

PLANNING AND ZONING COMMISSION  
ADMINISTRATIVE RULES  
JONES COUNTY  
Adopted July 2023

In compliance with Iowa Code, Section 335.12 and the Jones County Zoning Ordinance, Title VI - Property & Land Use, the following rules and procedures are hereby adopted by the Jones County Planning and Zoning Commission.

MEMBERSHIP

The Jones County Planning and Zoning Commission shall have two (2) members serve for a term of three (3) years; three (3) members serve for a term of two (2) years. New members of this Commission shall be appointed by the Board of Supervisors, each serving a term of three (3) years. The members shall reside in the unincorporated portion of Jones County, Iowa.

OFFICERS

The Planning and Zoning Commission shall select a chairperson at the first regular meeting in July to serve for a period of one (1) year (July 1-June 30). In his or her absence, an acting chairperson will be designated by the other members.

DUTIES

The chairperson, or in his absence, the acting chairperson, will preside at all meetings, appoint committees, administer oaths, compel the attendance of witnesses and perform such other duties as may be ordered by the Commission.

The Planning and Zoning Commission duties include updating the ordinances by recommending amendments, supplements, changes or modifications to the boundaries of the planning districts and the regulations and restrictions to be enforced.

## OFFICE OF THE PLANNING AND ZONING COMMISSION

The Jones County Land Use Office is designated as the office of the Planning and Zoning Commission. The Land Use Administrator shall be responsible for the secretary's duties; record and maintain minutes of the meetings, ensure that the minutes and adopted recommendations are properly published and available to the public, and perform such other duties as the Commission may determine.

### MEETINGS

The Commission shall determine regular meeting dates. All meetings of the Planning and Zoning Commission shall be open to the public. The secretary shall keep and file records of the public hearings and other official actions. The secretary will provide the Commission notice of the special meeting, purpose and time 48 hours in advance.

### QUORUM

A quorum of the Commission shall consist of three (3) members. A quorum may be formed if one member of the three-person quorum is participating by teleconference. Without a quorum, no business will be transacted and no official action on any matter will take place.

### PUBLIC NOTICE

On receipt of the request, the Land Use Administrator shall place the application on the next regular Planning and Zoning Commission meeting agenda and publish the public hearing notice including time and place at least five (5) days prior to the hearing, but no longer than twenty (20) days in the officially designated newspapers of the County. In addition, certified mailings shall be sent to all adjoining property owners with the time and place of the hearing.

### ORDER OF BUSINESS

Call to order  
Approval of agenda  
Approval of minutes of previous meeting  
Reports of officers, committees, staff  
Unfinished business  
New Business: Appeals and applications on the agenda  
Time open for citizens wishing to address the Commission on matters not on the established agenda  
Any other discussion or announcements  
Notice of next meeting  
Adjourn

## CITIZEN PARTICIPATION

Persons other than Commission members shall be permitted to address the Commission on specific agenda items.

A citizen addressing the Commission shall state his name and address.

Citizens shall be limited to three minutes speaking time per item unless additional time is granted by the presiding officer. Total citizen input on any subject under Commission consideration shall be limited to a fixed period determined by the presiding officer.

Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the relevance of citizen comments. Citizens making personal, impertinent or slanderous remarks shall be barred by the presiding officer from further comment before the Commission.

The Commission may, in its discretion, allow citizens who wish to raise a matter not on the agenda to address the Commission at the end of the regular agenda.

## MOTIONS

Motions may be made by anyone on the Commission except the presiding officer. The administrator shall restate the motion before a vote is taken.

## DISCUSSION

A Commission member shall speak only after being recognized by the presiding officer. A member recognized for a specific purpose shall limit remarks to that purpose. A member, after being recognized, shall not be interrupted except by the presiding officer.

The presiding officer may enter into any discussion.

Each Commission member will limit his or her remarks to a reasonable length.

The presiding officer has the right to close debate and speak last on any item.

Discussion may be closed on any item at any time by the presiding officer with concurrence of the majority of the Commission.

Voting shall be by roll call and shall be recorded by aye or nay. Every member of the Commission, including the presiding officer, is required to vote on each motion. A member shall abstain if he believes there is a conflict of interest, particularly if the conflict is of a financial nature.

Roberts Rules of Order, Revised, shall govern all Commission meetings in all cases where these rules do not provide the procedures to be followed.

### PARTIES ALLOWED TO REQUEST AMENDMENT

Requests for an amendment to the Zoning Ordinance may be made by any private citizen, or any member of the Planning and Zoning Commission.

### APPLICATION FORM

Requests for an amendment to this Ordinance must be in writing and filed with the Land Use Administrator. An application may only be held on file for the Planning and Zoning Commission for a period of sixty (60) days.

### ETHICS

Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the administrator before the meeting.

