

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 24, 2016.**

Meeting called to order at 9:00 a.m. by Chairman Rusty Eddy with members Rex Ackerman and Tom Heidenwirth present. Also present were Zoning Administrator Mitch Nordmeyer, Engineer John Riherd, Assessor Deb McWhirter, Vern and Nancy Fisher and Russell Miller, Cedar Falls, Iowa, Brian Hartman, Nick Foster and Matt Sharp, Waverly, Iowa and Fern Myers, Allison, Iowa.

Minutes of the previous meeting were read and approved as read.

Moved by Heidenwirth, second by Eddy to accept the recommendation of Zoning Administrator Mitch Nordmeyer and approve building permit for AgVantage-Allison, Iowa for additional anhydrous storage tanks on their property. Motion carried.

Board tabled consideration of Municipal Solid Waste Sanitary Landfill Local Government Guarantee until May 31, 2016.

Moved by Ackerman, second by Eddy to approve a Resolution committing \$7,500 (10% of Community Attraction and Tourism Grant award, not to exceed \$7,500) to the Diamonds and Fields Project, Parkersburg, Iowa as follows:

**RESOLUTION #865**

**RESOLUTION OF THE BUTLER COUNTY BOARD OF SUPERVISORS COMMITTING FINANCIAL SUPPORT TO THE DIAMONDS AND FIELDS PROJECT**

WHEREAS, after approving the concept of the Diamonds and Fields project and the development of a grant application for Community Attraction and Tourism funds by the City of Parkersburg, and

WHEREAS, the Board of Supervisors have been made aware that the project has received a challenge grant in the amount of \$290,989 in Community Attraction and Tourism funds through the Iowa Department of Economic Development.

THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors that they herewith commit \$7,500.00 to the Diamonds and Fields Project, as evidenced by receipt of funding in the amount of \$290,989 by the CAT grant program.

UPON Roll Call the vote thereon was as follows:

AYES: Rusty Eddy  
Tom Heidenwirth  
Rex Ackerman

NAYS: None

WHEREUPON the Resolution was declared duly adopted on this 24th day of May, 2016.

ATTEST: *Lizbeth Williams*, County Auditor

Board held Public Hearing on a recommendation of the Planning and Zoning Commission to subdivide approximately 25 acres on Butler Ave., New Hartford, Iowa – Section 13, Township 90 North, Range 15 West to allow for the sale of residential lots. Present were Zoning Administrator Mitch Nordmeyer, Engineer John Riherd, Assessor Deb McWhirter, Vern and Nancy Fisher and Russell Miller, Cedar Falls, Iowa and Fern Myers, Allison, Iowa. Zoning Administrator and Auditor reported no written or oral comments received prior to the hearing. Adjacent landowner Vern Fisher stated that he would not allow use of his driveway for access to Lot 8. Russ Miller wants the driveway widened for access, but Mr. Fisher stated it could not be widened, as he intended to install memorial piers on each side of the driveway. Engineer Riherd commented that there will be no additional driveway constructed for access to Lot 8. Mr. Fisher also stated his concerns regarding weed eradication and possible loss of property value. Mr. Fisher and Mr. Miller agreed that a detail of value in the covenant could be changed. At the close of the Public Hearing it was moved by Ackerman, second by Heidenwirth to approve said subdivision based on the recommendation of the Planning and Zoning Commission. Motion carried.

Board held Public Hearing on Title VI, No. 14 an Amendment to the Butler County Zoning Ordinance to address Planned Unit Developments (PUDs). Present were Zoning Administrator Mitch Nordmeyer, Engineer John Riherd, Assessor Deb McWhirter, Vern and Nancy Fisher and Russell Miller, Cedar Falls, Iowa, Thomas A. Lawler, Parkersburg, Iowa and Fern Myers, Allison, Iowa. Zoning Administrator and Auditor reported no written or oral comments received prior to the hearing. Thomas A. Lawler assisted in preparation of the amendment and spoke in favor of the PUD. At the close of the Public Hearing it was moved by Heidenwirth, second by Ackerman to approve the 1<sup>st</sup> reading of said amendment to the County Zoning Ordinance. Motion carried. It was further moved by Ackerman, second by Eddy to suspend the rules and waive the 2<sup>nd</sup> and 3<sup>rd</sup> readings and adopt said amendment to the County Zoning Ordinance as follows:

**Title VI, No. 14  
AMENDMENT TO BUTLER COUNTY IOWA ZONING ORDINANCE**

The Butler County, Iowa Zoning Ordinance is amended as follows:

I.

