, JASPER COUNTY, IOWA

ZONING

R-1: SINGLE-FAMILY RESIDENTIAL
R-2: ONE AND TWO-FAMILY RESIDENTIAL
R-3: MIXED RESIDENTIAL

LICENSED PROFESSIONAL ENGINEER
JUSTIN E. NICKEL
IOWA

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

JUSTIN E. NICKEL, P.E.
REG. NO. 18[illegible] DATE:

MY LICENSE RENEWAL DATE IS DECEMBER 31ST, 2023

PAGES OR SHEETS COVERED BY THIS SEAL:

ALL SHEETS

PRELIMINARY NOT FOR CONSTRUCTION

REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023
B	95% REVIEW	07-05-2023

BOLTON & MENK

430 E GRAND AVENUE, SUITE 101
DES MOINES, IOWA 50309
Phone: (515) 259-9190
Email: DesMoines@bolton-menk.com
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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
TITLE SHEET

SHEET A.01

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GENERAL NOTES:

1. ALL PRIVATE UTILITIES WILL BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS SHOWN, OR LOCATED WITHIN UTILITY CORRIDORS PROVIDED FOR BY THE CITY'S 'USE OF CITY RIGHTS-OF-WAY BY RIGHT-OF-WAY USERS' ORDINANCE.
2. VEHICLE PARKING WILL BE PROHIBITED ALONG THE NORTH AND EAST SIDES OF ALL STREETS. VEHICLE PARKING WILL BE PROHIBITED ALONG BOTH SIDES OF THE CURVED CONNECTION AT THE EAST END.
3. ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.
4. OUTLOT A IS SET ASIDE FOR STORM WATER DETENTION.
5. CENTRAL IOWA IS A REGION UNDERLAIN BY CLAYEY SOILS WHICH ALLOW FOR A SHALLOW PERCHED GROUNDWATER TABLE. DURING WET PERIODS OF WEATHER, THE GROUNDWATER LEVEL MAY BE LESS THAN SIX FEET BELOW THE SURFACE. THIS CAN RESULT IN GROUNDWATER SEEPING AND FLOWING INTO BELOW GRADE LIVING AND STORAGE AREAS THAT ARE NOT EQUIPPED WITH SUMP PUMPS OR OTHER DEWATERING MECHANISMS.
6. STRUCTURES, BUILDINGS & UTILITIES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT GROUNDWATER AND STORM RUNOFF FROM ENTERING INTO THE SANITARY SEWER SYSTEM.

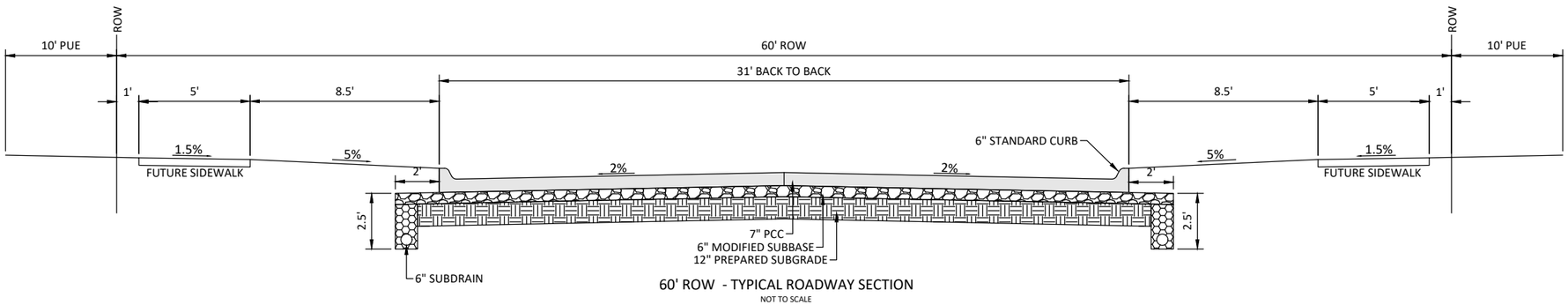
LEGEND

EXISTING

- CENTERLINE
- PROPERTY / LOT LINE
- EASEMENT LINE
- ROAD RIGHT-OF-WAY LINE
- WATER SYSTEM
- STORM SEWER
- SANITARY SEWER
- TILE LINE
- OVERHEAD ELECTRIC LINE (EO)
- UNDERGROUND ELECTRIC LINE (EU)
- GAS LINE (G)
- FIBER OPTIC LINE (FO)
- UNDERGROUND COMMUNICATIONS LINE (CU)
- OVERHEAD UTILITY LINE (OU)
- FENCE LINE
- CITY LIMITS
- TREE LINE EDGE
- GRAVEL EDGE
- BITUMINOUS EDGE
- CONCRETE EDGE
- CURB & GUTTER

