



110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358
(319) 643-5888 • Fax (319) 643-2305 • www.westbranchiowa.org • city@westbranchiowa.org

PLANNING AND ZONING COMMISSION MEETING
Tuesday, December 3, 2019 • 7:00 p.m.
West Branch City Council Chambers, 110 N. Poplar St.
Council Quorum May Be Present

1. Call to Order
2. Roll Call
3. Approve Agenda/Move to action.
 - a. Approve minutes from the September 24, 2019 Planning & Zoning Commission Meeting. / Move to action.
4. Public Hearing/Non-Consent Agenda. /Move to action.
 - a. Approve final draft of the REVISED West Branch Comprehensive Plan
 - b. Discuss appropriate zoning for animal kennels
5. Old Business
 - a. Discuss new ordinance requirements for swimming pools
 - b. Discuss draft fireworks ordinance – City Attorney comments
6. City Staff Reports
7. Comments from Chair and Commission Members
8. Next regular Planning & Zoning Commission meeting Tuesday, January 28, 2020.
9. Adjourn

2020 Planning & Zoning Commission Meeting Schedule:

January 28th
March 24th
May 26th
July 28th
September 22nd
November 24th

Planning & Zoning Commission Members: Chair John Fuller, Vice Chair Ryan Bowers, Sally Peck, Emilie Walsh, Tom Dean, Brad Bower, Vacant • **Zoning Administrator:** Terry Goerdts • **Deputy City Clerk:** Leslie Brick
Mayor: Roger Laughlin • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Nick Goodweiler, Jodee Stoolman
City Administrator/Clerk: Redmond Jones II • **Fire Chief:** Kevin Stoolman • **Police Chief:** Mike Horihan •
Public Works Director: Matt Goodale

(These minutes are not approved until the next Commission meeting.)

City of West Branch Planning & Zoning Commission Meeting
September 24, 2019
West Branch City Council Chambers, 110 North Poplar Street

Chairperson John Fuller opened the Planning & Zoning Commission meeting at 7:00 p.m. welcoming the audience and following city staff; Zoning Administrator Terry Goerd, City Administrator Redmond Jones, Public Works Director Matt Goodale, City Engineer Dave Schechinger and Mayor Roger Laughlin. Commission members Ryan Bowers, Tom Dean, Sally Peck and Emilie Walsh were present. Brad Bower arrived at 7:05 p.m.

APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION.

Approve the agenda for the September 24, 2019 Planning & Zoning Commission meeting. /Move to action. Motion by Bowers, second by Dean to approve the amended agenda as requested. Motion carried on a voice vote.

Approve minutes from the June 25, 2019 Special Planning & Zoning Commission meeting. /Move to action. Motion by Walsh, second by Peck to approve the minutes. Motion carried on a voice vote.

PUBLIC HEARING/NON-CONSENT AGENDA

Approve The Meadows, Part 4A Final Plat. /Move to action.

Chris Kofoed, KLM Investments explained that Part 4A consists of twenty eight (28) lots along Dawson Drive and West Orange Street. Kofoed said since they were not able complete the sixty lot project all at once, they decided to final plat this portion so that they could begin to sell lots. Kofoed said they plan to continue construction for the remaining lots in the spring of 2020. Schechinger stated that he was working with Brian Boelk, Axiom Consultants to have a few items corrected on the final plat and that all items would be addressed and corrected prior to City Council approval.

Motion by Dean, second by Bowers to approve The Meadows Part 4A final plat. AYES: Dean, Bowers, Peck, Walsh, Fuller, Bower. NAYS: None. Motion carried.

Discuss Comprehensive Plan Open House

Fuller reported that only nine residents came to the open house and that no one had provided any comments on the plan. Fuller said he would like to have more feedback and Dean suggested that the draft Comprehensive Plan be placed on the city's website for residents to access. Fuller said he hoped to have the final updates complete for the next commission meeting for a final review and approval so that it could then move on to the City Council for their approval.