Each member of the Board has an affirmative ethical duty to recuse themselves from hearing any matter before the Board in which financial, familial, intimate social interests, or public statements would call into question their ability to be impartial in the minds of a substantial portion of the general public; or in which a vote against the interests of one's family or close associates would likely cause significant tensions in those ongoing relationships.

Members of the Board have a duty to scrupulously avoid involvements with parties to applications which might call into question their impartiality. For example, gifts or gratuities from a "grateful" applicant or member of the public after a hearing in which the Board member voted in favor of or against the party should not be accepted.

The Board will not consider a request (informal or not) for advice on theoretical or actual situations which potentially may later come before the Board as an appeal or application.

### REVIEW BY PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission will review the application at the public hearing. If the rezoning signs were not visible during site inspection, the request maybe tabled. At the hearing the Planning and Zoning Commission shall also receive comments from the applicant and the public at large.

WRITTEN RECOMMENDATION

The Planning and Zoning Commission shall submit a written recommendation to the Board of Supervisors.

Adopted by the Jones County Planning and Zoning Commission on\_\_\_\_\_.

Chairperson\_\_\_\_\_

Jones County Land Use  
 Rm 113 Courthouse, 500 W Main St.  
 Anamosa, Iowa 52205  
 Phone: 319-462-2282 Fax: 319-462-5815  
 Email: [landuse@co.jones.ia.us](mailto:landuse@co.jones.ia.us)  
<http://www.jonescountyiowa.org>



**JONES COUNTY LAND USE**

**Written Report of the Jones County Land Use Administrator  
 Request to Amend the Jones County Zoning Map**

<b>Application from:</b>	<b>Lisa and Michael Stark (Lisa Tuetken Stark)</b>
<b>For property located at:</b>	<b>Near 23196 150<sup>th</sup> Ave., Monticello</b>
Brief legal description:	Part of the SW ¼ SW ¼ containing 23.37 acres, Parcel 2011-01 and Parcel 95-72
Parcel number:	02-11-351-009    02-11-351-018    02-11-351-015
Parcel size (current):	.75 Acre                      23.37 Acres                      1.0 Acre
<b>Current Zoning District:</b>	<b>A-Agricultural</b>
<b>Proposed Zoning District:</b>	<b>R-Residential</b>
Purpose:	The reason for the request is to allow for a possible future split in accordance with the Jones County Subdivision Ordinance.
Date application received:	June 19, 2023
Applicable fee:	\$250 paid on June 19, 2023
<b>Planning and Zoning meeting date:</b>	<b>Tuesday, July 11, 2023 at 4:00 p.m.</b>
Notice published: (Article XXI-Section 5)	Week of June 26, 2023 (11-13 days notice provided; 7-20 days required)
Adjacent property owners notified by certified mail: (Article XXI-Section 5)	June 22, 2023
Report mailed to Planning and Zoning Commission: (Article XXI-Section 7)	June 29, 2023
Report mailed to Applicant: (Article XXI-Section 7)	June 29, 2023

*Copy of application, statement of intent and parcel map attached.*

*See pages 2-4 for report.*

## Report of the Jones County Land Use Administrator

(Article XXI-Section 7)

<b>Written Report Provided</b>	Consultation by the following, if necessary (Article XXI-Section 7):
	<b>Jones County Engineer – Derek Snead</b>
<b>Comments:</b>	<i>I have reviewed the Rezoning Application submitted by Lisa Tuetken Stark and see no issues it would create for the Secondary Road Department. Please remind the applicant that if a new access or modification to an existing access is desired then an Application must be approved from our office prior to construction. Also, Jones County has a thirty (30) foot setback ordinance that prohibits any building construction with 30' of the existing road right-of-way.</i>
	<b>NRCS District Conservationist – Addie Manternach</b>
<b>Comments:</b>	<i>I do not see any major concerns/impacts of the proposed rezoning in Section 11, Lovell Township, by Lisa and Michael Stark. However, precautions should be taken to control soil erosion and sediment runoff from the site during any construction where earthmoving occurs or existing land cover is disturbed, as there is the potential for increased soil erosion from wind and rain, resulting in degraded lands. The Jones Soil &amp; Water Conservation District advises putting a construction site erosion control plan in place prior to starting any land disturbing activity. The plan should include the installation of practices such as silt fence and mulching to prevent on-site soil erosion and also address sediment leaving the property.</i>
	<b>Jones County Environmental Services – Paula Hart</b>
<b>Comments:</b>	<i>At this time there are no comments from this department as it does not involve building a house or other structures that would require a septic system and or well. If in the future such is decided, contact this department for septic and well permits before construction.</i>
	<b>Jones County Conservation Board - Brad Mormann</b>
<b>Comments:</b>	<i>No comments received.</i>
	<b>E911 Coordinator – Gary Schwab</b>
<b>Comments:</b>	<i>In review of the application, the Jones County 911 office finds that there are no conflicts, pursuant to Chapter 3, Uniform Rural Address System to Title IV Streets, Roads Public Ways and Transportation, as part of the Jones County Code of Ordinances. And the request is hereby approved by the Jones County 911 Coordinator.</i>
	<b>Flood Plain Manager – Brenda Leonard</b>
<b>Comments:</b>	<i>The two smaller parcels are not in the floodplain, but the larger parcel (02-11-351-018) is partially located in the Jones County Floodplain. No building would be allowed in the floodplain area unless they met the requirements of the Jones County ordinances.</i>

