

**Participants wishing to speak on a topic should message the meeting moderator. All participants are asked to mute their individual computers at times when they are not speaking to minimize background noise. Join: <https://us02web.zoom.us/j/87595830664>*

**NOTICE OF A REGULAR MEETING
BONDURANT PLANNING AND ZONING COMMISSION
DECEMBER 11, 2025**

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 PM on December 11, 2025, in the Bondurant City Center, 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open, and the public is encouraged to attend.

AGENDA

1. Call to Order
2. Roll Call
3. Perfecting and Approval of the Agenda
4. Approval of Minutes
 - a. October 7, 2025 Minutes
 - b. December 1, 2025 Minutes
5. Guests requesting to address the Planning and Zoning Commission
6. Action Items
 - a. Election of Officers
7. Discussion Items -
 - a. Zoning Code Update Discussion
8. Reports / Comments and appropriate action thereon:
 - a. Commission Members
 - b. Planning Staff
 - c. City Administrator
 - d. City Council Liaison
9. Adjournment

City of Bondurant

Planning and Zoning
Commission 200 2nd St NE,
PO Box 37
Bondurant, IA 50035



Meeting Minutes

DATE: October 7, 2025 Karen Keeran, Chair

1. Call to Order 6:00 pm

Place Bondurant City Hall (200 2nd St NE, PO Box 37)

2. Roll Call

Members Present: Karen Keeran (Chairperson), Andy Mains (Vice-Chairperson), Kristin Brostrom, Ethan Pitt, Brian Clayton, Jesse Torres, Jason Vore

Members Absent:

City Official & Staff Present: Isaac Pezley

3. Perfecting and Approval of the Agenda

Motion by Commission Member Mains, seconded by Commission Member Clayton to approve of the October 7, 2025, meeting agenda. Vote on Motion 7-0-0. Motion carried.

4. Approval of Minutes

Motion by Commission Member Mains, seconded by Commission Member Torres to approve of the August 14, 2025, meeting minutes. Vote on Motion 7-0-0. Motion carried.

5. Guests requesting to address the Planning and Zoning Commission

6. Action Items

- a. Resolution PZ-251007-30 – Consideration of Bondurant-Farrar Elementary Plat 1 Preliminary and Final Plats.

James Rodemyer, Bishop Engineering, presented the plat to the Commission. Rodemyer stated the plat will create one buildable lot for the future Bondurant-Farrar Elementary school and two road lots. One road lot is for the future extension of Aspen Drive NE and the other street lot is for 5th Street NE. One

outlot is also included for detention and park area.

Motion by Commission Member Mains, seconded by Commission Member Pitt to approve Resolution PZ - 251007-30.

Roll Call – Ayes: Commission Member Brostrom, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Pitt, Commission Member Torres, Commission Member Vore Nays: none Abstentions: none. Absent: none. Vote on Motion 7-0-0. Motion carried.

- b. Resolution PZ-251007-31 – Consideration of Bondurant-Farrar Community School District Elementary Site Plan.

Jared Dobesh with Confluence provided the Commission an overview of the submitted site plan. Dobesh stated there will be a one-way loop with forty-four stacking spaces for drop-offs. The bus drop-offs will be on the north side of the proposed building. A pre-kindergarten playground and an outdoor classroom is shown. Another kindergarten through 2nd grade playground is shown on the north side of the building. Dobesh stated they have planned the site out for possible future expansion. A sidewalk connection is shown on the south side that would connect into the trail system being installed in the neighboring Pleasantview Park area.

Keeran asked if 5th Street would be extended to the west. Dobesh stated it may extend further to the west but it will turn south at some point. Pezley stated they have not received comments from engineering, otherwise all staff comments have been addressed.

Keeran asked for confirmation on the proposed trail connection. Pezley stated the sidewalk will connect into the trail system that will be located in Pleasantview Park. This trail system will connect to Lincoln Street to the west and Aspen to the north. Dobesh stated the sidewalk will also connect into Truman Drive to the east. Torres asked where bike racks will be located, Dobesh stated they are on the south side of the building near the main entrance.

Motion by Commission Member Mains, seconded by Commission Member Clayton to approve Resolution PZ - 251007-31.

Roll Call – Ayes: Commission Member Brostrom, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Pitt, Commission Member Torres, Commission Member Vore Nays: none Abstentions: none. Absent: none. Vote on Motion 7-0-0. Motion carried.

- c. Public Hearing – Consideration of request to modify Future Land Use Map for GeoParcel 8022.30.200.020 from Low- and Medium-Density Residential to High-Density Residential.

Public hearing opened at 6:10.

Pezley stated this property is north of a property the Commission recently reviewed for a future land use amendment and rezoning request. Pezley stated there was miscommunication between the applicant and staff. Staff was under the understanding that the applicant only wanted to amend the future land use map and rezone the southern property, the applicant wanted to amend the future land use map and rezone both properties. The future land use map amendment would change the area from Low- and Medium-Density Residential to High-Density Residential, which is the same amendment the Commission reviewed in August. Pezley stated staff did receive one email from a neighboring property owner, Pezley read the email for the Commission and the email will be attached to the minutes.

Public hearing closed at 6:13.

- d. Resolution PZ-251007-32 – Consideration of request to modify Future Land Use Map for GeoParcel 8022.30.200.020 from Low- and Medium-Density Residential to High-Density Residential.

Motion by Commission Member Mains, seconded by Commission Member Vore to approve amended Resolution PZ - 251007-32.

Roll Call – Ayes: Commission Member Brostrom, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Pitt, Commission Member Torres, Commission Member Vore Nays: none Abstentions: none. Absent: none. Vote on Motion 7-0-0. Motion carried.

- e. Public Hearing – Consideration of request for rezoning from the Agricultural (A-1) District to the High Density Residential (R-3) District on property located at GeoParcel 8022.30.200.020

Public Hearing opened at 6:16.

Pezley stated this rezoning request is the same the rezoning request the applicant for the southern parcel. The rezoning request to R-3 with the self-imposed restrictions would reduce residential density and lot width but would increase lot depth. Pezley read off the contingency placed upon the southern parcel's rezoning request.

Public Hearing closed at 6:17.

- f. Resolution PZ-251007-33 – Consideration of request for rezoning from the Agricultural (A-1) District to the High Density Residential (R-3) District on property located at GeoParcel 8022.30.200.020.

Mains asked about landscaping requirements along the trail. Staff confirmed

trees are being shown between this site and the trail parcel.

Motion by Commission Member Mains, seconded by Commission Member Torres to approve Resolution PZ - 251007-33 contingent upon development on property is either single-family or bi-attached residential.

Roll Call – Ayes: Commission Member Brostrom, Commission Member Clayton, Commission Member Mains, Commission Member Keeran, Commission Member Pitt, Commission Member Torres, Commission Member Vore Nays: none Abstentions: none. Absent: none. Vote on Motion 7-0-0. Motion carried.

7. Discussion Items –

a. Zoning Code Update with Confluence

Chris Shires with Confluence provided the Commission an overview of the proposed changes to the Zoning Code. Shires walked through each section of the Zoning Code and provided brief explanations to why certain sections were amended.

Commission discussed bulk regulations and standards for single-family residential developments. Matt Farver expressed concern about shutting off major developments by requiring basements. Farver stated the real estate market is shifting from developability to sell-ability and wide lots with basements are not very sellable in today's market.

Shires shared some tables that will be included in the new code. These tables include a PUD scoring matrix, zoning use table, and bulk regulation tables. Shires and the Commission had further discussion regarding the bulk regulation standards. The Commission had a conversation clearing up the standard for splitting agricultural land in order to build a new single-family residence.

Shires started working through the definitions and different types of uses allowed in different districts. The Commission had questions regarding different use types. Staff asked for feedback regarding in-home daycares and different types of in-home daycares that would be allowed in town.

Shires detailed landscaping requirements and updated parking requirements. Keeran asked if there is requirements about replacing dying trees, Shires stated yes, it would be considered a violation of the approved site plan. Shires talked through the proposed architectural design requirements and the attached table.

Shires detailed the sign code, Shires noted the entire sign code was thrown out and restarted. Shires stated there were several issues with the sign code where content is being regulated which is not allowed. Shires also detailed the sign regulations table.

Commission agreed to come back in December and have further Commission discussion. This would allow the Commission to go through and look at the entirety of the proposed amendments.

8. Reports / Comments and appropriate action thereon

a. Commission Members

Brostrom – asked about the new requirement of officials doing open records training. Murray stated staff is monitoring it, staff believes all existing Commission members are good, and any new members would be required to complete the training. Murray added that Marketa Oliver is trained to do lead new members through the training.

Clayton – none.

Mains – none.

Pitt – none.

Torres – none.

Vore – none.

Commission Chair – none.

b. Community Development Director – Murray stated staff released an RFP for the artist mural in the Grain District. Murray stated the Pleasantview Master Plan is being worked on.

c. City Planner – none.

d. City Administrator – absent.

e. City County Liaison – absent.

7. Adjournment

Motion by Commissioner Mains, seconded by Commissioner Clayton to adjourn the meeting. Vote on Motion 7-0-0. Motion carried. Meeting adjourned at 8:17.

