



PLANNING AND ZONING

Cerro Gordo County Courthouse

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March 21, 2019

TO: Cerro Gordo County Planning and Zoning Commission

FROM: John Robbins

SUBJECT: Next Meeting – *Thursday, April 4, 2019; 4:00 p.m.; Boardroom*

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **Thursday, April 4, 2019 at 4:00 p.m., in the Boardroom at the Courthouse.** You will be considering a petition to vacate a platted public street and a proposed amendment to the county fireworks ordinance.

1. Frank Hanig and Petitioners 20-foot wide alley running through Block 2, Cartersville

This request is a petition to vacate a 20-foot wide alley running through Block 2 of the unincorporated village of Cartersville. The alley runs from 1st Street all the way through the block to 2nd Street (See Figures 1 & 2). It also runs through the center of Block 2 from Cleveland Street going south to a “T” intersection with the aforementioned portion of the alley (See Figure 3).

Block 2 of Cartersville is sparsely developed. On Lots 3-6, there is a house and two accessory structures (See Figure 1, 3, & 4). Mr. Hanig (owner of the lots) has had a Zoning Permit Application approved for a new house, so these buildings will soon be removed during the upcoming development season. On Lots 1 and 2, there is a recently constructed utility building (See Figure 5). There is also a utility building on Lots 15-18 (See Figure 6).

There is an LP tank encroaching in the alley, just south of Lot 6 (See Figure 7). This is not a concern, as Frank and Janet Hanig, owners of Hanig Construction, owns all adjacent lots, which would be conveyed to them.

Area utilities have been provided opportunity to provide comment. Any comments received will be shared with the Commission at the hearing.

The County Engineer’s Office has stated that the alley has never been maintained by the County. It is difficult to foresee any public interest for the alley to remain a platted right-of-way as a result. I recommend the petition be forwarded to the Board of Supervisors for approval.

2. Ordinance No. 58B, An Amendment to Ordinance 58, Regulating the Sale and Use of Consumer Fireworks

On June 13, 2017, the Board of Supervisors adopted Ordinance No. 58, “AN ORDINANCE CONCERNING THE IGNITION, DISCHARGE, USE, AND SALE OF FIREWORKS IN THE UNINCORPORATED AREAS OF CERRO GORDO COUNTY AND ESTABLISHING PROSCRIBED DAYS AND HOURS; PENALTIES; AND TO PROVIDE FOR THE PUBLIC HEALTH SAFTEY AND GENERAL WELFARE.”

The District Court for the Southern District of Iowa Central Division issued a decision regarding *Bellino Fireworks, Inc. v. City of Ankeny, et al* pertaining to the sale of consumer fireworks on July 19, 2018. The Court gave a clear indication on various aspects of local control for the sale of consumer fireworks and affirmed local jurisdictions’ ability to exercise zoning authority.

I presented a similar amendment proposal before the Commission in April of 2018. The Commission made a recommendation to the Board of Supervisors at that time. Since the aforementioned case was still ongoing at that time, the Board opted to not take action at that time. That case has since resolved.

I have prepared an amendment to Ordinance 58 to address some necessary changes as a result. Included in your packet is a copy of Ordinance 58, an executive summary of the proposed amendment to the ordinance, and a copy of proposed Ordinance 58B amending Ordinance 58.

I have also sent packets to the Fire Chiefs of both Mason City and Clear Lake to offer an opportunity to provide comment and further input. Any comments received will be shared with the Commission at the hearing.