Office of Mills County Auditor
Carol Robertson
Mills County Courthouse
Glenwood, IA

The Board of Supervisors met this 10th day of May 2016, in the meeting room at the Mills County Courthouse in Glenwood with Supervisors Ron Kohn, Richard Crouch and Lonnie Mayberry present. Carol Vinton was also present.

Motion by Crouch, seconded by Mayberry to approve the May 10, 2016 agenda and the minutes of the May 3, 2016 meeting as presented.
Motion carried on a vote: Ayes 3 Nays: 0.

Engineer Kevin Mayberry reported that there were no utility permits to report.

Engineer Mayberry updated the Board on various projects he is working on and explained the Montague Road box culvert would be done if it weren't for the weather.
He also discussed that some projects may be moved to the 2017 calendar due to STP funding.

Larry Winum joined the session at this time. Engineer Mayberry discussed the meeting with I.D.O.T. officials, county representatives and representatives from Kaw Valley Engineering. The D.O.T. representatives stated that if they put in a stop light at one of the intersections on Hwy 34, they would potentially do away with access through the median at the other intersection. Mills County representatives stated that they were not in favor of that proposal. The Engineer is going to schedule a meeting with D.O.T. officials and local property owners to discuss potential changes and the possible impact of these changes on the business in the area.

Motion by Mayberry seconded by Crouch to approve the Adventure Race. Devin Embray talked with all entities he had been instructed to visit with so there were no concerns from the Board.
Motion carried on a vote: Ayes: 3 Nays: 0

Planning & Zoning Board chair Lyle Mayberry and Planning & Zoning Board members Alan Hughes and Linda Washburn, Nick Johnson from the County Attorney's office, and Darin Whatcott, Building & Zoning Official were present for the 3rd reading of the Zoning Ordinance Amendment Chapter 27.
Motion by Crouch seconded by Mayberry to accept all changes that had been made prior to the third reading. Supervisor Kohn noted that increasing the size and height dimensions of signs in the Overlay District by such large amounts at the request of one potential new business is unnecessary. Mayberry and Hughes shared the pros and cons of the sign portion. It was agreed to pass the Ordinance with a request that it be reviewed by the Planning & Zoning Board to discuss modifications and any changes that could be made to improve it.
Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Mayberry seconded by Crouch to approve the Zoning Ordinance Amendment Chapter 27 and accept all changes prior to the 3rd reading and request that the Planning & Zoning Board take into consideration the changes to the sign portion and return for an amendment at a later date.

ORDINANCE NO 16-01

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY AMENDING CHAPTER 27—ZONING ORDINANCE SETTING FORTH THE REVISED REGULATIONS GOVERNING THE ORDERLY LAND DEVELOPMENT FOR ALL THE UNINCORPORATED AREA OF MILLS COUNTY, IOWA.

BE IT THEREFORE ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Throughout Chapter 27. AMENDMENT ONE Text removed "Zoning Officer". Text added "Zoning Official".

Throughout Chapter 27. AMENDMENT TWO Text removed "Special Use". Text added "Conditional Use".