City of Bondurant

Planning and Zoning
Commission 200 2nd St NE,
PO Box 37
Bondurant, IA 50035



Meeting Minutes

DATE: December 1, 2025 Karen Keeran, Chair

1. Call to Order 6:00 pm

Place Bondurant City Hall (200 2nd St NE, PO Box 37)

2. Roll Call

Members Present: Karen Keeran (Chairperson), Kristin Brostrom, Ethan Pitt,
Brian Clayton, Jesse Torres,

Members Absent: Andy Mains (Vice-Chairperson), Jason Vore

City Official & Staff Present: Isaac Pezley, Maggie Murray, Marketa Oliver

3. Perfecting and Approval of the Agenda

Motion by Commission Member Torres, seconded by Commission Member Pitt
to approve of the December 1, 2025, meeting agenda. Vote on Motion 5-0-0.
Motion carried.

4. Approval of Minutes

5. Guests requesting to address the Planning and Zoning Commission

6. Action Items

- a. Public Hearing – Consideration of request to modify the Future Land Use Map for GeoParcels 7922.05.400005, 7922.05.400.004, 7922.04.300003, 7922.04.300.002, and 7922.04.300.001 from Business Park/Light Industrial to Industrial.

Public Hearing opened at 5:16 p.m.

Murray provided the Commission with an overview of the request to modify the Future Land Use map. Murray stated this is a city initiated request and is tied to the next agenda item which is to rezone property in this area. The future land use map amendment would include the existing residential properties, but the

rezoning would not included these properties. Murray stated Industrial designation on the Future Land Use map translates better to the M-2 Medium Industrial District. Staff believes with future interchange conversations, this area would be better suited to be zoned as M-2 Medium Industrial. Murray stated staff has received one call regarding the Future Land Use amendment and rezoning request and they are supportive of both requests.

Clayton asked if rezoning to Industrial would affect the current residential/agricultural properties from agricultural uses. Staff stated no, and further clarified that this rezoning request does not include the rezoning of the residential/agricultural properties.

Public Hearing closed at 5:21 p.m.

- b. Resolution PZ-251201-34 – Consideration of request to modify the Future Land Use Map for GeoParcels 7922.05.400005, 7922.05.400.004, 7922.04.300003, 7922.04.300.002, and 7922.04.300.001 from Business Park/Light Industrial to Industrial.

Motion by Commission Member Clayton, seconded by Commission Member Torres to approve Resolution PZ - 251201-34.

Roll Call – Ayes: Commission Member Brostrom, Commission Member Clayton, , Commission Member Keeran, Commission Member Pitt, Commission Member Torres, Nays: none Abstentions: none. Absent: Commission Member Mains, Commission Member Vore . Vote on Motion 5-0-0. Motion carried.

- c. Public Hearing – Consideration of request for rezoning from the Limited Industrial (M-1) district to the Medium Industrial (M-2) District for the Timmins Industrial Park.

Public hearing opened at 6:22.

Murray provided the Commission an overview of the rezoning request. Murray reiterated the rezoning does not include the residential properties, only the properties located within the Timmins Industrial District, which are highlighted on the map provided to the Commission.

Torres asked if the City requires neighborhood meetings. Murray stated the City currently does not require this. Keeran asked if the Agricultural islands matters from a zoning perspective, Murray stated no, as these properties are shown as Industrial or Business Park/Industrial on the Future Land Use map.

Public hearing closed at 6:25.

- d. Resolution PZ-251201-35 – Consideration of request for rezoning from the Limited Industrial (M-1) district to the Medium Industrial (M-2) District for the

Timmins Industrial Park.

Motion by Commission Member Torres, seconded by Commission Member Pitt to approve amended Resolution PZ - 251201-35.

Roll Call – Ayes: Commission Member Brostrom, Commission Member Clayton, , Commission Member Keeran, Commission Member Pitt, Commission Member Torres, Nays: none Abstentions: none. Absent: Commission Member Mains, Commission Member Vore . Vote on Motion 5-0-0. Motion carried.

7. Discussion Items –

8. Reports / Comments and appropriate action thereon

a. Commission Members

Brostrom – none.

Clayton – none.

Mains – absent.

Pitt – none.

Torres – none.

Vore – absent.

Commission Chair – Asked staff to revisit the issue of lights on the north side of Dee Street.

b. Community Development Director – none.

c. City Planner – none.

d. City Administrator – absent.

e. City County Liaison – absent.

7. Adjournment

Motion by Commissioner Clayton, seconded by Commissioner Torres to adjourn the meeting. Vote on Motion 5-0-0. Motion carried. Meeting adjourned at 5:29.



**BUSINESS OF THE PLANNING AND ZONING COMMISSION
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 7.a.
For Meeting of 12/11/2025
Discussion Item

TITLE: Zoning Code Update Discussion

CONTACT PERSON:

BRIEF HISTORY & ANALYSIS:

FUNDING SOURCE:

STAFF RECOMMENDATION:

APPROVED FOR SUBMITTAL:

ATTACHMENTS:

1. Bondurant Code Update - Summary 1-pager 2025-12-01
2. 24312 Bondurant Code Update - Council Update 2025-12-01
3. Bondurant Zoning Code - 1 Table of Contents - Draft 2025-10-07
4. Bondurant Zoning Code - Chapter 175 - Title - Draft 2025-10-07
5. Bondurant Zoning Code - Chapter 176 - Procedures - Draft 2025-10-07
6. Bondurant Zoning Code - Chapter 177 - Nonconformities - Draft 2025-10-07
7. Bondurant Zoning Code - Chapter 178 - Zoning District Regulations - Draft 2025-10-07
8. Bondurant Zoning Code - Chapter 179 - General Provisions - Draft 2025-10-07
9. Bondurant Zoning Code - Chapter 180 - Off-Street Parking Regulations - Draft 2025-10-07
10. Bondurant Zoning Code - Chapter 181 - Open Space - Draft 2025-10-07
11. Bondurant Zoning Code - Chapter 182 - Building Design Standards - Draft 2025-10-07
12. Bondurant Zoning Code - Chapter 183 - Sign Regulations - Draft 2025-10-07
13. Bondurant Zoning Code - Chapter 184 - Subdivision Regulations - Draft 2025-10-07

Purpose:

- Update out-of-date language and incorporate best practices.
- Streamline code with better organization.
- Address Comprehensive Plan goals and recommendations.

Focus Areas:

- Zoning Code
 - Code Definitions
 - Zoning District Regulations
 - Table of Bulk Regulations
 - Table to Permitted Uses
 - Accessory Structures (garages, sheds, etc.)
 - ADUs
 - Home Occupations
 - Solar Energy Systems
 - Landscaping and Screening Standards
 - Sign Regulations
 - Downtown and Other Building Design Guidelines
- Subdivision Regulations
- PUD Scoring Matrix

Public Input Process:

- Advisory Committee (includes City's Planning Commission)
- Stakeholder interviews
- Community Listening Session
- Public Open House
- Public Hearings

Code Update Highlights:

- R-1 District: 8,400 sq. ft. min lot size and 70 ft min lot width for single-family lots.
- R-2 District: 7,500 sq. ft. min lot size and 65 ft min lot width for single-family lots.
- Basement requirement for new single family residential, duplexes, townhomes, and rowhouses.
- Summary tables for all building setback and other bulk regulations.
- Summary table for all permitted and permitted conditional uses by zoning district.
- Creates accessory dwelling unit language that complies with new state law – permitted by right.
- Addresses solar and wind energy along with battery storage.
- Updates home occupation regulations to comply with state law – improves flexibility including for in-home daycares.
- Creates unified language for landscaping and buffering.
- Consolidates building design standards into one chapter to improve consistency and provide flexibility.
- Full rewrite of sign code regulations – easier to apply standards, more flexibility for building signs, allows for temporary signs without a permit.

Next Steps:

- **Public Open House** - Wednesday, December 17th from 5:30 PM to 7:00 PM at City Hall
- **Planning and Zoning Commission Public Hearing** - Thursday, January 8th at 6:00 PM
- **City Council Public Hearing (1st Reading)** - Monday, February 2nd at 6:00 PM



Bondurant Zoning Code Update

CONFLUENCE

Review of Draft Code Updates

Review of Existing Code

Updated Code Outline

CHAPTER 175 – TITLE

- 175.1 TITLE AND STATEMENT OF PURPOSE.
- 175.2 JURISDICTION.
- 175.3 CONFORMANCE REQUIRED.
- 175.4 ADMINISTRATION.
- 175.5 INTERPRETATION OF STANDARDS.
- 175.6 ZONING DISTRICTS DIVIDING PROPERTY.
- 175.7 ESTABLISHMENT OF DISTRICTS.**
- 175.8 ADOPTION OF ZONING MAP.
- 175.9 ANNEXATION OF TERRITORY.**
- 175.10 COMPLAINTS REGARDING VIOLATIONS.
- 175.11 ENFORCEMENT AND PENALTIES.
- 175.12 DEFINITIONS.

Review of Existing Code

175.7 ESTABLISHMENT OF DISTRICTS.

1. A-1 Agricultural District
2. R-1 Low Density Residential District
3. R-2 Medium Density Residential District
4. R-3 High Density Residential District
5. R-4 Manufacture Home Community District
6. C-1 Transitional Commercial District
7. C-2 General Commercial District
8. MU Mixed Use District - *formerly C-4 Central Business*
9. Business Park (BP) - *newly created district*
10. M-1 Limited Industrial
11. M-2 Medium Industrial
12. PUD Planned Unit Development - *consolidated residential and commercial PUDs*

Review of Existing Code

175.9 ANNEXATION OF TERRITORY.

All territory which may hereafter be annexed to the City shall be considered as lying in the **A-1 Agricultural Zoning District** until such classification shall have been changed by amendment in accordance with the provisions of the Zoning Code.