Minimal apparent impact	Impact which the application will have on the overall land use plan in Jones County (Article XXI-Section 7)
<p><b>Comments:</b> According to the 2023 Jones County Comprehensive Land Use Plan, about 24,000 acres of land, zoned outside of our cities, is predominately within the current Residential Zoning District. One goal listed in the plan, is to provide for orderly rural residential growth near the incorporated cities with available infrastructure capacity. The plan does discourage development in areas not suitable for housing, such as flood plains, steep slopes and certain soil types. According to the 2023 Zoning Map, the parcels to be re-zoned are listed as A-Agricultural. Many of the adjacent properties are already zoned Residential. I don't believe that rezoning these parcels will have any negative impact on the Land Use Plan.</p>	

<b>Minimal apparent impact</b>	<b>Impact which the application would have on surrounding property:</b> (Article XXI-Section 7)
<p><b>Comments:</b> The purpose of this application is <u>only</u> to rezone the three parcels. After re-zoning, this could <u>eventually</u> allow parcel 02-11-351-018 to be split into two parcels. According to the Jones County Zoning Ordinance, to split property in the Agricultural Zoning District, the parcel must contain 42 acres. Since this parcel is only 23.27 acres, this does not meet the requirements for any residential splits or boundary corrections. If re-zoned to R-Residential, future splits could be done in accordance with the Jones County Subdivision Ordinance. These future splits would be reviewed by the Jones County Planning and Zoning Commission. The remaining 21.17 acres consist of CRP field, row crop ground, large pond, timber, creek, and wetlands. For this application, rezoning these parcels will not have any negative impact on the surrounding properties. There will be no additional accesses onto the property and no additional traffic or noise. There are several neighboring properties to the North that are already zoned residential.</p>	

### **SECTION 3. R – RESIDENTIAL**

**A. Intent:** The Residential District is intended to provide appropriate locations for rural residential development. Development within a Residential District shall be designed to protect the rural character of nearby properties, be sufficiently compatible with adjoining properties, preserve natural resources, and have access to adequate infrastructure.

**B. Principal Permitted Uses:** Property and buildings in the Residential District may be used for the following purposes:

1. Single-family residential only, except in the PD District where single-family residential, two-family residential and multi-family residential are allowed.

2. Cemeteries

**C. Permitted Accessory Uses:** The following accessory buildings and uses are permitted:

1. Private garages.

2. Storage sheds.

3. Swimming pools.

4. Horticulture plants and gardens.

5. Non-utility scale solar.

**D. Special Permitted Uses:** The following special uses may be permitted after review and approval by the Board of Adjustment and subject to any additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Auxiliary dwelling units subject to Article XI.

2. Bed and breakfast inns subject to Article VIII.

3. Churches or other places of worship, including parish houses and Sunday school facilities.

4. Home-based industries subject to Article VII.

5. Parks, playgrounds, golf courses (public and private), service organizations, and recreational uses.

6. Schools (public and private), educational institutions, preschools, and day care facilities.

7. Wind Energy Conversion Systems (WECS)- Small subject to Article XV.

8. Animal Shelters subject to Article XXI.

**E. District Regulations:** The bulk regulations established for all R - Residential Districts are listed in Appendix A. All regulations are minimum standards unless otherwise noted.

**F. Off-Street Parking:** See Article XXII Off-Street Parking Requirements.

**G. Sign Regulations:** See Article XX Sign Requirements.

**SECTION 3. R – RESIDENTIAL (Continued)**

**H.** Accessory Use Requirements: See Article XIII Accessory Use Requirements.

**I.** Lighting Requirements: See Article XIX Lighting Requirements.

**J.** Unincorporated Village exemptions:

1. **Setback reduction:** Front yard setbacks are measured from the road right-of-way line. On blocks where at least 50 percent of the existing buildings have a shorter setback, the setback may be reduced by 50% of the required setback.

2. **Reduced lot size:** For previously platted parcels within an unincorporated village, the lot size may be reduced to less than one acre if the property can be served by a public wastewater facility.

a. **Minimum lot area:**

i. Single-family dwelling, 12,000 square feet.

ii. Multi-residential dwelling, 20,000 square feet.