Discuss new ordinance requirements for swimming pools

Goerd stated that Iowa City has requirements and permitting for swimming pools but West Branch does not. Goerd said that recently the city had issued two permits for in-ground pools and the current code does not have requirements for set-backs or fencing. The commission discussed issues surrounding the lack of rules and asked to have the city attorney give some guidance on the subject.

Review Ordinance 767 – Nuisance Abatement Procedure

Laughlin said the new code recently adopted by the City Council will give the City some teeth toward the enforcement of nuisance issues and allow the resident to meet with an appeal board if they don't agree to the identified violations.

Review preliminary draft fireworks ordinance

Fuller recapped the ordinance change and the commission discussed the distance requirements and questioned if they would be in conflict with state requirements. Fuller asked staff to have the city attorney provide comments on the proposed ordinance.

STAFF REPORTS:

No reports.

COMMENTS FROM CHAIR AND COMMISSION MEMBERS:

Tom Dean asked for an explanation of the permitting and certificate occupancy process in reference to a particular property in West Branch. Goerdts explained the permit and inspection process and that certificate of occupancy was not issued until all requirements have been met. Goerdts said that in addition to the certificate of occupancy, a sidewalk release is generally required by banks for closing. Dean asked how this 'particular' property was allowed to be occupied since they had obviously not met the requirements that Goerdts described. Goerdts said he was familiar with the property Dean referenced and said he was working with the City Administrator on next steps to get the property completed.

Peck asked if the City was going to require sidewalks on both sides of the street in residential areas. She questioned the College Street Bridge project where sidewalks were placed only on one side of the street. Schechinger explained that for this particular project sidewalks on both sides of the street didn't make sense. The south side was replaced as it lined up with the pedestrian trail on the south side of the bridge and that having a sidewalk on the north side would not be beneficial and worth the added expense. Jones added that currently Road Use Tax (RUT) cannot be used for sidewalks unless tied to a street project so that is why at times new sidewalks are constructed but not as stand-alone projects. Jones said he raised the issue to the Iowa League of Cities and said they would lobby for funding for sidewalks and trails.

Adjourn

Motion by Dean, second by Walsh to adjourn the Planning & Zoning Commission meeting. Motion carried on a voice vote. The meeting adjourned at 8:00 p.m.

Submitted by:

Leslie Brick

Deputy City Clerk

165.27 R-1 DISTRICT REQUIREMENTS.

1. Permitted Uses. In Residential R-1 District, the provisions of this section shall apply and the following uses permitted:

A. All uses allowed by right in Agricultural A-1 District except that there shall be no raising or pasturing of livestock, poultry or other commercial domestic animals or birds.

B. Boarding house, provided that not more than four (4) such boarders shall be permitted without special exception by the Board of Adjustment and by the Health Officer of the City.

C. Public utility substations or pumping stations meeting the requirements of Section 165.26(2)(A).

D. Private schools of general instruction.

E. Accessory uses customarily incidental to any of the foregoing permitted uses.

F. Funeral homes.

2. Uses Allowed by Special Exception by the Board of Adjustment.

A. All uses allowed by special exception in the Agricultural A-1 District, except that roadside stands are specifically prohibited.

B. Vocational or trade schools, whether or not operated for profit.

C. Retirement or nursing home.

D. Child Care Centers under the following conditions:

(1) Any person who operates in the City a child care center where there are more than six (6) children shall first make application for a special exception permit. Said application to be available at the office of the Clerk.

(2) Upon receipt of a completed and executed application, the Clerk shall present the said application to the Board of Adjustment at its next regular meeting. The Board of Adjustment shall establish a date for public hearing within thirty (30) days and authorize the Clerk to send written notice by ordinary mail to all persons living in and/or owning property within 500 hundred feet of the proposed child care center.

animal is currently vaccinated against rabies, the animal may be placed in the custody of the owner on the owner's premises during the isolation and quarantine period if the owner resides in the City. When isolation and quarantine on the owner's premises is authorized, it will be at the discretion of and under the direct supervision of the City.