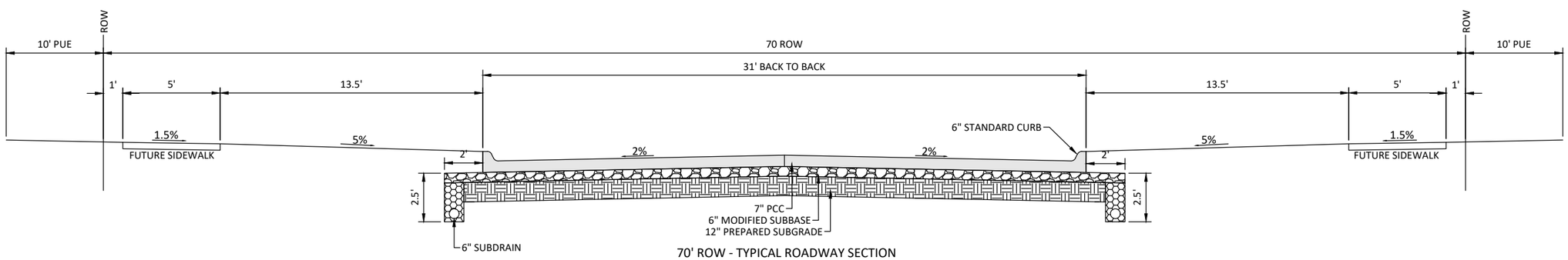
PROPOSED

- 22+00 — ALIGNMENT/CENTERLINE
- RIGHT-OF-WAY LINE
- WATERMAIN
- STORM SEWER
- SANITARY SEWER
- SANITARY MANHOLE
- MANHOLE
- STORM INLET
- APRON
- WATER SYSTEM MANHOLE
- HYDRANT
- VALVE
- BEND
- TEE
- PUE — PUBLIC UTILITY EASEMENT
- SWFE — STORM SEWER & STORM WATER FLOWAGE EASEMENT
- ACCESS AND STORM SEWER — SHARED PEDESTRIAN ACCESS AND STORM SEWER EASEMENT
- PEDESTRIAN EASEMENT — PEDESTRIAN ACCESS EASEMENT



60' ROW - TYPICAL ROADWAY SECTION

NOT TO SCALE



70' ROW - TYPICAL ROADWAY SECTION

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REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023
B	95% REVIEW	07-05-2023