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Sheralyn Schultz  
*Jones County Land Use Administrator*

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Date

Jones County Land Use  
 Rm 113 Courthouse, 500 W Main St.  
 Anamosa, Iowa 52205  
 Phone: 319-462-2282 Fax: 319-462-5815  
 Email: [landuse@jonescountyiowa.gov](mailto:landuse@jonescountyiowa.gov)  
 Website: [www.jonescountyiowa.gov/land use](http://www.jonescountyiowa.gov/land_use)



## Jones County Zoning Rezoning Application

<b>For Office Use Only</b>		
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Date: _____
Comments: _____		
_____ <b>Signature of Jones County Land Use Administrator</b>		

The Planning and Zoning Commission will review the proposal and recommend to the Board of Supervisors amendments, supplements, changes, or modifications to the boundaries of the planning districts.

Fee: \$ 250 (non-refundable) payable to Jones County, with the completed application

Date Application Filed: 6-19-23

Owner Information			
Name on property: Lisa and Michael Stark (Parcel #'s 0211351009 and 0211351018)			
Lisa Tuetken Stark (Parcel # 0211351015)			
Address to receive mail:	House Number & Street: 23196 150th Ave.		Apartment/Unit
	City: Monticello	State: IA	Zip Code: 52310
Phone: (319) 202-3159	E-mail Address: mlgutzeit@yahoo.com		
Applicant Information			
Name: (If different from above.)			
Address to receive mail:	House Number & Street:		Apartment/Unit
	City:	State:	Zip Code:
Phone: ( )	E-mail Address:		
Parcel Information			
Township	86	Section	11
Property Address		23196 150th Ave, Monticello	
Legal description of property to be rezoned: See attached.		County Parcel ID(s), if known: <u>0211351009, 0211351015, 0211351018</u>	



## Narrative

I am requesting the rezoning of my property, which consists of three parcels with ID #'s 0211351009, 0211351015, and 0211351018, from Agricultural to Residential. My property is located north of Monticello, just northeast of the 150<sup>th</sup> Ave / 230<sup>th</sup> St. intersection.

The reason I am requesting rezoning of this property to Residential is to allow the largest parcel (# 0211351018) to be split into two parcels in the near future. Per the Zoning Ordinance, this parcel cannot be split currently due to it being zoned Agricultural and less than 42 acres in size. While I am requesting rezoning of the largest parcel, it also make sense for me to rezone the two smaller parcels simultaneously since they are contiguous with the largest parcel. One of these smaller parcels contains my residence (# 0211351015).

If my rezoning request is successful, I plan on splitting the largest parcel into two parcels as mentioned. I have included a map showing the approximate proposed split. One of the resulting parcels will be the southwesterly 2.20 acres, which contains two small ponds and a grass lot that serves as an extension of my yard. The remaining 21.17 acre piece will contain a CRP field, row crop ground, large pond, timber, creek, and wetlands.

Splitting this large parcel in such a way allows me to keep my options open if I ever need to sell either piece. For instance, one scenario could involve selling the 21.17 acre piece without having to give up the two small ponds and grass lot that are adjacent to my residence. Another possible scenario could be maintaining ownership of the 21.17 acre piece, while selling my residence and/or the 2.20 acre piece. I do not know at this time which scenario will play out. It is in my best interest to keep these options open though, not only from a financial standpoint, but also to help maintain my family's connection to this land if a piece is ever sold away. This land has been in my family for several decades, and it is very important to me to maintain ownership of a portion so my family can continue using and enjoying it.