C. The expense of isolation and quarantine at a veterinary hospital will be borne by the owner. If the animal is placed in isolation and under quarantine in an animal shelter authorized by the City, a fee shall be charged to the owner. Every owner or person having possession, custody or control of an animal known to be rabid or which has been bitten by an animal infected with rabies shall immediately report such fact to the City and shall have such animal placed in isolation and quarantine as directed by the City for such period as may be designated and at the expense of the owner.

2. Reports Required.

A. Physicians. It is the duty of every physician or other medical practitioner in the City to make written reports to the City of the names and addresses of persons treated for bites inflicted by animals, together with such other information as will assist in the prevention of rabies.

B. Veterinarians. It is the duty of every veterinarian in the City to report to the City any diagnosis of animal rabies.

C. Owners. It is the duty of the owner of any animal or any person having knowledge of such animal biting or causing a skin abrasion upon any human in the City to promptly report such fact to the City.

3. Emergency Proclamation. Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Council may issue a proclamation ordering every owner of an animal to confine the same securely on the owner's premises at all times for such period of time as is deemed necessary.

55.07 NUISANCES. The following acts and circumstances are hereby declared to be public nuisances:

1. Accumulation Of Wastes. No person shall keep animals on private property in such numbers or in such manner that allows for the accumulation of animal waste so as to become detrimental to the public

health and/or the animal's health, as determined by the County Health Officer and a licensed veterinarian.

2. **Noisy Animals.** No person shall cause or allow any animal under such person's care, charge, custody, or control to emit any noise which annoys, disturbs, offends, or unreasonably interferes with the comfortable enjoyment of life or property of the neighborhood or general public. The provisions of this subsection do not apply to a commercial establishment which is permitted pursuant to the Zoning Code.

3. **Animals Damaging Property.** No person shall allow an animal to cause any damage or defilement to public or private property, including, but not limited to, depositing of excrement without prompt removal.

4. **Harassment by Animals.** No person shall allow an animal to molest any human or animal on public or private property when the human or animal is lawfully on the property.

5. **Animals Injuring or Killing Other Animals.** No person shall allow an animal to molest or kill wildlife, birds, animals or domestic animals on public or private property. This section does not apply to rodents generally considered pests, such as mice and rats.

55.08 PROHIBITED ANIMALS. No person shall keep or maintain an animal declared to be prohibited under this chapter. Notwithstanding this provision:

1. Indigenous wildlife rehabilitators who possess permits required by the United States Fish and Wildlife, or its successor, or permits required by Iowa State Department of National Resources, or its successor, or a valid permit issued by the Division of Animal Control of the City, or its successor, may maintain prohibited wildlife for rehabilitation purposes.

2. A prohibited animal which is properly and appropriately restrained may be transported to a veterinarian for emergency medical care or treatment and may remain within the confines of the veterinary clinic or hospital as long as the animal is receiving medical treatment.

55.09 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

**CITY OF IOWA CITY
HOUSING AND INSPECTION SERVICES
BUILDING DIVISION
GUIDELINES FOR DRAWING SWIMMING POOL PLANS**

The following form was prepared by the Building Division to be used only as a general guideline for the drawing of construction plans which are required to be submitted at the time of application for a building permit.

To make application for a building permit, the applicant shall submit two (2) sets of detailed construction plans drawn to scale on minimum 8 1/2" x 11" sheets of each of the following to the Building Division—Housing and Inspection Services, City Hall, between 8:00 a.m. and 4:30 p.m. Monday through Friday. The office is closed on all City holidays. One (1) set of photographs is required when located in a Historic District. If project is located in a historic district or conservation district or is a historic landmark, please go to www.icgov.org/default/?id=1484 for an application that will need to be submitted with the building permit application. Site Plan

1. Swimming Pool Plan
2. Swimming Pool Details
3. Additional Details (if necessary)

The following are lists of the items that should be shown on each of the above plans: The illustrations are guides for plan preparation only to give you a basic idea what each type of plan should look like and are not necessarily specific Code and other Ordinance requirements. Each individual site location, the location of the building on the site and/or size of building might vary as requirements of the Iowa City Zoning Ordinance, the Building Code, and other ordinances dictate, and each will have to be reviewed on its own specific conditions after submittal.