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CITY OF NEWTON, IOWA

ARBOR ESTATES SECOND ADDITION

GENERAL NOTES & TYPICAL SECTIONS

SHEET A.02

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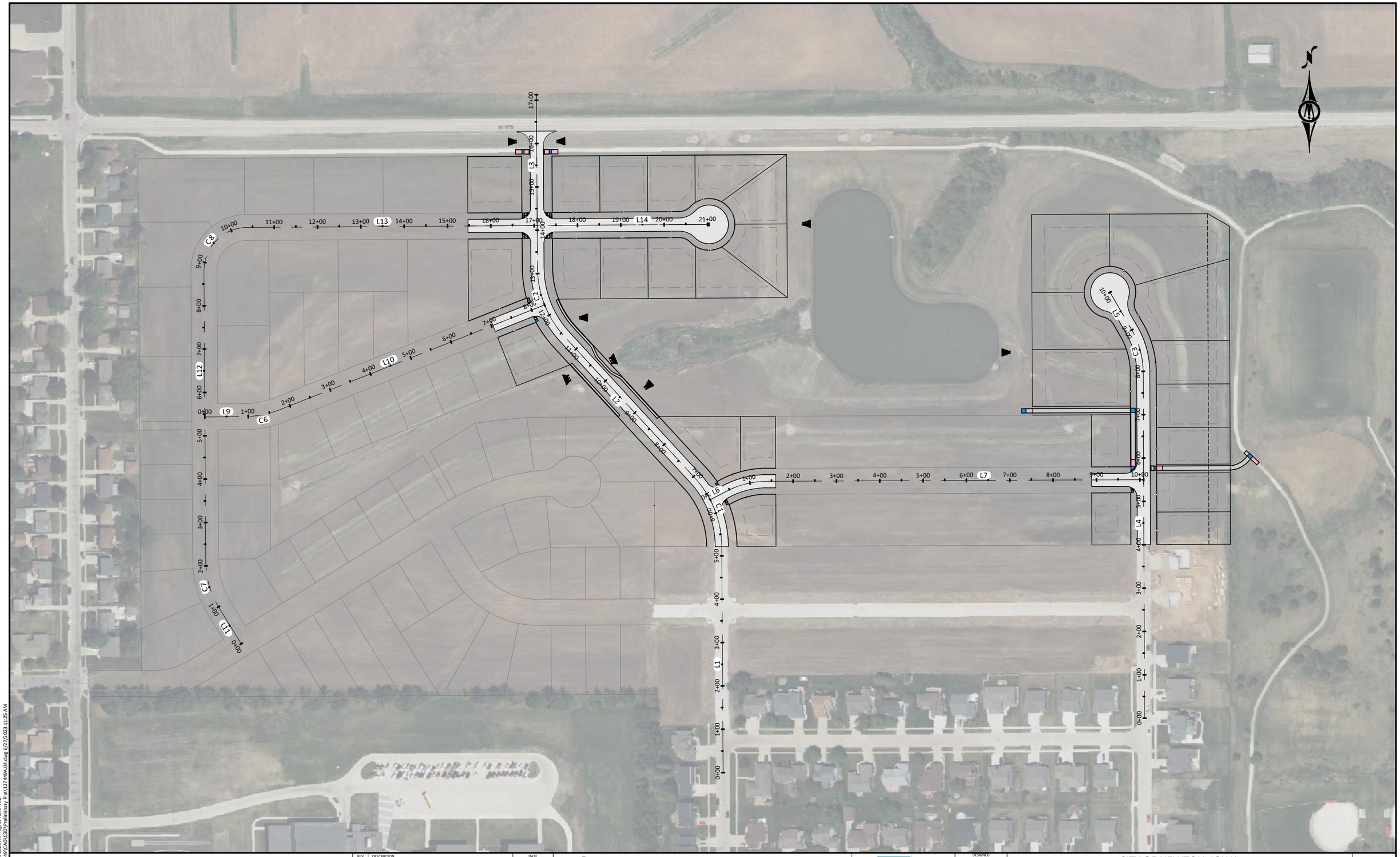
CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
EXISTING CONDITIONS

SHEET A.03



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HORZ. SCALE FEET

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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED ROADWAY ALIGNMENTS

SHEET
A.04

E 26TH STREET N - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C1	173.651	(1770503.28,622399.83)	(1770441.03,622557.73)	5+22.01	6+95.66	NORTH21° 30' 58.16"WEST
C2	173.533	(1770140.25,622883.85)	(1770078.00,623041.63)	11+39.30	13+12.84	NORTH21° 31' 49.68"WEST
L1	522.010	(1770506.44,621877.83)	(1770503.28,622399.83)	0+00	5+22.01	N0° 20' 49.66"W
L2	443.642	(1770441.03,622557.73)	(1770140.25,622883.85)	6+95.66	11+39.30	N42° 41' 06.67"W
L3	400.000	(1770078.00,623041.63)	(1770075.38,623441.62)	13+12.84	17+12.84	N0° 22' 32.69"W

E 26TH STREET N - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C3	103.894	(1771475.90,622800.25)	(1771449.11,622899.43)	7+96.80	9+00.69	NORTH15° 07' 05.90"WEST
L4	796.800	(1771479.19,622003.46)	(1771475.90,622800.25)	0+00	7+96.80	N0° 14' 11.79"W
L5	100.000	(1771449.11,622899.43)	(1771399.11,622986.03)	9+00.69	10+00.69	N30° 00' 00.00"W

N 9TH AVENUE E - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
L6	43.116	(1770476.61,622507.16)	(1770514.83,622527.11)	0+00	0+43.12	N62° 26' 07.62"E
L7	870.378	(1770606.55,622549.81)	(1771476.92,622553.40)	1+38.51	10+08.89	N89° 45' 48.20"E

N 9TH AVENUE PLACE E - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C6	85.171	(1769400.67,622698.85)	(1769483.80,622714.99)	0+90.21	1+75.39	NORTH79° 00' 56.52"EAST
L9	90.214	(1769310.46,622698.26)	(1769400.67,622698.85)	0+00	0+90.21	N89° 37' 27.31"E
L10	656.781	(1769483.80,622714.99)	(1770094.49,622956.69)	1+75.39	8+32.17	N68° 24' 25.73"E