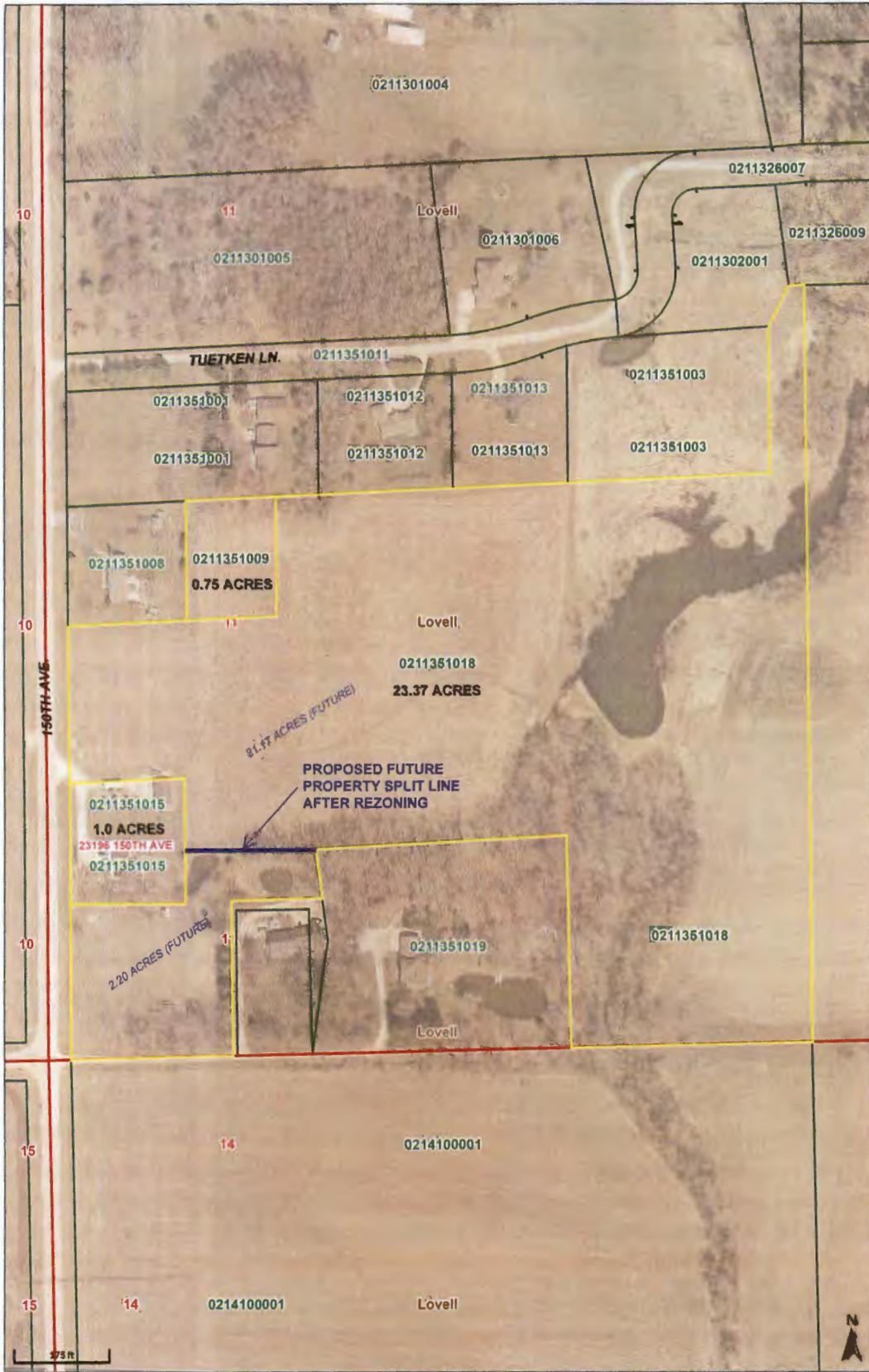
Not only would rezoning my property to Residential provide an opportunity for me personally, but it would also make sense in terms of fitting the surrounding zoning theme. The adjacent properties along Tuetken Lane to the north are currently zoned Residential. Also, all of the farm ground going southwest towards Monticello is currently zoned Residential. My property is located within the Monticello two-mile buffer as well.

I am aware that rezoning land out of Agriculture can spark concern from neighbors, as this typically means land development could occur in the future. However, I have no interest in turning this land into a residential development in the near future following the rezoning to Residential. This rezoning is strictly for the purpose of splitting the large parcel into two parcels, since its current zoning does not allow for such a split. I have done my best to communicate with my neighbors on what my intentions are for this rezoning. I have no control over what future land owner's objectives might be if the land ever changes hands, but personally I have no interest in doing any development in the near future. Because there are no plans for development, there are currently no new accessises onto the property being proposed and there will be no resulting traffic or noise impacts.