SITE PLAN

- √ Indicate size and shape of your lot
- √ Indicate address and street (or streets if a corner lot)
- √ Indicate alley location
- √ Indicate size and location of existing house and other buildings
- √ Indicate size and location of proposed swimming pool
- √ Indicate distance between the proposed swimming pool and each of the property lines
- √ Indicate barrier type and height
- √ Indicate location of easements on your lot

SWIMMING POOL PLAN

- √ Indicate length and width of the proposed swimming pool
- √ Indicate pool walkway deck and edge coping types
- √ Indicate pool steps, ladders, diving board locations
- √ Indicate pool section depth

SWIMMING POOL DETAILS

- √ Indicate pool sidewalk with walkway deck section
- √ Indicate diving board type
- √ Indicate ladder type
- √ Indicate main drain type
- √ Indicate skimmer type
- √ Indicate filter size and type
- √ Indicate light and type
- √ Indicate pool gate and barrier type and height

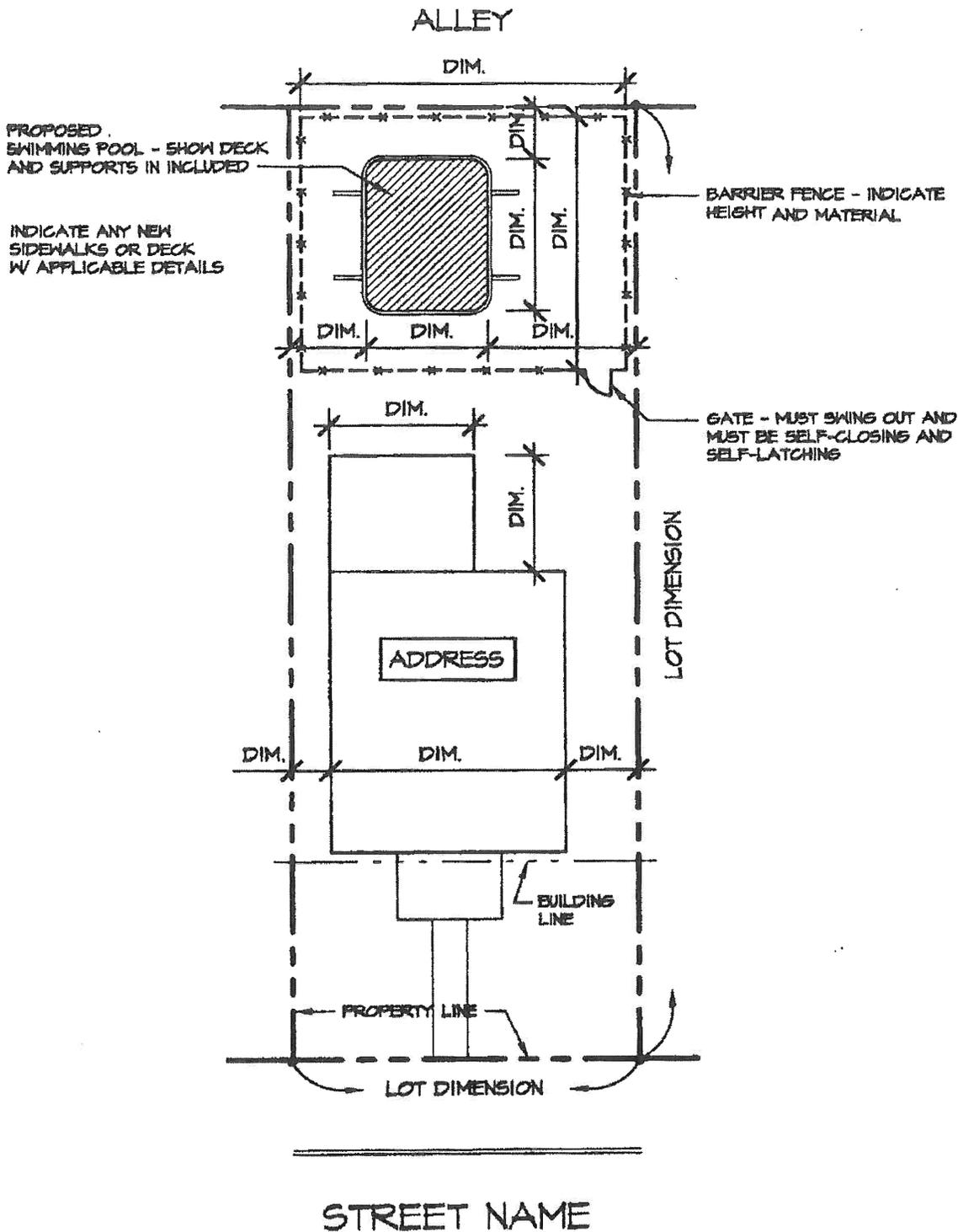
ADDITIONAL DETAILS

√ Indicate whatever information is necessary to show how your proposal will be constructed.

For additional information contact: Building Inspection Division at (319) 356-5120

GENERAL SWIMMING POOL NOTES

1. A permit **is not required** for prefabricated swimming pools which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
2. In Residential Zones.
 - The use must be set back a minimum of 10 feet from any side or rear lot line.