Table of Contents. AMENDMENT THREE A Table of Contents reference page has been added to beginning of Chapter 27.
Section 1. AMENDMENT FOUR 27.1.3b. Any resource extraction use as described in Section 27.3.9i., that is not directly agriculture related, shall comply to the provisions of Section 27.7.3.
Section 1. AMENDMENT FIVE 27.1.10c.(2)iii. Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall pay to the County a fee in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.
Section 1. AMENDMENT SIX 27.1.10c.(3)i. The owner of the property affected by a proposed changed in zoning text, district classification or boundaries shall pay to the County a fee in the amount set in the schedule of fees adopted by the Board of Supervisors by resolution.
Section 1. AMENDMENT SEVEN 27.1.10h. (4)i. A lawful nonconforming structure existing on the effective date of this Section may be continued, repaired, maintained, altered, or replaced subject to the provision of this Section.
Section 1. AMENDMENT EIGHT 27.1.10j. (4)vi. Hear and decide applications for conditional use permits and may be approved and/or granted subject to the performance standards described as follows: a. That the establishment, maintenance or operation of the proposed use will not be detrimental to nor endanger the public health, safety, morals, comfort or general welfare of the community. b. That the proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood. c. That the establishment of the proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided. e. The adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets. f. The proposed use should not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material. g. The proposed use should not include noise which is objectionable due to volume, frequency or beat unless muffled or otherwise controlled. h. The proposed use should not include vibration which is discernible without instruments on any adjoining lot or property. i. The proposed use should not involve any pollution of the air by flyash,
dust, vapors or other substances which are harmful to health, animals, vegetation or other property which can cause soiling, discomfort or irritation. j. The proposed use should not involve any malodorous gas or matter which is discernible on any adjoining property or from any public street, road or highway. k. The proposed use should not involve any activity substantially increasing movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. l. The proposed use should not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
Section 2. AMENDMENT NINE 27.2.2c. Shall" and "must" are always mandatory. "May" and "should" are discretionary.
Section 2. AMENDMENT TEN 27.2.6j. Conditional Use Permit: An application permitted use that is presumed to be allowed in that zoned district, but only upon the fulfillment of such performance standards conditions as set forth by the Planning and Zoning Commission, and subject to the review and approval of the Zoning Board of Adjustment; see Section 27.1.10 j.(4)vi.
Section 2. AMENDMENT ELEVEN 27.2.16b.(1)i. Any dwelling shall have no less than eighteen (18) feet exterior width, measured from the exterior finish walls and/or foundation, whichever is greater.
Section 2. AMENDMENT TWELVE 27.2.22g. Text removed.
Section 3. AMENDMENT THIRTEEN 27.3.4 Residential Use Types: Residential use types include uses providing wholly or primarily non-transient living accommodations within a dwelling structure. All dwelling structures shall have no less than eighteen (18) feet exterior width; measured from the exterior finish walls and/or foundation, whichever is greater. They exclude institutional living arrangements providing twenty-four (24) hour skilled nursing or medical care, forced residential or therapeutic use type.
Section 3. AMENDMENT FOURTEEN 27.3.7f. Campgrounds: Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents.
The following are considered campground facilities types: (1) Standard Campground: Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven (7) consecutive days

during any one (1) month period. (2) Extended Stay Campground: These facilities are set up to provide camping or parking sites or spaces for recreational vehicles, recreational trailers and tents of those individuals using the recreational area for the services intended. The recreational vehicles, recreational trailers and tents which accommodate each of the users shall not be allowed to stay for more than 180 consecutive days within a one (1) year period. This is not intended to provide any type of temporary or transit housing for any individual use and no manufactured or modular housing unit will be allowed.

Section 3. AMENDMENT FIFTEEN 27.3.7l. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-storage and/or warehousing. (Intensity Rating: H)

Section 3. AMENDMENT SIXTEEN 27.3.7v. Retail sales, incidental pet health services and grooming, when totally within a building, of dogs, cats, birds, fish and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons and pet grooming shops, but exclude uses for livestock and large animals. (Intensity Rating: M)

Section 4. AMENDMENT SEVENTEEN 27.4.2k. Corridor Overlay District (CO Overlay): The Corridor Overlay District is intended to promote quality design, preserve the appearance of the natural and agricultural landscape and promote economic development along and near the I-29 and U.S. Highway 34 interchange and corridor. The regulations in the overlay district are in addition to those of the underlying zoning district for the property and effect all new or expanded public, commercial, industrial and mixed use buildings and properties.

Section 4. AMENDMENT EIGHTEEN 27.4.5 Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the County. The County shall certify that this is the Official Zoning Map referred to by these regulations. This may, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance.

Section 4. AMENDMENT NINETEEN 27.4.10b. Conditional Uses. These uses are subject to approval of a Conditional Use Permit by the Zoning Board of Adjustment following the procedure set forth in Section 27.1.10 j. (4). These uses are indicated in the Use Matrix by a “C” in the applicable cell.

Section 4. AMENDMENT TWENTY Table 4.01: Use Matrix. Text Removed: “S” (Special Use Permit) Text Added: “C” (Condition Use).

Section 6. AMENDMENT TWENTY-ONE 27.6.4a. A landscaping standard design plan meeting the requirements of this Ordinance must be submitted.