Review of Existing Code

Updated Code Outline

CHAPTER 176 – PROCEDURES

176.1 SITE PLAN AND BUILDING PERMIT REQUIRED.

176.2 SITE PLAN APPLICATION.

176.3 CONDITIONAL USE PERMIT REQUIRED.

176.4 CONDITIONAL USE PERMIT PROCEDURES.

176.5 CERTIFICATE OF OCCUPANCY REQUIRED.

176.6 VARIANCES AND APPEALS.

176.7 AMENDMENT PROCEDURES.

176.8 APPLICATIONS AND FEES.

Review of Existing Code

176.2 SITE PLAN APPLICATION.

Sketch Plan: required for new ag related buildings and single family residential

- administrative review and approval of sketch plan for building permit

Major Site Plan: required for new multi-family residential, commercial, and industrial

- P&Z and Council review and approval

Minor Site Plan - minor site changes, parking lot expansions, and building additions less than 4,000 sq. ft. and less than 20% of existing building

- administrative review and approval

Review of Existing Code

Updated Code Outline

CHAPTER 177 - NONCONFORMITIES

- 177.1 PURPOSE AND INTENT.
- 177.2 NONCONFORMING LOTS OF RECORD.
- 177.3 NONCONFORMING USE OF LAND.
- 177.4 NONCONFORMING USE OF STRUCTURES.
- 177.5 NONCONFORMING STRUCTURES.
- 177.6 REPAIRS AND MAINTENANCE.
- 177.7 REPAIR OR RECONSTRUCTION OF AN EXISTING NONCONFORMING SINGLE-FAMILY DWELLING.
- 177.8 REGISTRATION OF NONCONFORMING USES.

Review of Existing Code

Updated Code Outline

CHAPTER 178 - ZONING DISTRICT REGULATIONS

- 178.1 A-1 AGRICULTURAL DISTRICT.
- 178.2 R-1 LOW DENSITY RESIDENTIAL DISTRICT.
- 178.3 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.
- 178.4 R-3 HIGH DENSITY RESIDENTIAL DISTRICT.
- 178.5 R-4 MANUFACTURED HOME COMMUNITY DISTRICT.
- 178.6 C-1 TRANSITIONAL COMMERCIAL DISTRICT.
- 178.7 C-2 GENERAL COMMERCIAL DISTRICT.
- 178.8 MU MIXED USE DISTRICT (*FORMERLY C-4 CENTRAL BUSINESS DISTRICT*).
- 178.9 BP BUSINESS PARK DISTRICT.
- 178.10 M-1 LIMITED INDUSTRIAL DISTRICT.
- 178.11 M-2 MEDIUM INDUSTRIAL DISTRICT.
- 178.12 PUD PLANNED UNIT DEVELOPMENT.
- 178.13 RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS.
- 178.14 NON-RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS.
- 178.15 PERMITTED AND CONDITIONAL USES

Review of Existing Code

R-1, R-2, and R-3 SPECIAL PERFORMANCE STANDARDS

Basement Required: A basement, containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval, is required for all detached and attached single-family dwellings, including duplex, two-family, townhome, and rowhouse dwellings.

Review of Existing Code

178.13 RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS							
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE						
	A-1 Zoned Single Family Dwelling	R-1 Zoned Single Family Dwelling (Detached)	R-2 Zoned Single Family Dwelling (Detached)	Single-Family Dwelling (Semi-Detached) & Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	20 acres	8,400 sq ft	7,500 sq ft	5,000 sq ft or 10,000 sq ft if combined on 1 lot	n/a	n/a	40,000 sq ft
Min. Lot Width ¹	150 ft	70 ft.	65 ft	42.5 ft or 85 ft if combined on 1 lot	n/a	85 ft	100 ft
Min. Lot Street Frontage ²	20 ft	20 ft.	20 ft	20 ft each lot	20 ft	40 ft	40 ft
Front Yard Setback ³	75 ft	30 ft.	30 ft.	30 ft.	30 ft.	50 ft	35 ft.
Side Yard Setback ⁴	10 ft	7.5 ft	7.5 ft	7.5 ft (0 ft at common wall)	8 ft. ⁶ (0 ft at common wall)	50 ft	30 ft
Rear Yard Setback ⁵	50 ft	35 ft	35 ft	35 ft	25 ft	50 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	n/a	16 ft side to side, 50 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	30 ft from back of curb or street sidewalk whichever is closest	30 ft from back of curb or street sidewalk whichever is closest	30 ft from back of curb or street sidewalk whichever is closest	30 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	2.5 stories	2.5 stories	2.5 stories	3 stories	3 stories	4 stories	45 ft
Min. Open Space	n/a	n/a	n/a	n/a	20%	20%	20%
Max. Dwelling Units Per Acre	0.05	4	6	8	12	20	n/a

¹ Measured at the front yard building setback line

² Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line

³ Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback

⁴ Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line

⁵ Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback

⁶ Zero feet from common lot lines of attached structures

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Review of Existing Code

178.14 NON-RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS.

NON-RESIDENTIAL BULK AND DENSITY REGULATIONS TABLE

BULK AND DENSITY REGULATION BY ZONING DISTRICT	ZONING DISTRICTS					
	C-1	C-2	MU (C-4)	BP	M-1	M-2
Min. Lot Size	n/a	n/a	n/a	10,000 sq ft	n/a	n/a
Min. Lot Width	100 ft	100 ft	n/a	100 ft	100 ft	100 ft
Max Building Footprint	15,000 sq ft	n/a	n/a	n/a	n/a	n/a
Min. Lot Street Frontage ⁵	40 ft	40 ft	20 ft	40 ft	40 ft	40 ft
Front Yard Setback	30 ft	30 ft	0 ft	50 ft	50 ft ³	30 ft
Side Yard Setback	10 ft ¹	10 ft ¹	0 ft	20 ft ¹	20 ft ¹	20 ft ¹
Rear Yard Setback	10 ft ²	25 ft ²	0 ft	50 ft	50 ft ³	40 ft
Min. Separation Between Buildings Not Attached	20 ft	20 ft	0 ft	20 ft	20 ft	20 ft
Max. Building Height	35 ft	45 ft ³	60 ft ³	80 ft ³	80 ft ³	80 ft ⁴
Min. Open Space	20%	20%	0%	15%	15%	15%
Max. Dwelling Units Per Acre	n/a	n/a	36	n/a	n/a	n/a

¹ 30 feet when said yard adjoins a residential zoning district or existing residential property

² 30 feet when said yard adjoins a R-1 or R-2 zoning district or existing single-family property

³ An additional 10 ft of height is permitted for every 10 ft of additional building setback provided to a maximum height of 120 ft

⁴ An additional 10 ft of height is permitted for every 10 ft of additional building setback provided - no limit

⁵ Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line

Review of Existing Code

178.15 PERMITTED AND CONDITIONAL USES.

TABLE OF PERMITTED AND CONDITIONAL USES											
USE	ZONING DISTRICTS										
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
AGRICULTURAL USES											
Commercial Farm Operation											
Farming (row crop, vegetables, greenhouse, vineyards, orchards)	P										
Animal Husbandry (raising of livestock including animal feeding operations)	P										
Truck gardening and nurseries	P										
Farm Support Housing	C										
Other Rural Uses											
Horse boarding and riding stables	P										
Household Animal Breeding	C										
RESIDENTIAL USES											
Household Living											
Single-family dwelling, detached	P	P	P								
Single-family dwelling, semi-detached (traditional duplex on two lots)			P	P							
Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single family home into 2 dwelling units)			P	P							
Townhouse dwelling (3+ units)			P	P							
Multiple family dwelling (3+ apartment or condo units)				P							
Manufactured Home Park					C						
Accessory dwelling units	P	P	P	P	P			P			
Dwelling units located above the ground floor (mixed use building)								P			

Review of Existing Code

Updated Code Outline

CHAPTER 179 – GENERAL PROVISIONS

- 179.1 STREET FRONTAGE REQUIRED.
- 179.2 LOT AND YARD REGULATIONS.
- 179.3 EXCEPTIONS TO HEIGHT REGULATIONS.
- 179.4 VISIBILITY AT STREET INTERSECTIONS.
- 179.5 USE OF PUBLIC RIGHTS-OF-WAY.
- 179.6 FENCES AND WALLS.
- 179.7 ACCESSORY BUILDINGS AND STRUCTURES.
- 179.8 ACCESSORY DWELLING UNITS.
- 179.9 MANUFACTURED HOMES.
- 179.10 TOWERS, ANTENNAS, SATELLITE DISHES, AND WIRELESS COMMUNICATIONS FACILITIES.
- 179.11 RENEWABLE ENERGY EQUIPMENT AND FACILITIES AND BATTERY ENERGY STORAGE SYSTEMS.
- 179.12 HOME-BASED BUSINESSES.