N 10TH STREET E - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C7	109.189	(1769342.41,622259.37)	(1769312.65,622363.02)	0+99.18	2+08.37	NORTH16° 00' 57.54"WEST
C8	157.080	(1769308.25,623034.71)	(1769407.59,623135.37)	8+80.08	10+37.16	NORTH44° 37' 27.31"EAST
L11	99.183	(1769394.46,622174.94)	(1769342.41,622259.37)	0+00	0+99.18	N31° 39' 22.38"W
L12	671.706	(1769312.65,622363.02)	(1769308.25,623034.71)	2+08.37	8+80.08	N0° 22' 32.69"W
L13	669.784	(1769407.59,623135.37)	(1770077.36,623139.76)	10+37.16	17+06.94	N89° 37' 27.31"E
L14	396.427	(1770077.36,623139.76)	(1770473.78,623142.36)	17+06.94	21+03.37	N89° 37' 27.31"E

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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED ROADWAY ALIGNMENT DATA

SHEET
A.05

R-3 ZONING

R-1 ZONING

R-2 ZONING

N 11TH AVENUE E

N 10TH AVENUE E

N 9TH AVENUE PLACE E

E 23RD STREET N

E 26TH STREET N

N 9TH AVENUE E

WETLANDS

BUILDING SETBACK (TYP.)

PARCEL 1
0.37 ACRES
16222 SQ FT

PARCEL 2
0.33 ACRES
14300 SQ FT

PARCEL 3
0.33 ACRES
14300 SQ FT

PARCEL 4
0.32 ACRES
14023 SQ FT

PARCEL 5
0.33 ACRES
14387 SQ FT

PARCEL 6
0.34 ACRES
14888 SQ FT

PARCEL 7
0.36 ACRES
15640 SQ FT

PARCEL 8
0.36 ACRES
15736 SQ FT

PARCEL 9
0.35 ACRES
15123 SQ FT

PARCEL 10
0.35 ACRES
15400 SQ FT

PARCEL 11
0.35 ACRES
15084 SQ FT

PARCEL 12
0.48 ACRES
20810 SQ FT

PARCEL 13
0.30 ACRES
13255 SQ FT

PARCEL 14
0.40 ACRES
17251 SQ FT

PARCEL 15
0.23 ACRES
9875 SQ FT

PARCEL 16
0.26 ACRES
11151 SQ FT

PARCEL 17
0.25 ACRES
10800 SQ FT

PARCEL 18
0.25 ACRES
10800 SQ FT

PARCEL 19
0.68 ACRES
29581 SQ FT

PARCEL 20
0.51 ACRES
22225 SQ FT

PARCEL 21
0.68 ACRES
29619 SQ FT

PARCEL 22
0.83 ACRES
36205 SQ FT

PARCEL 23
0.76 ACRES
33162 SQ FT

PARCEL 24
0.40 ACRES
17292 SQ FT

PARCEL 25
0.39 ACRES
17000 SQ FT

PARCEL 26
0.33 ACRES
14450 SQ FT

PARCEL 27
0.35 ACRES
15300 SQ FT

PARCEL 28
0.29 ACRES
12750 SQ FT

OUTLOT 101
1.91 ACRES
83257 SQ FT

OUTLOT 102
2.01 ACRES
87480 SQ FT

OUTLOT 103
1.00 ACRES
43740 SQ FT

OUTLOT 104
2.01 ACRES
87480 SQ FT

OUTLOT 105
0.10 ACRES
4521 SQ FT

OUTLOT 106
0.08 ACRES
3400 SQ FT

PARCEL COUNT

- R-1 = 12 PARCELS
- R-2 = 9 PARCELS
- R-3 = 7 PARCELS
- OUT LOTS = 6 LOTS

BUILDING SET BACK REQUIREMENTS:

- R-1: 30' FRONT & REAR LOT SETBACK. 8' SIDE LOT SETBACK.
- R-2: 25' FRONT & REAR LOT SETBACK. 8' SIDEL OT SETBACK.
- R-3: 25' FRONT & REAR LOT SETBACK. 8' SIDE LOT SETBACK.