Section 6. AMENDMENT TWENTY-TWO 27.6.4b.(3). Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways, walkways and display areas.

Section 6. AMENDMENT TWENTY-THREE 27.6.4c. All Plant Materials shall be installed in the following minimum sizes: (1) Deciduous shade trees; 2-inch caliper. (2) Ornamental trees; 2-inch caliper (3) Evergreen trees; 5-foot high (4) All shrubs; 5-gallon container (5) Groundcover, annuals, and perennials; 1-gallon container

Section 6. AMENDMENT TWENTY-FOUR Table 6.01: Text Removed. Text Added.

Section 6. AMENDMENT TWENTY-FIVE 27.6.5. The owner, developer, or operator shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this Section. Bufferyard requirements apply only to those districts indicated in Table 4.02. a. The bufferyard dimensions set forth in Table 6.02 apply to uses that share a common lot line. b. When a roadway separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard. c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

Section 6. AMENDMENT TWENTY-SIX Table 6.02: Text Removed. Text Added.

Section 6. AMENDMENT TWENTY-SEVEN 27.6.6a. Screening is opaque barrier and required when a use type requiring buffering a residential use type and has one (1) or more of the following conditions and is directly visible from and faces toward the boundary of the residential use:

Section 6. AMENDMENT TWENTY-EIGHT 27.6.8a. In any landscaped area for commercial uses only required by the Minimum Depth Requirements, one (1) tree of an approved species with a minimum caliper size of two inches (2”) shall be planted and maintained for each 1,000 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

Section 6. AMENDMENT TWENTY-NINE 27.6.9e. Time of Completion. Landscaping will need to be completed within six (6) months of completion of the Building or from the date of

issuance of the Certificate of Occupancy and/or the beginning of business operations.
Section 6. AMENDMENT THIRTY 27.6.9f. Penalties for Violations a. Any person who fails to perform an act required by this Ordinance or who commits an act prohibited by this Ordinance shall be guilty of a County infraction punishable by a civil penalty as provided by Section 5.1.1 – County Infractions of Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances. b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. c. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.
Section 7. AMENDMENT THIRTY-ONE 27.7.5h. (2). Remove all text.
Section 7. AMENDMENT THIRTY-TWO 27.7.5h. (4)ii.(i) All plant materials shall be installed in the following minimum sizes: 1. Deciduous shade trees – 2 inch caliper. 2. Ornamental trees – 2 inch caliper. 3. Evergreen trees – 5 feet high. 4. All shrubs – 5 gallon container. 5. Groundcover, annuals, and perennials – 1 gallon container.
Section 7. AMENDMENT THIRTY-THREE 27.7.5h. Text Removed.
Section 7. AMENDMENT THIRTY-FOUR 27.7.5h. (11)vi. Permanent window signs shall not fill up more than 20 percent of the window area, and shall be limited to letters of 8 inches or less in height.
Section 7. AMENDMENT THIRTY-FIVE 27.7.5h.(11)viii. Pole signs shall be limited to one (1) on premise and shall have a maximum height of one-hundred-ten (110) feet above lowest building floor elevation, and no closer than fifteen (15) feet to any property line. And shall not exceed the maximum signage area of one-thousand-fifty (1,050) square feet. Signage area is limited to only two (2) sided sign type areas with equal square footage on both sides. The maximum signage area shall decrease in square footage as the overall sign height is lowered at ten (10) square feet for every one (1) foot decrease in overall height, with the minimum height of forty-five (45) feet above lowest building floor elevation. No zoning variance shall be allowed for maximum height and signage areas.
Section 7. AMENDMENT THIRTY-SIX 27.7.5h.(11)ix. Other than Pole signs, all freestanding signs shall be monument signs constructed of materials that are similar to or are compatible in quality and appearance with the primary materials used on primary buildings on the site.
Section 7. AMENDMENT THRITY-SEVEN 27.7.5h.(11)x. Only two (2) 25-foot maximum height monument signs per parcel will be allowed, with no allowed variance increase in height. These monument signs shall be measured at the adjacent street above grade along the I-29 and Highway 34 corridors.
Section 7. AMENDMENT THRITY-EIGHT Table 7.02: Sign Matrix –Corridor Commercial Overlay District added.
Section 9. AMENDMENT THIRTY-NINE 27.9.4a One (1) pole-standing sign not to exceed eighty square feet (80 ft^2) in area, plus one square foot (1 ft^2) in area for each additional linear foot of lot frontage over eighty feet (80') shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two feet (22'). Such sign shall not extend higher than forty-five feet (45') above grade level, nor closer than fifteen feet (15') to any property line unless the bottom of the sign face is higher than twelve feet (12') above grade level.
Section 9. AMENDMENT FORTY Table 9.01: Civic & Community Sign Matrix added.
Section 9. AMENDMENT FORTY-ONE Table 9.02: Temporary Sign Matrix added.
Section 9. AMDENDMENT FORTY-TWO Table 9.03: Permanent Sign Matrix added.
Section 9. AMENDMENT FORTY-THREE Table 9.04: Commercial & Industrial District Sign Matrix added.
Chapter 27. AMENDMENT FORTY-FOUR RENUMBERING AND TYPOGRAPHICAL ERRORS. The Mills County Board of Supervisors corrected any and all typographical errors in Chapter 27-Zoning Ordinance of the Mills County Code of Ordinances as well as renumbered the Zoning Ordinance to incorporate new Sections and Subparagraphs adopted by the Mills County Board of Supervisors in pursuant to this Ordinance. The Mills County Board of Supervisors hereby summarily adopts any and all corrections of typographical errors in the Chapter 27-Zoning Ordinance of the Mills County Code of Ordinances as well as the renumbering of said Ordinance compromising the newly amended Chapter 27-Zoning Ordinance of the Mills County Code of Ordinances.
Chapter 27. REPEALER All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