Review of Existing Code

Updated Code Outline

CHAPTER 179 – GENERAL PROVISIONS (CONTINUED)

179.13 MEDICAL CANNABIDIOL DISPENSARIES AND MANUFACTURING FACILITIES.

179.14 DELAYED DEPOSIT SERVICES BUSINESSES AND PAWNSHOPS.

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Preliminary Plat: required when creating 2 or more lots, allows construction of infrastructure

- P&Z and Council review and approval
- Approval expires in 2 years (4 years for multi-phase plat) - approval can be extended by Council

Final Plat: required when subdivision improvements are completed and ready to be accepted (or surety bond) so plat can be recorded - needed prior to issuance of building permits

- Council review and approval

Exceptions:

- Plat-of-Survey creating no more than 1 new lot - administrative review and approval
- Lot line adjustment between adjoining parcels - administrative review and approval
- Merger of lots - Council review and approval

Next Steps

Next Steps

Public Open House

Wednesday, December 17th from 5:30 PM to 7:00 PM

City Hall Council Chambers

Planning and Zoning Commission Public Hearing

Thursday, January 8th at 6:00 PM

City Hall Council Chambers

City Council Public Hearing (Consideration of 1st Reading)

Monday, February 2nd at 6:00 PM

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175.1 TITLE AND STATEMENT OF PURPOSE. In accordance with the provisions of Chapter 414, Code of Iowa, the ordinance codified in **Chapters 175 through 183** shall be known and cited as “The Zoning Code of the City of Bondurant, Iowa” or “Zoning Code.” The purpose of this chapter is to establish zoning districts and regulations and divide the city into said district and apply said regulations to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, parks and other public requirements; to conserve the value of buildings; and encourage the most appropriate use of land throughout the City, all in accordance with the City of Bondurant’s adopted Comprehensive Plan.

175.2 JURISDICTION. These regulations apply to development of any parcel of land located within the corporate limits of the City of Bondurant, Iowa. No building permit or certificate of occupancy shall be issued for any parcel of land or development after the effective date of Zoning Code that is not in conformance with the provisions of the Zoning Code. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the Zoning Code. In addition, the provisions of the adopted building and fire codes shall apply.

175.3 CONFORMANCE REQUIRED.

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations of the Zoning Code. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure regulated by this Zoning Code, or cause the same to be done without first obtaining approval as provided in the Zoning Code and obtaining a separate building permit for each building or structure from the Building Official.
2. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height;
 - B. To accommodate or house a greater number of families;

- C. To occupy a greater percentage of lot area; or
 - D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Zoning Code.
- 3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
 - 4. No yard or lot existing at the time of passage of the ordinance codified herein, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established by said Zoning Code.
 - 5. Where a proposed land use does not clearly fit under a use identified in the relevant zoning district as a principal permitted use, permitted conditional use, or permitted accessory use such use shall be prohibited. The determination as to if a proposed use fits in a particular district shall be made by the Zoning Administrator. Any appeals to such decision shall be considered by the Board of Adjustment.

175.4 ADMINISTRATION.

- 1. **Zoning Administrator.** There is hereby created the position of Zoning Administrator, who shall be the City Administrator or their designee. The Zoning Administrator shall administer and enforce the provisions of the Zoning Code and shall have the following powers and duties:
 - A. To issue all permits and certificates required by the Zoning Code.
 - B. To notify in writing the person responsible for any violations of any of the provisions of the Zoning Ordinance, indicating the nature of the violation and ordering the action necessary to correct it.
 - C. To order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or take any other action authorized by the Zoning Code to ensure compliance with or to prevent violation of its provisions.
 - D. The City Administrator may delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the City or may combine the powers and duties of this office with any other office or position.

175.5 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of the Zoning Code shall be held to be minimum requirements. Where the Zoning Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Code shall control. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.

175.6 ZONING DISTRICTS DIVIDING PROPERTY. Where one lot or parcel is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the other in its respective zoning classification and for the purpose of applying the regulations of the Zoning Code, each portion shall be considered as if in separate and different ownership.

175.7 ESTABLISHMENT OF DISTRICTS. For the purpose of the Zoning Code, the following zoning districts are hereby established within the City:

1. A-1 Agricultural District.
2. R-1 Low Density Residential District.
3. R-2 Medium Density Residential District.
4. R-3 High Density Residential District.
5. R-4 Manufacture Home Community District.
6. C-1 Transitional Commercial District.

7. C-2 General Commercial District.
8. **MU Mixed Use District (Formerly C-4 Central Business District).**
9. BP Business Park District.
10. M-1 Limited Industrial District.
11. M-2 Medium Industrial District.
12. **PUD Planned Unit Development.**

175.8 ADOPTION OF ZONING MAP. The official zoning map, and the explanatory material thereon, is hereby adopted by reference and declared to be a part of the Zoning Code. The official zoning map shall be identified by the signature of the Mayor and attested to by the City Clerk. The official zoning map shall be on file in the office of the City Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

175.9 ANNEXATION OF TERRITORY. All territory which may hereafter be annexed to the City shall be considered as lying in the A-1 Agricultural Zoning District until such classification shall have been changed by amendment in accordance with the provisions of the Zoning Code.

175.10 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. Said administrative official shall record properly such complaint, immediately investigate and take action thereon as provided herein this chapter.

175.11 ENFORCEMENT AND PENALTIES.

1. **Enforcement.** All departments, officials and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Zoning Code.
2. **Penalties for Violation.** The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation of the provisions of this Zoning Code may each be found guilty of a separate offense and suffer the penalties provided in City Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

175.12 DEFINITIONS. For the purpose of this Zoning Code, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. **“Abut”** means to physically touch or border upon, or to share a common property line (i.e., adjoining and / or contiguous). See also “adjoining lot or land.”

2. **“Accessory building”** – See “building, accessory.”
3. **“Accessory structure”** means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use that is permitted in each particular zoning district. See also “building, accessory.”
4. **“Accessory use”** means a subordinate use which serves an incidental function to that of the main use of the premises which is located on the same lot as the main use.
5. **“Adjacent land”** – See adjoining lot or land.”
6. **“Adjoining lot or land”** means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See also “abut.”
7. **“Adult Entertainment Business”** means and includes any of the following:
 - A. **“Adult Bookstore”** means an establishment having as a significant portion of its stock in trade, books, films, magazines and other periodicals, which are distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.
 - B. **“Adult Motel”** means a motel wherein material presented, which is distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.
 - C. **“Adult Motion Picture Arcade”** means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.
 - D. **“Adult Motion Picture Theater”** means an enclosed building used to present materials distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.
 - E. **“Sexual Encounter Center”** means any business, agency, or persons who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex act(s) or exposing, specified anatomical areas.
 - F. **“Sex Act(s)”** means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or a substitute thereof in contact with the genitalia or anus.

- G. **“Specified Anatomical Areas”** include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
8. **“After Hours Business”** means any business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.
9. **“Agriculture”** means the use of land for agricultural purposes, including those forms of row-crop farming, horticulture, floriculture, forestry, groves, orchards, and viticulture and limited animal husbandry, apiculture, dairying, poultry husbandry, ranching as specified herein appropriate for operation in an urban and urbanizing area, and also those necessary accessory uses for packing, treating or storing the produce. The operation of the accessory uses shall be subordinate to that of the normal agricultural activities. This definition does not include any animal feeding operations, confined animal feeding operations, open feedlots, and similar operations containing 12 or more animals. Furthermore, this definition does not include any processing of animal products.
10. **“Alley”** means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
11. **“Alter” or “Alteration”** means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
12. **“Amusement and recreation services”** means establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as dance halls; studios; theatrical producers; bands; orchestras; and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and coin- operated devices; amusement parks; membership sports and recreational clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors and animal shows.
13. **“Amusement park”** means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.
14. **“Annexation”** means the incorporation of a land area into an existing community with a resulting change in the boundaries of that community.
15. **“Apartment house or building”** means any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building. Said buildings have dwelling units that are both vertically and horizontally attached to one another. See “Dwelling, multiple-family.”

16. **“Apartment unit”** means one or more rooms with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a building containing more than two dwelling units. See also “dwelling unit.”
17. **“Assisted living residential facility”** means a building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed by the State of Iowa.
18. **“Attached dwelling”** – See “dwelling, attached.”
19. **“Bar”** means any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such beverages are consumed on the premises. This definition includes and may also be referred to as a “Cocktail Lounge,” “Tavern,” “Nightclub,” or “Saloon.”
20. **“Basement”** means a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet. See also “cellar.”
21. **“Bed and Breakfast Inn”** means an owner-occupied dwelling unit that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation. For establishments to be considered a bed and breakfast inn, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
22. **“Boarding house”** means a dwelling or part thereof, in which lodging is provided by the owner or operator to more than three borders. See also “family home” and “group quarters.”
COMMENT: A boarding home is a dwelling while a motel or hotel is a licensed commercial establishment.
23. **“Board of Adjustment”** means an officially constituted body whose principal duties are to grant variances from the strict application of the Zoning Code and to grant conditional use permits as provided by law.
24. **“Body Piercing Studio”** means Any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service.
25. **“Brewery, micro”** means a small business that brews beers, ales, and/or similar beverages on-site for distribution, retail or wholesale, on or off-premises. A microbrewery may include a tasting room for consumption on-premises, subject to an in accordance with the Code of Iowa.

26. **“Building”** means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. See also “structure.”
27. **“Building, accessory”** means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Among other things, the following are considered to be accessory building(s): shed, gazebo, garage, shelter, and greenhouse. See also “accessory structure.”
28. **“Building height”** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of a building:
 - A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
 - B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface is more than 10 above the lowest grade.
 - C. The height of a stepped or terraced building is the maximum height of any segment of the building.
29. **“Bulk stations”** means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
30. **“Bulk storage”** means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.
31. **“Carport”** means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.
32. **“Cellar”** means a space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with floor-to-ceiling height of less than 6½ feet. A cellar is not included in computing the number of stories for the purpose of height measurement. See also “basement.”
33. **“CBD (cannabidiol)”** means a chemical found in the cannabis plant that's not intoxicating and used as a herbal or medicinal treatment in products including drinks, food, oils, and body lotions.
34. **“Child”** means a person under eighteen years of age.
35. **“Child care center”** means a facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility or when officially registered by the State of Iowa as a Child Development Home. See Chapter 237A.1 of the State Code of Iowa.