HORZ. SCALE 0 60 120 FEET

REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023
B	95% REVIEW	07-05-2023

BOLTON & MENK
430 E GRAND AVENUE, SUITE 101
DES MOINES, IOWA 50309
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Email: DesMoines@bolton-menk.com
www.bolton-menk.com

GET TO KNOW Newton

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SEALED JEN
CHECKED JEN
CLIENT PROJ. NO. 0A1.127449

CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED IMPROVEMENTS

SHEET A.06

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PARCEL 13
0.30 ACRES
13255 SQ FT

OUTLOT 101
1.91 ACRES
83257 SQ FT

PARCEL 14
0.40 ACRES
17251 SQ FT

PARCEL 15
0.23 ACRES
9875 SQ FT

PARCEL 16
0.26 ACRES
11151 SQ FT

E 23RD STREET N

N 9TH AVENUE E

4" SANITARY SEWER STUB (TYP.)
1.5" SUMP DISCHARGE STUB (TYP.)
1" WATER SERVICE STUB (TYP.)

5' TYP.
5' TYP.

HORZ. 0 30 60
SCALE FEET

REV	DESCRIPTION	DATE
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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
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A.07

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N 11TH AVENUE E

E 23RD STREET N

N 10TH AVENUE E

N 9TH AVENUE PLACE E

PARCEL 1
0.37 ACRES
16222 SQ FT

PARCEL 2
0.33 ACRES
14300 SQ FT

PARCEL 3
0.33 ACRES
14300 SQ FT

PARCEL 4
0.32 ACRES
14023 SQ FT

PARCEL 5
0.33 ACRES
14387 SQ FT

PARCEL 6
0.34 ACRES
14838 SQ FT

PARCEL 7
0.36 ACRES
15750 SQ FT

PARCEL 8
0.36 ACRES
15736 SQ FT

PARCEL 9
0.35 ACRES
15123 SQ FT

PARCEL 10
0.35 ACRES
15400 SQ FT

PARCEL 11
0.35 ACRES
15084 SQ FT

PARCEL 12
0.48 ACRES
20810 SQ FT

PARCEL 13
0.30 ACRES
13255 SQ FT

OUTLOT 101

5' TYP.

5' TYP.

947.53

930.16

1" WATER SERVICE STUB (TYP.)

1.5" SUMP DISCHARGE STUB (TYP.)

4" SANITARY SEWER STUB (TYP.)

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HORZ. SCALE 0 30 60 FEET

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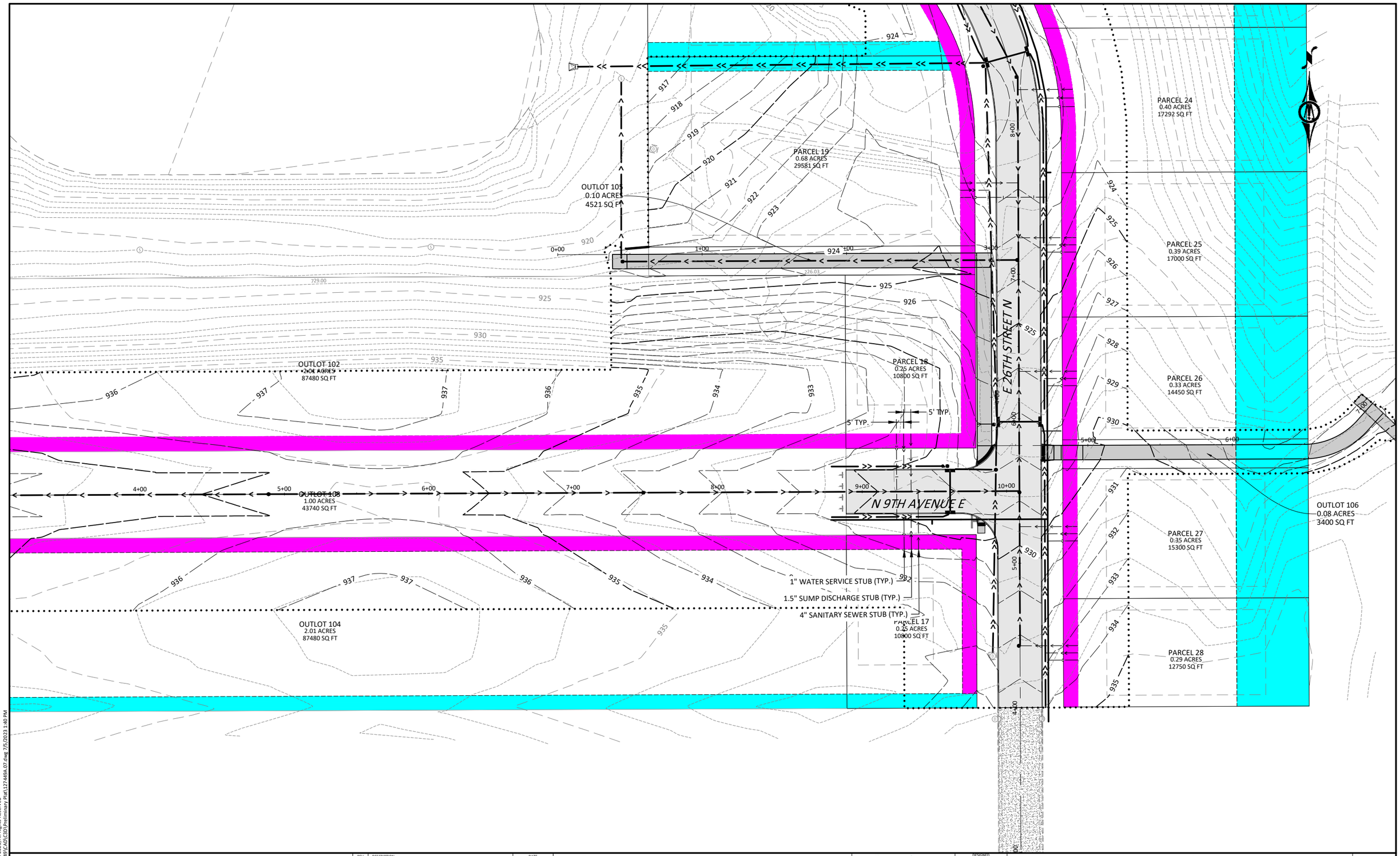
A.08



