

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, October 16, 2006

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, October 16, 2006 at 1:00 P.M. in the conference room of the Zoning/Engineer's building.

Members present were Duane Moser, Tony Weber, Robins Jackson, Sally Nielsen, Bob Chaffin and Tim Fairchild. Absent was Jon Gunderson.

Robins Jackson called the meeting to order at 1:00 p.m.

First on the agenda were the minutes of August 21, 2006. Weber noted one spelling correction. Weber moved to approve the minutes as corrected. Moser seconded. All ayes.

Second on the agenda was a discussion of an Overlay District for P.M.C.

Jason Carlstrom, attorney representing P.M.C., said they had been working to draft an overlay district. P.M.C. had thought they were in compliance with zoning. They had a survey done of the property showing placement of the individual units on the survey.

The first part of the overlay district is wording to permit P.M.C. to continue with what's there. They want to maintain the property and the units. P.M.C. Corporation owns the property, and the individuals own the structures. The overlay district would allow them to maintain, remodel, or rebuild on the existing footprint. If someone wants to buy two lots and build one structure, they would then have some restrictions on the yard setbacks.

Kohlhaase said the goal of P.M.C. is right now if something is damaged more than 50%, P.M.C. can't rebuild. The overlay district is to help P.M.C. protect investments within certain guidelines. He suggested discussing what is proposed and if agreement is reached on a final document, there will be a public hearing with the Planning and Zoning and Board of Supervisors.

Kohlhaase said he first checked with Northwest Iowa Planning and Development to look into a Planned Unit Development. P.M.C. doesn't fit because it is not a new development. There was concern of safety with separation distance between structures. He called the State Building Code Commissioner and asked what was recommended. The 2003 International Building Code recommends a minimum of 3 feet between buildings. The commissioner strongly recommended 5 feet over the 3 feet.

The Planning and Zoning Board and the P.M.C. representatives went through the draft of Article 33, P.M.C. Overlay District. Carlson and Saunders will work out the wording details on Section 1, Intent.

Discussion of fire safety issues:

Fairchild asked with only 4 feet between buildings, has the fire department been consulted for comment?

Carlstrom said not yet.

Weber said the fire safety code is a major concern and legal issue. It should be looked into. Building materials should be non-combustible.

A building code discussion followed.

Alan VanderZwaag said they could put this in their board's guidelines to follow the state code wherever reasonable.

Fairchild asked if the county had any liability in case of fire.

Saunders said he didn't think so.

Kohlhaase's concerns:
Where to fit in duplexes.

Height of structures.

Minimum distance in the side yards.

Minimum distance to the high water mark. In the Zoning Ordinance it is 25 feet.

Weber pointed out an existing dwelling that is already over the lot line.

Kohlhaase suggested adding wording to rebuild within the perimeters of P.M.C. property only.

VanderZwaag said they already have built in regulations on parking, docks, etc. that would restrict building a duplex.

It was suggested that a duplex could be allowed as a conditional use as long as it was placed on at least two or more spaces as shown on the site plan.

Kohlhaase continued:

We need a definition of front yard to the sidewalk, so it doesn't restrict the view, eliminating the section on alignment of the two nearest houses.

If someone is building completely new, an accessory building should be 6 feet away.

Minimum distance between structures should be 6 feet.

Maximum height to the peak should be 26 feet.

Weber felt the building height definition needs to be clarified. If it's a pitched roof, the measurement is averaged between the eave and the peak.

The front yard should be 25 feet.

Add item no. 8 – minimum rear yard should be 25 feet.

Weber asked if two parking spaces per unit applies?

Kohlhaase said yes.

Chaffin asked if there is ever a chance for P.M.C. to expand their perimeters?

VanderZwaag said there is no opportunity. They have condos and homes on each side.

Kohlhaase suggested moving forward on discussion and working on a final document for public hearing. The individual owners will be notified.

Carlstrom will send a modified version to Saunders for review. This will be presented for discussion in November and set for a public hearing in December.

Third on the agenda was a review of several amendments to Zoning Ordinance 102.

This is a compilation of changes recommended by the Planning and Zoning Commission in their review of zoning districts from November 2005 to August 2006.

Fairchild had a question on the definition of gravel extraction.

Kohlhaase explained.

Chaffin moved to recommend to the Board of Supervisors the changes to Zoning Ordinance 102 as published. Nielsen seconded. All were in favor.

Fourth on the agenda was any old, new, or unknown business. There was further discussion of building height measurement. It was agreed it was confusing the way it is written.

Saunders and Kohlhaase suggested to add the wording "and to the highest point of the roof in all cases." This will be changed and will be presented at the Planning and Zoning meeting in November.

There being no further business, Chaffin moved to adjourn. Moser seconded. All were in favor. The meeting adjourned at 3:00 p.m.

Filed By:_____ Date:_____