36. **“Child day care”** means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of two hours or more, and less than twenty-four hours per day per child, on a regular basis, in a place other than the child's home, but does not have:
- A. An institutional program administered by a public or non-public school system approved by the Iowa State Department of Public Instruction or the Iowa State Board of Regents.
 - B. A religious-related instructional program of not more than one day per week.
 - C. Short-term classes held between school terms.
 - D. A program administered by a political subdivision of the State which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.
37. **“Child Care Home”** means a private residence where child care is provided to five (5) or fewer children at any one time and that is not registered with the State of Iowa. See Chapter 237A.3 of the State Code of Iowa.
38. **“Child Development Home”** means a private residence, officially registered by the State of Iowa as a “Child Development Home,” to provide child day care to six or more children at any one time following the categories and regulations as defined by the Iowa Department of Human Services (DHS). See Chapter 237A.3A of the State Code of Iowa.
39. **“Church or place of religious worship”** means an institution that people regularly attend to participate in or hold religious services, meetings, and other typical ancillary activities. The term “church” does not carry a secular connotation and includes buildings in which the religious services of any denomination are held. This does not include a dwelling.
40. **“Cluster”** means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
41. **“Cluster subdivision”** means a form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. See also “planned unit development.”
42. **“Common open space”** – See “open space, common.”
43. **“Comprehensive Plan”** means the Comprehensive Plan for the City of Bondurant, which sets forth the City's long-range plans for land use, transportation, municipal utilities, City expansion, management and development policies to guide the City's growth and from which the City's zoning regulations shall be based.
44. **“Conditional use”** means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the

location or operation of such use as specified in the Zoning Code and authorized by the Board of Adjustment.

45. **“Conditional use permit”** means a permit issued by the authorized board stating that the conditional use meets all conditions set forth in local ordinances.
46. **“Condominium”** means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
47. **“Convenience store”** means any retail establishment, generally less than 10,000 square feet in size, offering for sale food products, household items and other goods commonly found in grocery stores and may include automotive and truck fuel sales. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.
48. **“Conversion”** means a change in the use of land or a structure.
49. **“Deck”** means any flat-floored, roofless structure, at or above the finished grade, adjoining or directly adjacent to a building. See also “terrace.” Decks in the front yard may extend from the building a length no greater than 40% of the distance between the front lot line and the closest building façade to the front lot line, up to a maximum of twelve (12) feet. Decks in the side and rear yard shall maintain a five (5) foot setback from the side and rear lot lines.
50. **“Delayed Deposit Services Business”** means a person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:
 - A. Accepts a check, draft, share draft, or other instrument for the payment of money dated after the date it was written.
 - B. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.

The above are typically referred to as “Check Cashing,” “Payday Lending,” or “Car Title Loan” establishments.

51. **“Developmental disability”** or **“developmentally disabled”** means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:
 - A. Attributable to mental retardation, cerebral palsy, epilepsy or autism;
 - B. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or

adaptive behavior similar to that of mentally retarded persons or required treatment and services similar to those required for the persons;

- C. Attributable to dyslexia resulting from a disability described in either subparagraph A or B;
 - D. Attributable to a mental or nervous disorder.
- 52. **"Dish antenna"** means any parabolic, spiracle, or other shaped structure used for, or intended to be used for, reception of satellite transmissions.
 - 53. **"Distillery, micro"** means a small, often boutique-style distillery established to produce beverage grade spirit alcohol in relatively small quantities, usually done in single batches. A micro-distillery may include a tasting room for consumption on-premises, subject to an in accordance with the Code of Iowa.
 - 54. **"District"** means a geographic area within the City within which certain zoning or development regulations apply. See also "zone."
 - 55. **"Drive-through businesses, non-restaurants"** means a drive-through business that serves a use not related to a restaurant, fast-food restaurant or formula fast- food restaurant. This use includes the operation of drive-up or drive-through service at a bank or financial institution, food sales (for off-site preparation or consumption only), personal services, and retail sales (e.g., pharmacy).
 - 56. **"Duplex"** – See "dwelling, two-family."
 - 57. **"Dwelling"** means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, and designed to be placed on, supported by and attached to a continuous perimeter foundation, which is permanent and constructed in accordance with the Building Code for site-built housing.
 - 58. **"Dwelling, accessory"** means a separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within, attached to, or built separate from the principal single-family dwelling. Examples include: a dwelling over an attached or detached garage, a tiny house built on a separate foundation in the backyard, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.
 - 59. **"Dwelling, attached"** means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.
 - 60. **"Dwelling, detached"** means a dwelling which is not attached to any other dwelling by any means. See also "dwelling, single-family detached."
 - 61. **"Dwelling, multi-family"** means a building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities

for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two units. Said buildings have dwellings units that are both vertically and horizontally attached to one another. See “Apartment house or building.”

62. **“Dwelling, single-family”** means a building containing one dwelling unit.
63. **“Dwelling, single-family detached”** means a dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See also “dwelling, detached.”
64. **“Dwelling, townhouse”** means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more walls.
65. **“Dwelling, triplex”** means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.
66. **“Dwelling, two-family (duplex)”** means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell or hall exterior to both dwelling units.
67. **“Dwelling unit”** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See also “apartment unit.”
68. **“Easement”** means a grant of one or more of the property rights by the owner to and/or for the use of the public, a corporation or another person or entity.
69. **“Elder group home”** means a single-family residence that is operated by a person who is providing room, board, and personal care and may provide health-related services to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity, and which is staffed by an on-site manager twenty-four hours per day, seven days per week (as defined in Section 231B.1 of the Code of Iowa), and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa.
70. **“Factory-built home”** means any structure, designed for residential use, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of the Zoning Code, factory-built homes include manufactured homes and modular homes.
71. **“Family”** means one (1) or more individuals occupying a dwelling unit and living together as a single, nonprofit housekeeping unit, and sharing common living, sleeping, cooking, and eating facilities. The definition of Family does not include any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of

individuals whose association is temporary or seasonal in nature; and, any group of individuals who are in a group living arrangement because of criminal offenses. The definition of Family may include licensed group care facilities or family homes as may be otherwise permitted.

72. **“Family home”** means (as defined in Section 414.22 of the Code of Iowa) a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.
73. **“Fences”** means artificially constructed barriers of any material or combination of materials erected to enclose or screen areas of land.
74. **“Finished grade”** – See “grade, finished.”
75. **“Fish farm”** means an area devoted to the cultivation of fish and other seafood for commercial sale.
76. **“Fireworks retail sales facility”** means a retail sales facility for the sale of first-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(c) and/or second-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(e).
77. **“Fitness Center”** means an establishment providing physical fitness facilities and services to the public for a fee, including but not limited to: game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas, and associated retail shop intended for members of club only.
78. **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
79. **“Frontage”** means that side of a lot abutting on a street; the front lot line.
80. **“Garage”** means a deck, fully enclosed building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.
81. **“Garage, private residential”** means a structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof and which is not a separate commercial enterprise available to the general public.

82. **"Garage, public"** means a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.
83. **"Garage, repair"** means any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.
84. **"Gas Station"** means an establishment for the retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores. Such establishments may have on-site food or drink for immediate consumption. A Gas Station does not allow for the accommodation of overnight parking or showers.
85. **"Gazebo"** means an accessory building or structure having a roof supported by columns with or without opaque and/or translucent materials constructed between said columns and intended for use as a shelter or housing of recreational activities associated with residential uses.
86. **"General public"** means any and all individuals, without any prior qualifications.
87. **"Grade"** means the degree of rise or descent of a sloping surface.
88. **"Grade, finished"** means the final elevation of the ground surface after development.
89. **"Grade, natural"** means the elevation of the ground surface in its natural state, before man-made alterations.
90. **"Grading"** means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.
91. **"Greenbelt"** means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
92. **"Greenhouse"** means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.
93. **"Group daycare home"** means a facility providing child daycare for more than six but less than twelve children, with no more than six children at one time being less than six years of age. See also "child daycare home" and family daycare home."
94. **"Group quarters"** means a dwelling that houses unrelated individuals. "Group quarters" includes fraternities, sororities, army barracks, dormitories and the like. See also "boarding house" and "family home."
95. **"Home-based business"** means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential

property on which the business operates. Also commonly referred to as a “home occupation.”