Sincerely,



Lisa Tuetken Stark



**Overview**

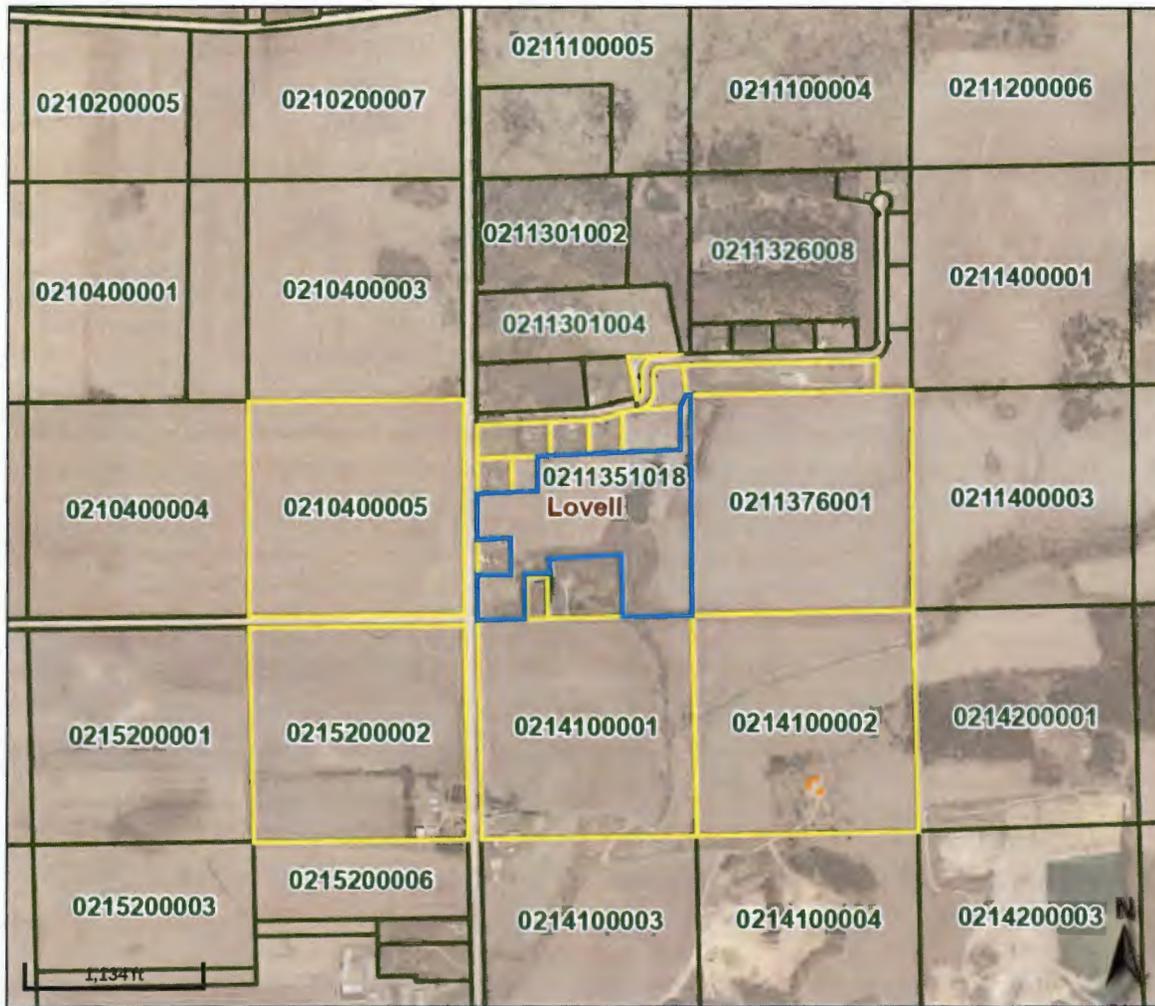
**Legend**

- Corporate Limits
- Political Townships
- Sections
- Parcels**
- Structures on Leased Land
- Parcels
- Cartography
- Major Roads

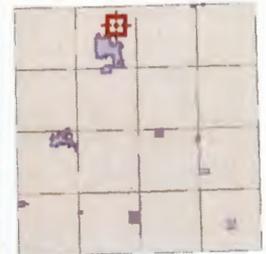
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Developed by Schneider & Associates