HORZ. SCALE 0 30 60 FEET

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CITY OF NEWTON, IOWA

ARBOR ESTATES SECOND ADDITION

PROPOSED IMPROVEMENTS

SHEET A.09

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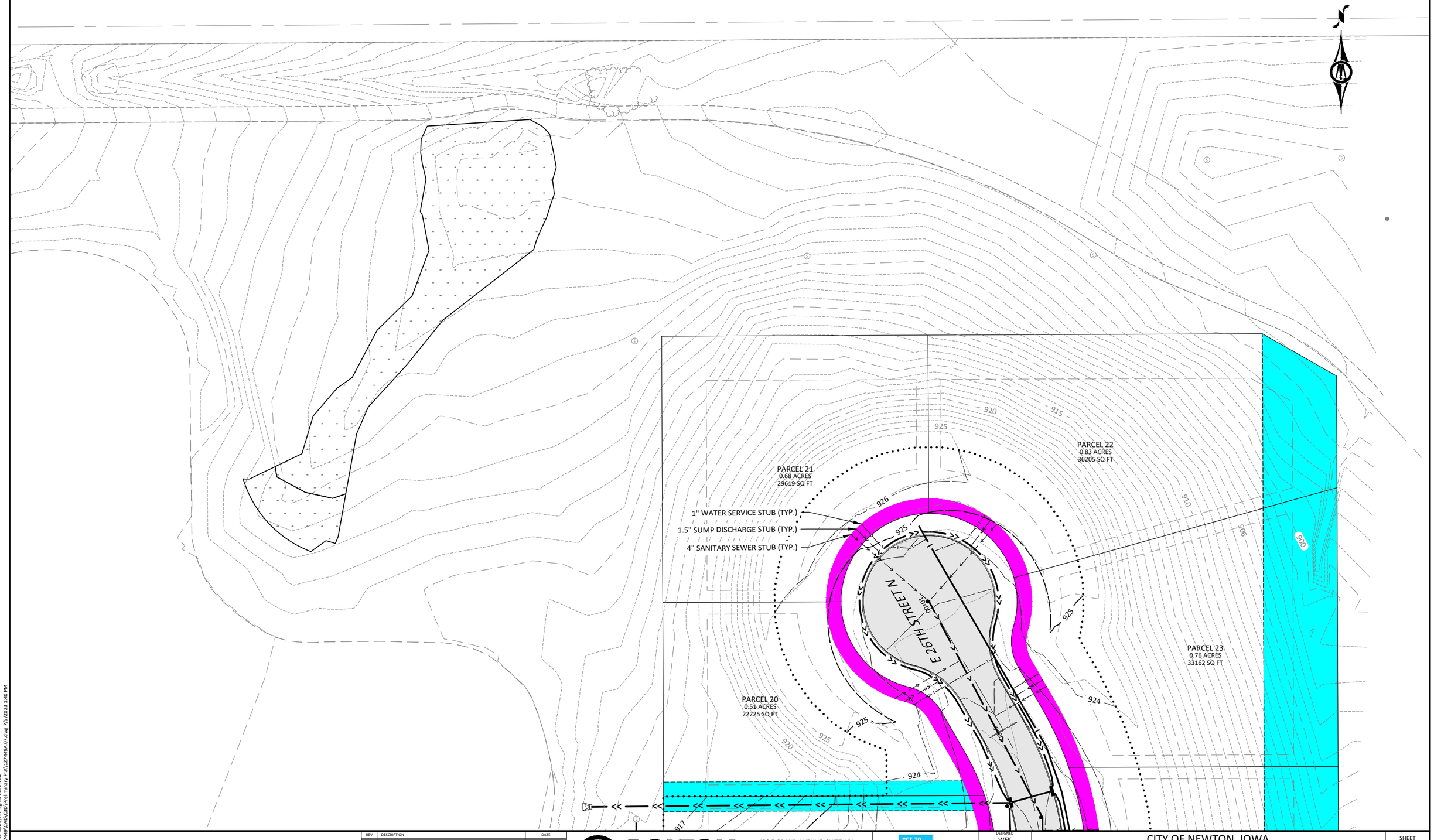