96. **“Hospital”** means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring chronic or convalescent care.
97. **“Hookah Lounge”** means an establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Hookah Lounge or Bar.
98. **“Hotel or motel”** means a building containing guest rooms in which lodging is provided and offered to the public on a temporary basis for compensation, and which is open to transient guests, in contrast to a bed and breakfast inn, boarding house, or rooming house. For establishments to be considered a hotel or motel, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
99. **“Hotel, extended stay or apartment hotel”** means a building containing furnished bedrooms with or without cooking facilities in which lodging is provided and offered to the public on a weekly or month basis for compensation.
100. **“Industrial park”** means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
101. **“Intermediate care facility”** means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse. See also “residential care facility.”
102. **“Junk”** means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

103. **“Junk yard”** means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery of two or more unregistered, inoperable motor vehicles or other type of junk.
104. **“Liquor Store”** means a retail shop or establishment that primarily sells prepackaged alcoholic beverages, including wine, beer, and alcoholic liquors, intended to be consumed off the store’s premises, and where 50% or more of total gross sales are derived from the sale of alcohol and tobacco.
105. **“Little Free Library”** means a free book-sharing box where books are borrowed or exchanged on an honor system. These small structures are typically located in private yards or public spaces.
106. **“Living space”** means that part of the building which is enclosed and supported upon the main foundation system of the structure excluding garages and cellars.
107. **“Lot”** means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.
108. **“Lot area”** means the total area within the lot lines of a lot, excluding any streets rights-of-way.
109. **“Lot coverage”** means that portion of the lot that is covered by buildings and structures.
110. **“Lot depth”** means the distance measured from the front lot line to the rear lot line.
111. **“Lot frontage”** means the length of the front lot line measured at the street right- of-way.
112. **“Lot line”** means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- A. **“Common lot line”** means a side lot line that is shared between attached structures.
- B. **“Front lot line”** means the line which adjoins a public street or private street.
- C. **“Rear lot line”** means the boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at points most distant from the front lot line.
- D. **“Side lot line”** means any lot line not a front lot line or a rear lot line.
- E. **“Street side lot line of a corner lot”** means for a corner lot, the street frontage that is the longest is typically the street side lot line and is perpendicular to the rear lot line.
- F. **“Zero lot line”** means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

113. **“Lot of record”** means a lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of the Zoning Regulations, an existing contract of purchase at the time of the effective date of the Zoning Regulations also constitutes a lot of record.

114. **“Lot types” shall be defined as follows:**

- A. **“Corner lot”** means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
 - B. **“Double frontage lot”** – See “lot, through.”
 - C. **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by narrow, private right-of-way.
 - D. **“Interior lot”** means a lot other than a corner lot.
 - E. **“Outlot”** means an unbuildable lot designated on a subdivision plat and intended for future replatting into a buildable lot or lots or intended to be held and owned by a home owner’s association, property owner’s association, or similar private consortium as common space, open space, area for stormwater facilities, shared parking, or similarly shared site improvements or elements.
 - F. **“Postage-stamp lot”** means a small lot typically contained within an owner’s association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.
 - G. **“Reverse frontage lot”** means a through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.
 - H. **“Through lot”** means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
115. **“Lot width”** means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
116. **“Manufactured home”** means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it be moved other than for the purpose of moving to a permanent site, and which

does not have permanently attached to its body or frame any wheel or axles (as defined in Section 414.28 of the Code of Iowa). See also “modular home.”

117. **“Massage”** means any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any form of consideration or gratuity.
118. **“Massage therapy establishment”** means any establishment having a fixed place of business wherein any of the treatments, techniques, or methods of treatment referred to as “massage therapy” are administered, practiced, used, given, advertised or applied by persons licensed by the State of Iowa under the provisions of Chapter 152C of the Code of Iowa, when performing massage services as part of the profession for which licensed.
119. **“Maternity group home”** means a community-based residential home that provides room and board, personal care, supervision, training, support, and education in a family environment for women who are either pregnant or who have given birth within the preceding twenty-four months and live with their children, and includes overnight room accommodations and administrative and office space for those persons who provide such services (as defined in Section 414.27 of the Code of Iowa).
120. **“Medical cannabidiol”** means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the State of Iowa Medical Cannabidiol Board, approved by the State of Iowa Board of Medicine, and adopted by the State of Iowa Department of Public Health.
121. **“Medical cannabidiol dispensary”** means a business that dispenses medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol dispensary.
122. **“Medical cannabidiol manufacturer”** means a manufacturer of medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol manufacturer.
123. **“Mini-storage or self-storage”** means a building or group of buildings, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers’ goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials. No business activities other than rental of storage units shall be conducted on the premises.
124. **“Mini-warehouse or self-storage facility”** see “Mini-storage or self-storage.”
125. **“Mixed-use building”** means a multi-story commercial building that includes office and/or retail uses on the first floor or lower levels of the building and multiple family dwellings above the first floor or on the upper levels of the building.

126. **“Mobile home”** means any vehicle without power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
127. **“Mobile home park”** or **“Manufactured home park”** means a site with required improvements and utilities for the long-term parking of mobile homes or manufactured homes which may include services and facilities for the residents.
128. **“Modular home”** means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles. See also “mobile home.”
129. **“Motel”** means an establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. See also “hotel” and “lodging house.”
130. **“Noise”** means any undesired audible sound.
131. **“Noise pollution”** means continuous or episodic excessive noise in the human environment. Noise pollution is defined in terms of a maximum decibel level by frequency range.
132. **“Nonconforming”** means a lot, structure, land use or activity that does not conform to the present requirements of the zoning district.
133. **“Nursing home”** means any institution or facility, or part thereof, defined as such for licensing purposes under State law or pursuant to the rules and regulations for nursing homes established by the State Department of Public Health, whether proprietary or nonprofit, including but not limited to, nursing homes owned or administered by the Federal or State government or an agency or political subdivision thereof.
134. **“Open space”** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
135. **“Open space, common”** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
136. **“Open space, green”** means an open space area not occupied by any structures or impervious surfaces.

137. **“Ordinance”** means a municipally adopted law or regulation.
138. **“Outdoor Storage”** means the keeping of any inventory, goods, material, or merchandise, including raw, semi-finished, and finished materials outside for a contiguous period longer than twenty-four (24) hours.
139. **“Parapet”** means the extension of the main walls of a building above the roof level.
140. **“Parking area”** means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
141. **“Parking space”** means a space for the parking of a motor vehicle within a public or private parking area.
142. **“Patio”** – See “terrace.”
143. **“Paving, HMA”** means a surface paved with hot mix asphalt (HMA) that is of an appropriate thickness and includes an appropriate pavement base as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
144. **“Paving, PCC”** means a surface paved with Portland cement concrete (PCC) that is of an appropriate thickness and includes an appropriate pavement base and internal reinforcement as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
145. **“Pawnshop”** means an establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking.
146. **“Permanent sales facility”** means a permanent structure used for ongoing, retail sales.
147. **“Permitted use”** means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
148. **“Planned unit development”** or **“PUD”** means an area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. See also “cluster development.”

149. **“Porch”** means a roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building, except that a porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50 percent.
150. **“Preschool”** means a child daycare facility which provides to children ages three through five for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills and motor skills and to extend their interest and understanding of the world about them.
151. **“Principal building”** means a building in which is conducted the principal use of the lot on which it is located.
152. **“Principal use”** means the primary or predominant use of any lot.
153. **“Recreation facility”** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
154. **“Relative”** means a person who by marriage, blood or adoption is a parent, grandparent, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin or guardian.
155. **“Residence”** means a home, abode or place where an individual is actually living at a specific point in time.
156. **“Residential”** means regularly used by its occupants as a permanent place of abode, which is made one’s home as opposed to one’s place of business and which has housekeeping and cooking facilities for its occupants only.
157. **“Residential care facility”** means any institution, place, or building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof, within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis. See also “intermediate care facility.”
158. **“Resort”** means a facility for transient guests where the primary attraction is general recreational features or activities.
159. **“Retail sales establishment”** means places of business primarily engaged in retail sale or rental primarily of non-food, non-alcohol and non-tobacco related products and services. However, no more than 40 percent of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine, beer or tobacco products.
160. **“Restaurant”** means an establishment that prepares and serves food and beverages to persons for immediate consumption.

161. **“Dine-in restaurant”** means a restaurant where the patron consumes foods and beverages while seated at tables or counters located on premises.
162. **“Drive-in restaurant”** means a restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises.
163. **“Carry-out restaurant”** means a restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer there is no consumption of food or beverages on the premises by patrons.
164. **“Convenience-food restaurant”** means an establishment whose business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for immediate consumption either on or off the premises, whose design or principal method of operation includes both of the following characteristics:
- A. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - B. The customer is not served food at his/her table by an employee but receives it at a counter, window or similar facility for carrying to another location on or off the premises for consumption.
165. **“Right-of-way”** means (a) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, trail or sidewalk, railroad, electric transmission lines, gas or oil pipeline, water line, sanitary storm sewer and other similar uses; or (b) generally, the right of one to pass over the property of another.
166. **“Right-of-way lines”** means the lines that form the boundaries of a right-of-way.
167. **“Row houses”** – See “dwelling, townhouse.”
168. **“Screening”** to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms, and/or a living screen of deciduous or coniferous type vegetation.
169. **“Setback”** means the minimum distance a building or structure must be from a property line, a street, or other designated boundary.
170. **“Short-Term Rental”** means any dwelling that is leased or rented for a period of less than 31-days. This definition includes any dwelling leased or rented through an online marketplace such as Airbnb. This definition does not include Bed and Breakfast Inns, Boarding or Rooming Houses, and Extended Stay Hotels or Apartment Hotels.

171. **"Smoking Lounge"** means an establishment where patrons can purchase and consume tobacco products on site or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Cigarette, Vape, or Vapor Lounge or Bar.
172. **"Solar access"** means a property owner's right to have the sunlight shine on his land.
173. **"Solar energy system"** means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
174. **"Solar skyspace"** means the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
175. **"Story"** means that portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it then the space between the floor and the ceiling next above it and including those basements used for the principal use.
176. **"Story half"** means a space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.
177. **"Street"** means any vehicular way which (a) is an existing State, County or municipal roadway, or (b) is shown upon a plat approved pursuant to law, or (c) is approved by other official action, or (d) is shown on a plat duly filed and recorded in the office of the County Recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats and includes the land between the street lines, whether improved or unimproved.
178. **"Street line"** – See "right-of-way lines."
179. **"Structural alterations"** means any change in either the supporting members of a building such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.
180. **"Structure"** means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. See also "building." By this definition, all buildings are structures, however, not all structures are buildings.
181. **"Supervised group residence"** means a residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social, or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming

functional members of society. This definition includes supportive housing as defined herein this chapter. This definition does not include family homes, elder group homes, maternity group homes, hospitals, and nursing or convalescent homes as defined herein this chapter.