**Section V. Definitions.** Section V. is amended to add the following definition:

**Planned Unit Development.** A Planned Unit Development or PUD means a tract of land the development and use of which will be pursuant to a Development Plan approved by the County.

II.

**Section VI(A). Establishment of Districts.** Section VI(A) is amended to provide that the unincorporated area of Butler County, Iowa is divided into eight (8) classes of districts, with the following district being added:

PUD Planned Unit Development District

**Section VI(C). Interpretation of District Boundaries.** Section VI(C) is amended to add that the boundaries of a PUD Planned Unit Development District shall be as set out on the Development Plan approved by the County.

**Section VII(F). One Principal Building per lot.** Section VII(F) is amended to read as follows: Every building hereafter erected or structurally altered shall be located on a lot as defined herein and, with the exception of areas zoned "C-N" commercial-manufacturing and PUD Planned Unit Development, in no case shall there be more than one (1) main building on one (1) lot, unless otherwise provided by this Ordinance.

**Section VII(I). Street Frontage Required.** Section VII(I) is amended to read as follows: Except in a PUD Planned Unit Development District, or as otherwise permitted in this Ordinance, no lot shall contain any building used in whole or in part, for residence purposes unless for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement or access of right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least twenty-four (24) feet wide may be provided for two (2) such single-family dwellings. For more than two (2) dwellings the access easement must be in conformance with the Subdivision Ordinance of Butler County, Iowa.

**Section VII(J). Accessory Building.** Section VII(J) is amended to read as follows: Except in a PUD Planned Unit Development District, minimum lot area, lot frontage, and yard requirements will be determined for each of the zoning district classifications. For a PUD Planned Unit Development District these items will be determined by the approved Development Plan. Except in a PUD Planned Unit Development District, all accessory buildings shall be placed in the side or the rear yard, and unattached accessory buildings shall maintain a clearance of five (5) feet (wall to wall) between the principal permitted building and the accessory building. An accessory building that is not a part of the main building, shall not occupy more than thirty (30) percent of the required rear yard. However, except in a PUD Planned Unit Development District, nothing in this Ordinance will prohibit the construction of at least a four hundred and forty (440) square foot accessory building on a lot. No accessory building shall be allowed in a PUD Planned Unit Development District unless approved in the Development Plan.

**Section VII(T). Bulk Requirement.** Section VII(T) is amended to read as follows: All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing buildings shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner in which to conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

Minimum bulk requirements by district are listed in Table 1. For the PUD Planned Unit Development District the bulk requirements are as set out in the approved Development Plan.

III.

Planned Unit Development District

A. Intent: The PUD Planned Unit Development District is intended and designed to provide a means for the development and redevelopment of a tract or tracts of ground more flexible and diversified than the single lot method provided in the other districts of this Ordinance. It is further the intent of this Section that the basic principles of good land use planning, including an orderly relationship between various types of uses, be maintained. Since it is the intent to permit flexibility of design and combination of land uses in the PUD Planned Unit Development District, exceptions to provisions found in this Ordinance, other than in this Section, are hereby made for the PUD Planned Unit Development District.

A PUD Planned Unit Development District may consist of a mix of land uses. The size of the tract or tracts of land combined in a Planned Unit Development District must equal at least ten (10) acres. The permitted uses; bulk requirements; and water, sewer, and utility requirements shall be as established in the approved Development Plan.