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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED IMPROVEMENTS

SHEET
A.10

Planning & Zoning Commission Staff Report: ZOA23-1

Applicant:	City of Newton
Owner:	City Wide
Proposal:	To amend the City of Newton Zoning Code – general edits and updates
Current Use:	N/A

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 recently adopted *Envision Newton 2042* Comprehensive Plan.

Analysis: After a review of the Zoning Code, City Staff determined that minor additions and/or corrections needed to be made to better address current zoning regulations within the City of Newton and to further align with the vision, goals, and action steps outlined by the new comprehensive plan. All changes are proposed in response to past conflicts with proposed land uses or with state or federal laws.

The primary changes are sumarized as follows:

- Adult Amusement or Entertainment – change Zoning definition to remove language that may be construed as a violation of federal laws.
- Residential Zoning Districts – add or revise permitted uses to align with other residential districts and avoid future conflicts with existing uses.
- Commercial Zoning Districts – remove all references to C-SC district, add permitted uses to C-A, C-N, and C-T districts to avoid future conflicts with existing uses or current state law, and revise setback requirements in C-N district.
- Accessory Buildings – add language to clarify 15 foot maximum height and how it is measured.
- Bed and Breakfast Inns – add language to differentiate B & Bs from short term rentals.
- Fences – add clarifying language for side yard fencing and security fencing in commercial and industrial zones and for local utility infrastructure.
- Towers and Wireless Communication Facilities – add clarifying language for maximum height of private, non-commercial communication equipment.

Notice of Proposal: The Notice of the meeting and proposal was published in the Newton Daily News on June 30, 2023.

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

ZOA23-1 - 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.

ADULT AMUSEMENT OR ENTERTAINMENT. An amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, or strippers ~~male or female impersonators or similar entertainment~~ which are not subject to state and/or local liquor laws or regulations.

§ 158.020 R-4: MULTI-FAMILY RESIDENTIAL.

(6) Health and medical institutions, including convalescent, nursing and rest homes, hospitals and sanitariums; ~~and~~
(7) Public parks, open spaces and recreational facilities;
(8) Educational and religious facilities;
(9) Home occupations; and
~~(7)~~ (10) Agriculture.

§ 158.022 C-CBD: CENTRAL BUSINESS DISTRICT COMMERCIAL.

(B) Permitted uses. The following uses are permitted in the C-CBD: District:
(1) Uses permitted in the ~~C-SC~~ C-A District;
(2) One through Multiple-family dwellings;

…

(6) Educational and religious facilities; and

§ 158.023 C-A: ARTERIAL COMMERCIAL.