182. **“Supportive housing”** means a combination of affordable housing and on-site or community-based supportive services designed to help vulnerable individuals and families, particularly those experiencing homelessness or at risk of it, achieve and maintain stable housing and improve their overall well-being. It is a cost-effective way to address complex challenges like homelessness, mental health issues, substance use disorders, and chronic illness.
183. **“Swimming pool”** (above and below ground) means a water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above, surface pool having a depth of more than twenty-four (24) inches designed, used and maintained for swimming and bathing.
184. **“Temporary sales facility”** means a structure, including trailers, that is erected for retail sales for a period of no more than forty (40) calendar days.
185. **“Terrace”** means a level, landscaped and/or surfaced area directly adjacent to a building at or within three (3) feet of the finished grade and not covered by a permanent roof. See also “deck.”
186. **“THC (tetrahydrocannabinol)”** means a psychoactive chemical found in the cannabis plant that produces a high.
187. **“Tobacco Store”** means a retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products, including nicotine products and supplies such as electronic cigarettes and other devices capable of providing an inhalable dose of nicotine, for off premise consumption and where 50% or more of total gross sales are derived from the sale of tobacco and nicotine products or a combination of tobacco products and alcohol. These establishments may also be known or referred to as an E-Cigarette, E-Hookah, Vape or Vapor Store or Shop.
188. **“Tourist home”** means an establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. See also “lodging house.”
189. **“Townhouse”** – See “dwelling, townhouse.”
190. **“TV dish”** – See “dish antenna.”
191. **“Wall”** means (a) the vertical exterior surface of a building; or (b) vertical interior surfaces which divide a building space into rooms.
192. **“Wind (Generator) Energy Conversion System (WECS)”** means any device that converts wind power to another form of energy, such as electricity or heat, including wind chargers, wind turbines, and windmills.

193. **“Yard”** means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Code.
194. **“Yard depth”** means the shortest distance between a lot line and a yard line.
195. **“Yard, front”** means a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code.
196. **“Yard line”** means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.
197. **“Yard, rear”** means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code.
198. **“Yard required”** means the open space between a lot line and the buildable area within which no structure shall be located except as provided in the Zoning Code.
199. **“Yard, side”** means a space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code.
200. **“Zero lot line”** means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.
201. **“Zone”** means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. See also “district.”
202. **“Zoning”** means the dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.
203. **“Zoning Administrator”** means the administrative officer that is designated by the Zoning Code to administer and enforce the provisions of the Zoning Code.
204. **“Zoning district”** – See “zone.”
205. **“Zoning map”** means the map or maps, which are a part of the Zoning Code, and delineate the boundaries of zone districts.

CHAPTER 176 – PROCEDURES

176.1 SITE PLAN AND BUILDING PERMIT REQUIRED.

176.2 SITE PLAN APPLICATION.

176.3 CONDITIONAL USE PERMIT REQUIRED.

176.4 CONDITIONAL USE PERMIT PROCEDURES.

176.5 CERTIFICATE OF OCCUPANCY REQUIRED.

176.6 VARIANCES AND APPEALS.

176.7 AMENDMENT PROCEDURES.

176.8 APPLICATIONS AND FEES.

176.1 SITE PLAN AND BUILDING PERMIT REQUIRED. A site plan, as provided herein this chapter, is required prior to approval of a building permit for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel. Approval and receipt of a building permit is required prior to the erection, relocation, expansion, or alteration of any structure.

176.2 SITE PLAN APPLICATION. Site plan applications are required for all uses as follows:

1. **Agricultural Related and Single-Family Dwellings.** New agricultural related uses and buildings, single-family dwellings, two-family dwellings, conversion of existing single-family dwellings into two-family dwellings, accessory dwellings units, and related additions and accessory structures shall require review and approval a Sketch Plan.

A. Sketch Plan:

- (1) *Sketch Plan Application.* Each application to the Building Official for a building permit to construct or erect a new building, building addition, fence, accessory structure, or other permitted structure or improvement shall be accompanied by a sketch plan (including required sketch plan details or engineered plans), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements including building setbacks and off-street parking requirements.
 - (2) *Sketch Plan Procedure.* The Sketch Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Codes as part of the review of the corresponding building permit application and building permit fee as established by resolution of the City Council. Once the Sketch Plan is approved, the Building Official may proceed with the review and approval of the building permit.
2. **All Other New Uses, Buildings, and Structures.** All other new uses of land, buildings, structures, conversions or changes in use of land or buildings, changes or modifications to building facades, and related additions and accessory structures that are not included in Section A herein above shall require the following:
 - A. Major Site Plan: A Major Site Plan Application is required for the development of a property, the construction of a new building or improvement, the redevelopment of

an existing property (including a significant change in use as determined by the Zoning Administrator), or an amendment or change to a previously approved site plan.

- (1) *Major Site Plan Application.* A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Major Site Plan Application fee as established by resolution of the City Council.
- (2) *Major Site Plan Review Procedure.* The Major Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
- (3) *Major Site Plan Review by Planning and Zoning Commission.* Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Planning and Zoning Commission a copy of the Major Site Plan Application along with a written recommendation as to the plan's conformity with the rules and regulations of the city.

The Commission shall subsequently hold a meeting as prescribed by their rules of procedures and review the Major Site Plan Application for conformity with the zoning regulations and standards and may confer with the applicant on changes deemed advisable in such Site Plan.

The Commission shall forward its recommendation to the City Council for approval, approval with conditions, or denial of the Major Site Plan Application within 45 days of the receipt of a Major Site Plan Applicant deemed complete by the Zoning Administrator. If the Commission does not act within the 45 days as prescribed above, the Major Site Plan Application shall be deemed to be recommended for approved by the Commission unless the applicant agrees to an extension of time.

- (4) *Findings for Approval.* In order for the Commission to make a recommendation for approval of a Major Site Plan, the Commission shall make the following findings:
 - a. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - b. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;

- c. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
- d. The proposed use and site improvements shall not unduly increase traffic congestion;
- e. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
- f. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
- g. The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.

(5) *Major Site Plan Review by City Council.* The City Council, upon receipt of the recommendation of the Commission, shall either approve, approve with conditions, or disapprove the Major Site Plan Application. In order for the Council to approve a Major Site Plan, the Council shall confirm or make the aforementioned findings in subsection (6) herein above.

B. Minor Site Plan: A Minor Site Plan Application may be submitted to the Zoning Administrator for minor changes to an existing developed site or to an approved site plan, including changes or modifications to the building facades and landscape plan or minor changes in use, provided that all code requirements are met and the following limitations. Any application which exceeds the prescribed limitations outlined in this section shall require a Major Site Plan Application and review as prescribed in Subsection a hereinabove.

(1) *Limitations for a Minor Site Plan.*

- a. The application does not include a new building, building expansion, or building addition of more than 4,000 sq. ft., and does not increase the total building gross floor area of the site by more than twenty percent (20%) of the of the existing building gross floor area. Both the 4,000 sq. ft. and the twenty percent (20%) expansion limits for a Minor Site Plan cannot be exceeded by sequential Minor Site Plans.
- b. The application does not include the expansion or addition of more than 4,000 sq. ft. of paving or impervious area including cumulatively by multiple Minor Site Plans.
- c. The application does not increase the total number of dwelling units.

- (2) *Minor Site Plan Application.* A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Site Plan Application fee as established by resolution of the City Council.
- (3) *Minor Site Plan Procedure.* The Minor Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Code. In order for the Zoning Administrator to approve a Minor Site Plan, the Zoning Administrator shall make the following findings:
- a. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - b. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - c. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - d. The proposed use and site improvements shall not unduly increase traffic congestion;
 - e. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - f. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
 - g. The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
- (4) *General Provisions.*
- a. Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, City policy, or previous directives of the City Council.
 - b. The Zoning Administrator shall have the discretion to refer any Minor Site Plan Application to the Zoning Commission and City Council for its review and action. Any denial of a Minor Site Plan Application is appealable to the Planning Commission and City Council, at the request of the applicant.

- c. Whenever any Major or Minor Site Plan application has been denied by the applicable review authority, no new Major or Minor Site Plan application covering the same property for a similar use or site improvements shall be submitted or considered by the applicable review authority until one year shall have elapsed from the date of filing of the first application, unless the new application is substantially different from the first application, as determined at the sole discretion of the Zoning Administrator.
 - d. The approval or denial of any site plan that is subject to the review and approval of a Conditional Use Permit by the Board of Adjustment shall be at the sole discretion of the Board of Adjustment under their authority to approve or deny any Conditional Use Permit application as provided herein this Chapter and elsewhere within the Zoning Code.
3. **Expiration of Site Plans.** All site plan approvals shall expire and terminate 24-months after the date of approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate.

176.3 CONDITIONAL USE PERMIT REQUIRED. Review and approval of a Conditional Use Permit, as provided herein this chapter, is required for any use identified as a Conditional Use in the table of Permitted and Conditional Uses contained in Chapter 178 of the Zoning Code. Said review and approval is required prior to approval of a building permit for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel that is part or connected with the Conditional Use.