B. The owners of land wishing to have land zoned PUD Planned Unit Development District and to have a Development Plan approved for such land must submit to the Butler County Planning and Zoning Commission a Development Plan for the use and development of the entire tract of land, which plan is referred to in this Ordinance as the Development Plan. The Development Plan shall include the following items:

1. A plat map of sufficient scale that shows the boundaries of the tract or tracts and the zoning of properties located within a 1,000 feet of the tract or tracts.
2. Dimensions, legal descriptions, acreage, existing zoning, existing land use, and existing ownership of the area proposed for the PUD Planned Unit Development District, as well as the

existing zoning, land use, and ownership of property contiguous to the proposed PUD Planned Unit Development District.

3. Delineation of lot boundaries, if any boundaries, that will be part of the PUD Planned Unit Development District.
4. The location and dimensions of existing and proposed streets, driveways, walkways, trails, open spaces, parking areas, indicating which are public and which are private.
5. Proposed location for all uses and conceptional building locations, functions, and enclosed floor space.
6. Existing and proposed vegetation, water channels, drainage ways, flood hazard areas, and other topographical information to assist in the approval of the developmental plan.
7. Proposed privately owned common areas and areas to be dedicated to the public.
8. Locations and information on existing and proposed utilities to serve the PUD uses, including sanitary sewer, storm sewer, water, electric, and other utilities.
9. Existing or planned storm management facilities.
10. Delineation of traffic impacts that are projected to result from the PUD Development and proposals for managing these impacts.
11. Rules, regulations, and guidelines that will apply to the use of the PUD.

C. Review and approval. The Planning and Zoning Commission shall review the Development Plan for conformity with the PUD Planned Unit Development District standards and with recognized principles of civic design, land use planning, and landscape architecture. The Planning and Zoning Commission shall consult with the applicant about any recommended modifications, alterations, or adjustments to the Development Plan that the Commission deems necessary to preserve the intent of the PUD Planned Unit Development District, and to promote public health, safety, morals, and general welfare. The submission provided for in this section shall be considered a petition for rezoning to the PUD Planned Unit Development District and the Planning and Zoning Commission shall hold a public hearing as required for such a petition. Following the public hearing, if approved by the Planning and Zoning Commission, the Development Plan shall be filed with the Board of Supervisors. The Supervisors following the public hearing required in Section XXII of the Butler County Zoning Ordinance for an amendment, change, modification, or repeal of the regulations, restrictions, zoning designation, and boundaries in the Butler County Zoning Ordinance may approve the Development Plan, refer the development plan back to the Planning and Zoning Commission with the Board's suggestions and recommendations, or disapprove the Development Plan. If disapproved, the Board must include in its decision specific reasons for disapproval based on the County's then existing land use and development ordinances, policies, rules, and regulations. If the Development Plan is approved, it shall be recorded along with the County's approval in the Butler County Recorder's office. The cost of recording shall be paid by the persons who have applied for the PUD Planned Unit Development District.

D. Amendment. Any amendment to the approved Development Plan shall be treated as an application for a new PUD Planned Unit Development District.

#### IV.

In the event any portion of this Ordinance shall, for any reason, be held to be invalid, illegal or unenforceable in whole or in part, the remaining provisions shall not be affected thereby and shall continue to be valid and enforceable and if, for any reason, a court finds that any provision of this Ordinance is invalid, illegal, or unenforceable as written, but that by limiting such provision it would become valid, legal and enforceable then such provision shall be deemed to be written, construed and enforced as so limited. Upon Roll Call the vote thereon is as follows:

AYES: Tom Heidenwirth      NAYS: None  
Rex Ackerman  
Rusty Eddy

Approved and adopted this 24<sup>th</sup> day of May, 2016.

ATTEST: *Lizbeth Williams*, County Auditor

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for McCandless III Finisher Farm; Allison Finisher Farm; Rick Juchems and Reeser Finisher Farm

Moved by Eddy, second by Ackerman to adjourn the meeting at 10:32 A.M. to Tuesday, May 31, 2016 at 9:00 A.M. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on May 24, 2016.