 - The use may not be located in the front yard (See definition of FRONT YARD in Article 14-9A) unless the use is set back at least 40 feet from the front property line.
3. In Non-Residential Zones, the use must be set back a minimum of 10 feet from any side, rear, or front property line, unless the property on which the use is located is directly abutting or across the street from a property zoned Residential. In the case of such adjacency, the use must comply with the setback requirements for residential zones as stated in number 2 above.
4. Swimming pools, with a depth of 18 inches or more and the edge of which is less than 4 feet above grade, must be completely enclosed by a fence according to the following specifications:
 - The fence must be at least 4 feet in height and must be constructed so that a sphere, 5 inches in diameter, cannot pass through the fence.
 - A principal or accessory building may be used as part of the enclosure.
 - All gates and doors opening through the enclosure must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in use, except the door of any building which forms a part of the enclosure need not be so equipped.
 - The Building Official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by an enclosure built to the specifications of this paragraph.



SITE PLAN

DENOTE SCALE

SPSITE

NORTH

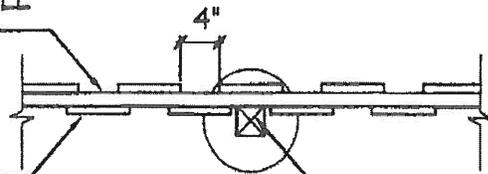


(INDICATE ORIENTATION)

City of Iowa City - Building Division RESIDENTIAL SWIMMING POOL Guidelines and Standard Construction Details	Date:
	Drawing No. 1 of 2