**Overview**



**Legend**

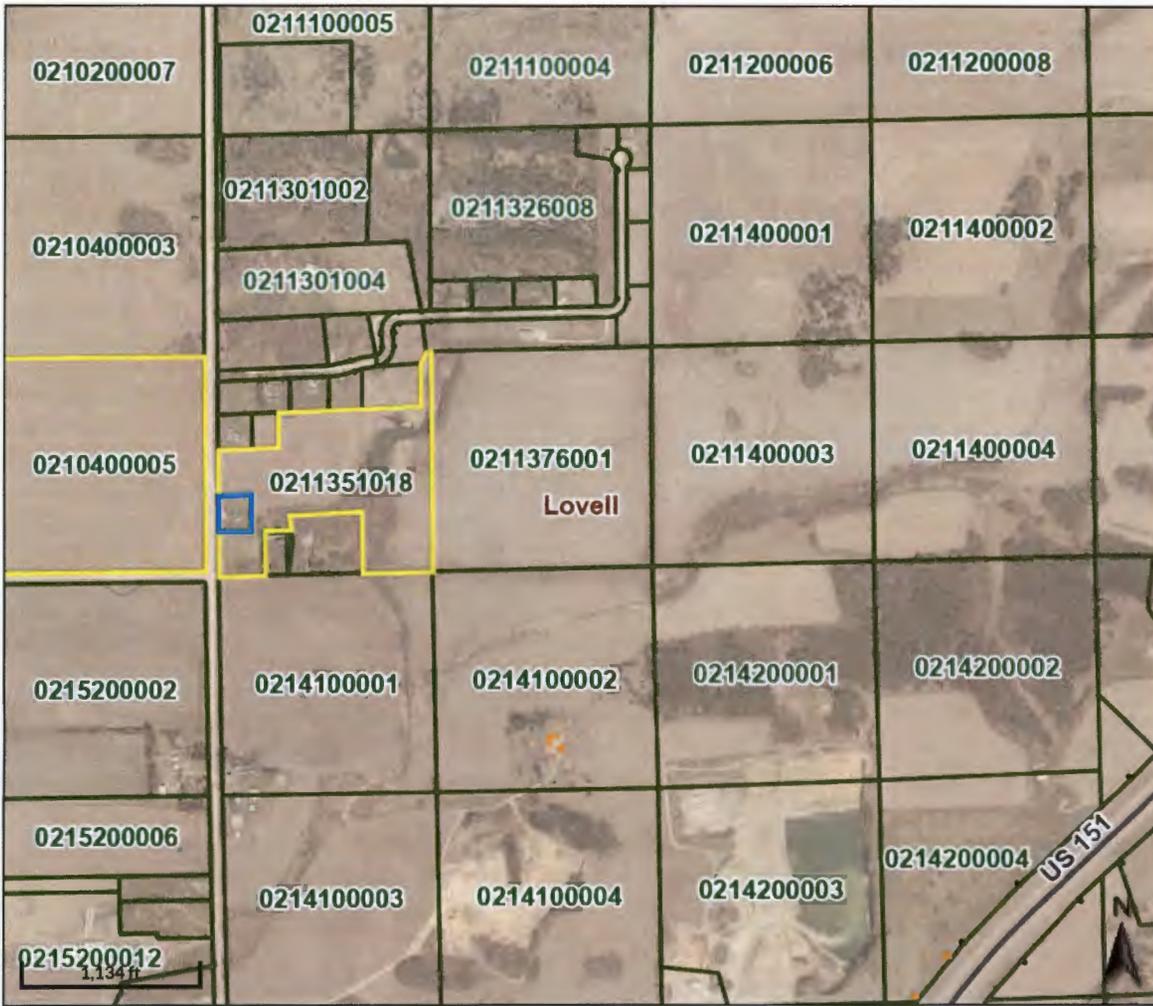
-  Corporate Limits
-  Political Townships
- Parcels**
-  Structures on Leased Land
-  Parcels
-  Cartography
-  Major Roads

<b>Parcel ID</b>	0211351018	<b>Alternate ID</b>	086200	<b>Owner Address</b>	STARK, LISA D & MICHAEL J
<b>Sec/Twp/Rng</b>	11-86-03	<b>Class</b>	A		23196 150TH AVE
<b>Property Address</b>		<b>Acreage</b>	23.37		MONTICELLO, IA 52310
<b>District</b>	LOVMO				
<b>Brief Tax Description</b>	11 86 03 SW SW EXC PARCELS 94-35, 95-71, 2011-01, 2015-25, 2018-62 TUETKENS 2ND & 3RD ADDS; COM SW COR SEC 11 N 1250' N 300' E 700' S 300' W 700' TO BEG.; & COM 575' E SW COR SEC 11 N 200' E 200' S 200' W 200' TO BEG				
	<i>(Note: Not to be used on legal documents)</i>				

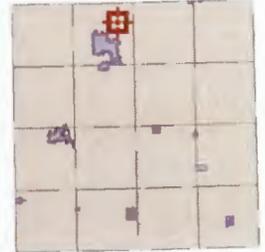
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**Overview**



**Legend**

- Corporate Limits
- Political Townships
- Parcels**
- Structures on Leased Land
- Parcels
- Cartography
- Major Roads