Chapter 27. SEVERABILITY If any section, provision, or part of this ordinances shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinances as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.
Chapter 27. CODE OF ORDINANCES Copies of the Mills County Code of Ordinances as adopted herein shall be on file and available for public inspection in the office of the Mills County Auditor.
Chapter 27. EFFECTIVE DATE This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.
First Reading: April 26, 2016 Second Reading: May 3, 2016
Third Reading: May 10, 2016

Motion by Mayberry seconded by Crouch to approve the request by the Glenwood Chamber to pay for the 12 flower baskets around the Courthouse perimeter in the amount of $504 payable to the Glenwood Chamber/Glenwood Mills County Economic Development.
Motion carried on a vote: Ayes: 3 Nays: 0

Motion by Crouch seconded by Mayberry to authorize the Chamber of Commerce to use the drive and courthouse on June 18, 2016 from 7 a.m. to 1 p.m. for the Spring into Summer event.
Motion carried on a vote: Ayes: 3 Nays: 0

Phil Warren and Larry Raabe were present to request funding for the Glen Haven Village. Warren explained that the current Glen Haven rest home was built in 1964 and has outlived its expectancy. He stated that they are working with the State of Iowa to do a 50-year lease and renovation of 7 cottages on the Glenwood Resource Center's campus. One would be set up for rehab, one as a memory care facility and 5 as skilled nursing cottages to accommodate up to 82 residents. There is nothing like this proposal in the State of Iowa. They will accept Medicare, Medicaid and private pay. The cost for this project is 3.2 million. They can get a loan at 2.8% interest for 40 years with the Federal government, but will need community support. They hope to raise $1,000,000 over a period of 5 years.
Warren also stated there would be a savings to have Glen Haven located at the Glenwood Resource Center by sharing laundry and food services as well as utilities, maintenance and landscaping. There would also be a need for an additional 20 employees in the medical field. Warren asked for consideration from Mills County to use LOST monies and commit to $100,000 over a 5-10 year period or what they feel is appropriate.
The Board of Supervisors will take this request under advisement and see what is available since substantial funding from the LOST fund has already been allocated for next year. Warren said they were going to the City and community for support as well.

There being no further business to come before the Board at this time, they adjourned to meet on Tuesday, May 17, 2016.

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Ron Kohn, Chair

ATTEST:

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Carol Robertson, Auditor