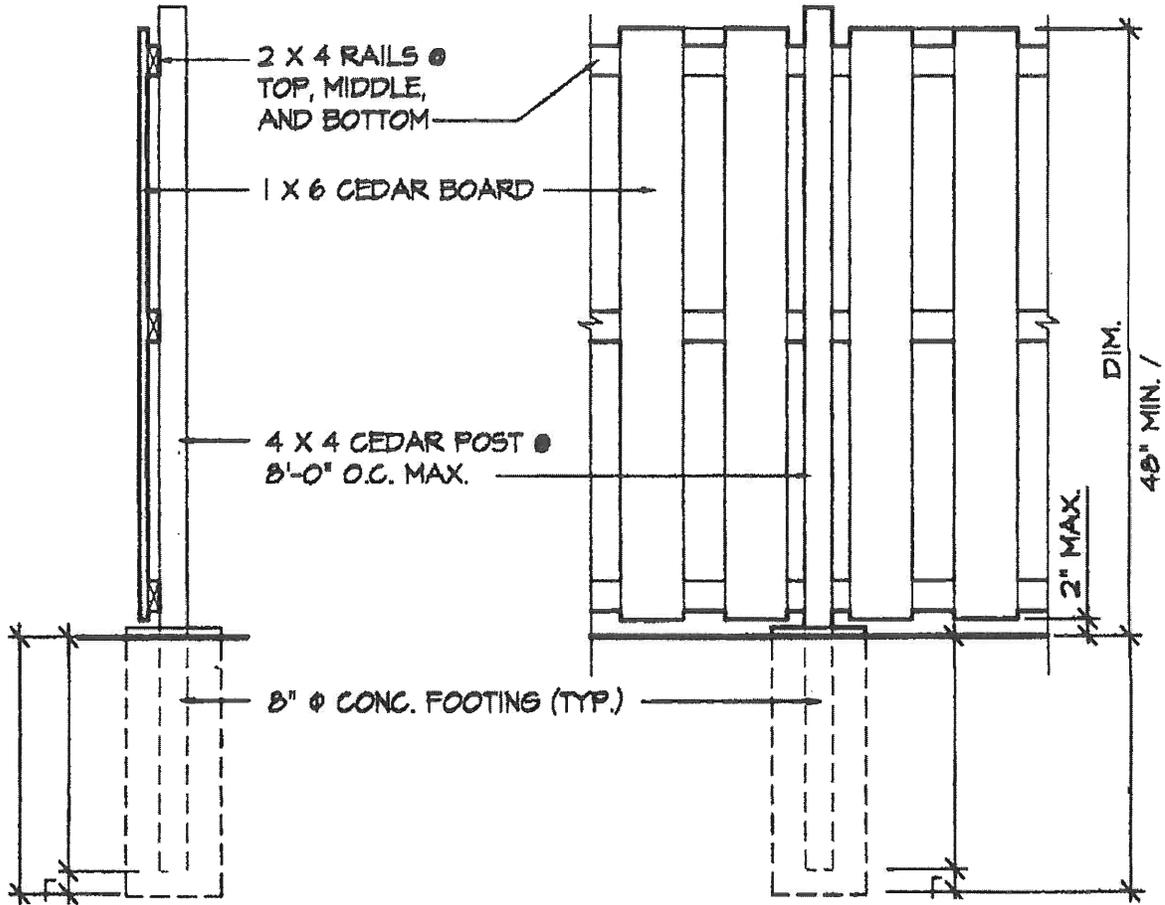
2 X 4 RAIL @ TOP, MIDDLE AND BOTTOM

1 X 6 CEDAR BOARD



4 X 4 CEDAR POST @ 8'-0" O.C. MAX.

PLAN VIEW



SECTION

ELEVATION

SWIMMING POOL BARRIER

1/2" = 1'-0"

SPFEN

City of Iowa City - Building Division RESIDENTIAL SWIMMING POOL Guidelines and Standard Construction Details	Date:
	Drawing No. 2 of 2

165.49 HCI DISTRICT REQUIREMENTS. - Permitted Uses. All uses allowed in the Business B-2 District and all uses allowed in the Industrial I-1 District.

- 1.) Tow truck service business and impound lots, provided that there shall be no dismantling of vehicles or permanent storage on the premises. Permanent storage is defined as storage on the lot for more than 60 days. All outdoor storage shall be conducted entirely within an enclosed fence, wall or other solid screen. Such solid screen shall be constructed on or inside the front, side and rear lot lines and shall be constructed in such a manner that no impounded vehicles or other items shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.
- 2.) Adult entertainment establishments, adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters, subject to the following regulations: The following provisions shall govern the location and spatial separation of adult entertainment establishments, adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters in the Highway Commercial Industrial (HCI) district. Said establishments are permitted uses only within a Highway Commercial Industrial district. (Ord. 635 – Oct. 07 Supp.)
- 3.) **Consumer Firework Sales. Temporary or permanent structures may not be any nearer than five hundred (500) feet from gas stations or other flammable source, or within two hundred (200) feet from any occupied structure or business that is used for sleeping or gathering. Must be inspected by the Fire Chief to ensure all safety measures have been taken. Seller must abide by all current state laws with regard to licensing and hours of operation.**