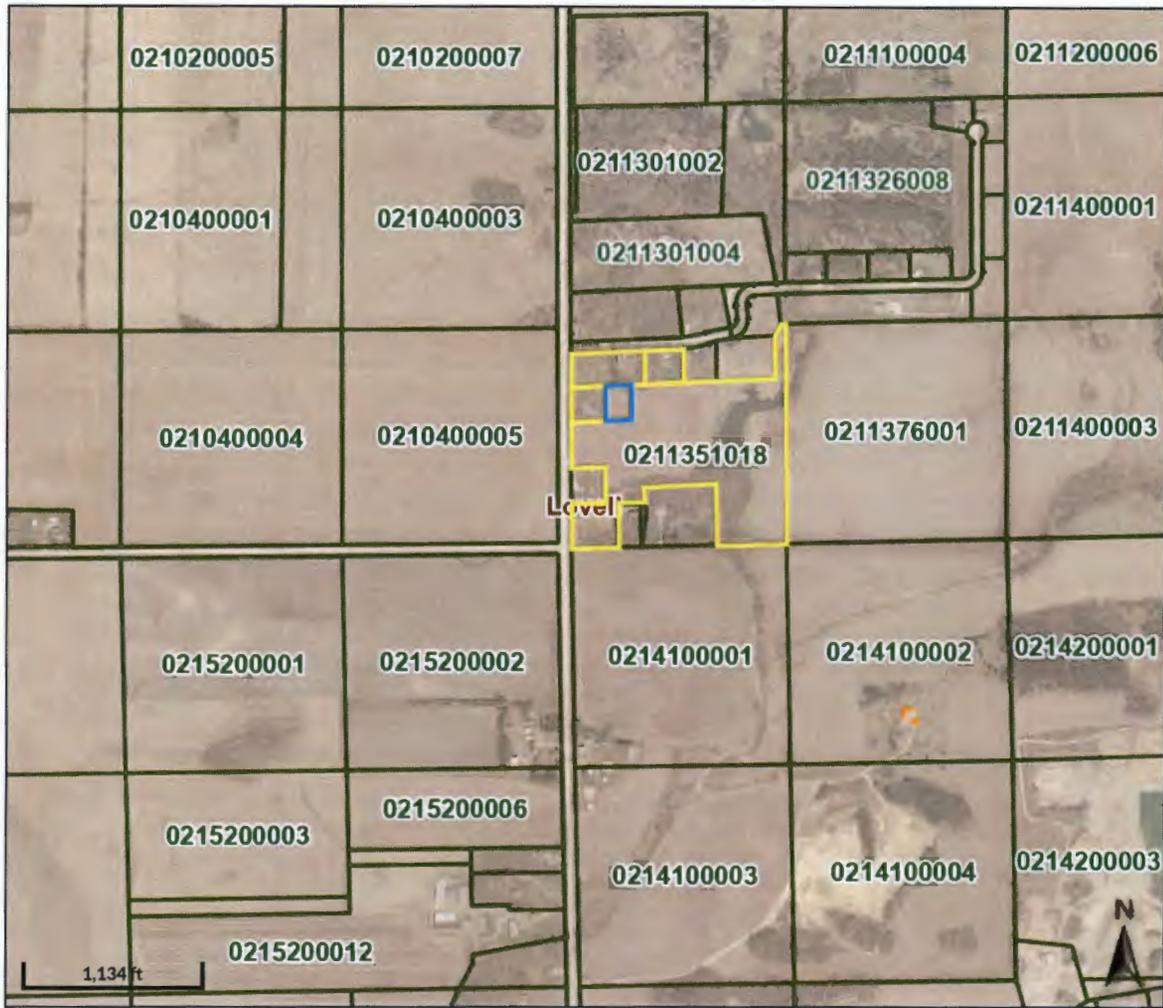
Parcel ID	0211351015	Alternate ID	n/a	Owner Address	TUETKEN, LISA D
Sec/Twp/Rng	11-86-03	Class	R		23196 150TH AVE
Property Address	23196 150TH AVE	Acreage	1.0		MONTICELLO, IA 52310
	MONTICELLO				

District LOVMO  
 Brief Tax Description 11-86-03 PARCEL 2011-01 IN SW SW  
 (Note: Not to be used on legal documents)

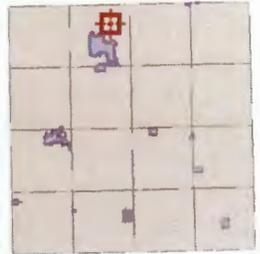
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Date created: 6/22/2023  
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**Overview**



**Legend**

-  Corporate Limits
-  Political Townships
- Parcels**
-  Structures on Leased Land
-  Parcels
-  Cartography
-  Major Roads

Parcel ID	0211351009	Alternate ID	155000	Owner Address	STARK, LISA D & MICHAEL J
Sec/Twp/Rng	11-86-03	Class	A		23196 150TH AVE
Property Address		Acreage	0.75		MONTICELLO, IA 52310
District	LOVMO				
Brief Tax Description	11 86 03 PARCEL 95-72 IN SW SW				
	(Note: Not to be used on legal documents)				

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## Sheralyn Schultz, Deputy Auditor

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**From:** Brenda Leonard  
**Sent:** Monday, June 26, 2023 9:31 AM  
**To:** Sheralyn Schultz, Deputy Auditor  
**Subject:** RE: Stark Re-Zoning App 23196 150th Ave

Good morning,

The two smaller parcels are not in the floodplain, but the larger parcel (0211351018) is partially located in the Jones County Floodplain.

No building would be allowed in the floodplain area unless they met the requirements of the Jones County ordinances.



Brenda Leonard, IACEM  
Jones Co Emergency Management  
500 W. Main St. Courthouse  
Anamosa, Iowa 52205

Work: 319-462-4386  
Cell: 319-480-0617  
Home: 563-488-2210  
Email: [ema@co.jones.ia.us](mailto:ema@co.jones.ia.us)