…

(9) Accessory outdoor displays and storage of the permitted sale of goods and services allowed or defined as permitted uses in this district and/or temporary seasonal displays such as lawn and garden or holidays, if identified on an approved site plan and if minimum parking requirements are met;

~~(9)~~ (10) Travel related and hospitality related businesses, including the following: hotels, motels, tea room or tea houses or other similar businesses;

~~(10)~~ (11) Restaurants and amusement establishments, including: bowling alleys, dance halls, pool halls, night clubs and lounges; provided, the use is located greater than 250 feet from a primary residential use;

~~(11)~~ (12) Small animal veterinary clinics without boarding facilities;

~~(12)~~ (13) Agriculture;

~~(13)~~ (14) One- through multi-family dwellings up to 25 units per acre; and

~~(14)~~ (15) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

§ 158.024 C-N: NEIGHBORHOOD COMMERCIAL.

…

(6) Restaurants, subject to site plan approval;

~~(6)~~ (7) Bed and breakfast inn, subject to site plan approval; and

~~(7)~~ (8) Tea room or tea house.

…

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

(1) Minimum lot size: 10,000 square feet;
(2) Building setbacks:
(a) Front yard: ~~35~~ 25 feet;
(b) Rear yard: ~~35~~ 25 feet; and
(c) Side yard: ~~15~~ 8 feet;

§ 158.026 C-T: TOURISM ORIENTED COMMERCIAL DISTRICT.

(4) Restaurants;

~~246 Newton - Land Usage~~

…

(11) Mixed-use buildings which may include professional offices, retail, and multi-family dwellings if the provisions of section (D) of this subchapter are met, and other commercial uses limited to the interior of a building that serve a regional purpose;

~~(11)~~ (12) Large, destination retail businesses ~~having at least 75,000 square feet in floor area~~; ~~and~~

~~(12)~~ (13) Camp grounds having no more than 100 camp sites.

(14) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

…

(C) Conditional uses. The following are conditional uses within the C-T District subject to a conditional use permit and site plan approval where the applicant must establish that the development is in harmony with the surrounding neighborhood:

…

~~(8) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.~~

~~2017 S-3~~

~~- Zoning 247~~

SPECIFIC REGULATIONS

§ 158.110 ACCESSORY BUILDINGS.

(D) Height of accessory buildings or structures on residential lots. No detached accessory building or structure located on a residential lot shall exceed a height of 15 feet, as measured to the midpoint of the roof slope or the average height between the roof edge and highest portion or ridge of the roof.

§ 158.111 BED AND BREAKFAST INNS.

(F) Bed and Breakfast Inns differ from short-term rental properties in that a short-term rental property does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use, as defined by Iowa State Code Ch. 414.1.

§ 158.115 FENCES.

(C) Fences in the side or rear yards may be closed-type fencing and may be no taller than seven feet tall.

…

(G) Security fences shall be permitted in the required front yard of industrial or commercial zoning districts or for local utility

infrastructure in any zoning district; provided that, they do not encroach upon any required traffic visibility zone which must be approved by the Newton Public Works Department. Security fences shall be defined as a type of fencing that is no taller than 7 feet in total height that incorporates additional features such as barbed wire, alarm systems, camera systems, and/or motion sensors for the purpose of providing enhanced protection for assets inside the fenced area. Allowable materials include timber, welded wire mesh, metal railings, and chain link fencing.

§ 158.118 WIND ENERGY CONVERSION SYSTEMS.

2. Districts.

…

C. Dispersed wind energy conversion systems are conditional uses in the following commercial districts: C-A, ~~C-SC,~~ C-O, C-T; and the following industrial districts: I-RL, I-L, I-H; provided, the setback and height requirements can be met.

§ 158.120 TOWERS AND WIRELESS COMMUNICATION FACILITIES.

(a) Amateur radio, private, or other non-commercial communication equipment. This section shall not govern any tower, or the installation of any communication equipment that is under 75 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is exclusively for receive-only antennas. Such towers or equipment shall meet the maximum height established by the zoning district in which it is located. However, any proposed tower, regardless of height, may be subject to applicable airport zoning regulations or other FAA restrictions as determined by a project-specific FAA determination.

SIGNS

§ 158.159 GENERAL REGULATIONS.

(G) (1) Total sign area as determined by § 158.162 of this chapter shall be allowed. In addition to the sign area determined as by § 158.162 of this chapter, the following additional square footage shall be added to the total sign area for free-standing signs allowed per multi-use facility:

For C-CBD	32 square feet (i.e., 20% of 160 square feet)
For C-N	20 square feet (i.e., 25% of 80 square feet)
For I-RL, I-L, I-H, C-A, ~~C-SC,~~ C-T and C-O	45 square feet (i.e., 15% of 300 square feet)