176.4 CONDITIONAL USE PERMIT PROCEDURES. The following is required for the review and consideration of approval of a Conditional Use Permit:

1. **Conditional Use Permit Application.** A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Conditional Use Permit Application fee as established by resolution of the City Council.
2. **Conditional Use Permit Procedure.** The Conditional Use Permit Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.
3. **Conditional Use Permit Review by Board of Adjustment.** Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Board of Adjustment a copy of the

Conditional Use Permit Application along with a written recommendation as to the application's conformity with the rules and regulations of the city.

The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Conditional Use Permit Application.

4. **Findings for Approval.** In order to approve a Conditional Use Permit, the Board shall make the following findings:
 - A. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
 - B. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
 - C. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
 - D. The proposed use and site improvements shall not unduly increase traffic congestion;
 - E. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
 - F. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
 - G. The issuance of the Conditional Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.
5. **Expiration of Conditional Use Permit Approval.** All Conditional Use Permit approvals shall expire and terminate 24-months after the date of the Board approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate.
6. **Public Hearing Notice by Mail.** Notice of the Board of Adjustment public hearing on the Conditional Use Permit application shall be mailed by first class mail to all property owners within 200 feet of the boundary of the property requesting a Conditional Use Permit. Said notice shall be mailed no less than 10 days prior to the date of the public hearing. This notice by mail is in addition to any public hearing notice otherwise required by the Code of Iowa or by City Code or other policy of the City.
7. **Decisions of the Board.**

- A. Whenever Conditional Use Permit application has been denied by the Board, no new application covering the same property for a similar use or site improvements shall be submitted or considered by the applicable review authority until one year shall have elapsed from the date of filing of the first application, unless the new application is substantially different from the first application, as determined at the sole discretion of the Zoning Administrator.
- B. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to the Code of Iowa, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

176.5 CERTIFICATE OF OCCUPANCY REQUIRED.

- 1. No land shall be occupied or used, and no building here-after erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the administrative official stating that the building and use comply with the provisions of this Zoning Code.
- 2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the administrative official. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Zoning Code.
- 3. Applications for certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the administrative official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- 4. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy, and no building or premises shall be occupied until that certificate is issued.
- 5. A certificate of nonconforming uses shall be required of all non-conforming uses. Application for a certificate for nonconforming uses shall be filed with the administrative official within twelve (12) months from the effective date of the ordinance codified herein, accompanied by affidavits of proof that such non-conforming use was not established in violation of previous ordinance.
- 6. **Temporary Certificate of Occupancy.** The Zoning Administrator, at their sole discretion, may issue a temporary certificate of occupancy for a period of no more than six (6) months to permit the occupancy and use of a given site and/or building provided all life and safety related improvements have been completed and inspected for compliance with all relevant building, fire, and zoning code regulations. The intent of such temporary certificate of occupancy is to

legally permit the use and occupancy of given site and/or building prior to the completion of minor improvements such as landscaping, that do not physically impact the use and operation of the site and/or building. The Zoning Administrator may require the posting of a financial surety to ensure completion of remaining site and/or building improvements.

176.6 VARIANCES AND APPEALS. In accordance with Section 414.12 of the Code of Iowa, the Board of Adjustment of the City of Bondurant has the powers to authorize a variance from the terms of the Zoning Code to hear and decide an appeal of any decision by the Zoning Administrator. Per the Code of Iowa, Section 414.12, paragraphs 1 through 3, *"The board of adjustment shall have the following powers: (1.) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto. (2.) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance. (3.) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done."*

1. Variances. The Board of Adjustment is granted the authority to review and consider granting a variance from the terms of the Zoning Code. Per the Code of Iowa, Section 414.12, paragraph 4., *"To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances may include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood."*

A. Approval: Therefore, in order for the Board of Adjustment to approve a variance, the property owner shall provide evidence, to the satisfaction of the Board, that the requested variance meets the requirements and limitations as established by Code of Iowa, Section 414.12, paragraph 4. In granting any variance, the Board shall make findings for approval.

B. Conditions: In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district.

C. Time Limit: If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If

no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

2. **Appeals.** The Board of Adjustment is granted the authority to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Zoning Administrator in enforcement of the Zoning Ordinance.
3. **Procedures.** The following shall be the procedures required in order for the Board of Adjustment to hear and consider approval of any variance or appeal.
 - A. Application Required: The property owner, in the case of a variance, or the aggrieved party, in the case of an appeal, said submit an application on a form as provided by the Zoning Administrator along with the application fee as established by resolution of the City Council.
 - B. Public Hearing Required: Upon receipt of any application for a variance or appeal, the Zoning Administrator, or their designee, shall submit to all members of the Board of Adjustment a copy of the application along with a written statement of the Zoning Administrator's position or opinion on the requested variance or appeal.

The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Conditional Use Permit Application.

- C. Public Hearing Notice by Mail: Notice of the Board of Adjustment public hearing on an application for a variance or appeal shall be mailed by first class mail to all property owners within 200 feet of the boundary of the property requesting a variance or, in the case of an appeal, all property owners within 200 feet of the boundary of the property that is the subject of the appeal. Said notice shall be mailed no less than 10 days prior to the date of the public hearing. This notice by mail is in addition to any public hearing notice otherwise required by the Code of Iowa or by City Code or other policy of the City.
- D. Findings of Fact Required: In granting or denying any variance or appeal, the Board of Adjustment shall adopt findings of fact providing the grounds for said decision.
- E. Decisions of the Board: In exercising the above powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as it believes proper, and to that end shall have all of the powers of the Zoning Administrator. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter on which it is required to pass under this chapter.

- (1) No act of the Board shall become effective until after the decision of the Board has been filed. Such decision may be contained within the minutes of the Board.
 - (2) Each variance granted by the Board shall contain a date upon which it shall be effective.
 - (3) Every appeal or variance granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
 - (4) Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to Iowa Code 17A.19, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
4. **Zoning Exceptions.** The Zoning Administrator is hereby authorized to grant very minor exceptions from the building bulk regulations as established within Sections 178.14 and 178.15 and from the setback and height standards for walls and fences as established within Section 179.6.
- A. Limitations: A reduction of any setback, height, or other bulk regulation may be granted that is one of the following:
- (1) A reduction that is no greater than **ten percent (10%)** of the regulation.
 - (2) A reduction in the regulation to allow an addition to an existing legal nonconforming structure to extend no closer to the property line than an adjoining portion of the existing structure.
- B. Required Findings: The Zoning Administrator may only grant such an exception after making the following findings:
- (1) The exception does not substantially burden or negatively impact an adjoining property.
 - (2) The exception does not substantially weaken any intent or purpose of the Zoning Code.
- C. Notice Required. Prior to granting any administrative exception pursuant to this section, the Zoning Administrator shall cause notice of the exception of the Zoning Administrator's intent to grant the exception if no protest is timely filed, and the manner in which protests may be filed, to be mailed to the owners of all property adjoining the subject property at their address of record as shown by the records of the County Assessor.

- (1) The administrative exception shall not be granted until ten (10) business days after the date the notice of intent to grant the waiver has been mailed to the owners of the adjoining property. The administrative waiver shall be denied if prior to its issuance any written protest resisting the granting of the administrative waiver is filed with the City by any owner of adjoining property. However, the administrative exception may be immediately granted if an owner of each adjoining property has filed consent to the exception with the Zoning Administrator and no written protest has been received. The consent to the exception shall be in writing upon a form provided by the Zoning Administrator.
- (2) The denial of an administrative exception shall not prevent the applicant from seeking approval of the exception from the Board of Adjustment as provided herein this Chapter.
- (3) Prior to mailing the notice of intent to grant the administrative exception, the applicant shall provide a completed application on the form provided by the Zoning Administrator and paid the application fee as established by resolution of the City Council.

176.7 AMENDMENT PROCEDURES. The amendment procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/or the official boundaries of zoning districts (rezoning).

1. **Initiation of Amendments.** Text amendments may be initiated by the Planning and Zoning Commission or City Council. Rezoning may be initiated by a property owner or authorized agent of the property owner, by the Planning and Zoning Commission, or by the City Council.
2. **Rezoning Application Requirements.** An application for a rezoning may be filed with the Zoning Administrator on the application form as provided by the Zoning Administrator, along with the Rezoning Application fee as established by resolution of the City Council.
3. **Amendment Process.**
 - A. If the amendment was initiated by the City Council or by a property owner (or authorized agent of the property owner), the Planning and Zoning Commission shall consider the request and return its recommendation in writing to the Council within sixty days. Upon request of the Commission to the Council, the Commission shall have an additional 30 days to return its recommendation.
 - B. The Planning and Zoning Commission, after meeting the public hearing notice requirements specified by the Code of Iowa, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the City Council.
 - C. The City Council, after meeting the required public hearing notice requirements specified by the Code of Iowa, shall act on the proposed amendment in accordance with the procedures and requirements as provided by the Code of Iowa.

4. **Public Hearing Notice by Mail.** Notice of the Planning and Zoning Commission public hearing and the subsequent City Council public hearing on any proposed rezoning shall be mailed by first class mail to all property owners within 200 feet of the boundary of the property proposed to be rezoned. Said notice shall be mailed no less than 10 days prior to the date of the public hearing. This notice by mail is in addition to any public hearing notice otherwise required by the Code of Iowa or by City Code or other policy of the City.
5. **Refiling of Application.** Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council until one (1) year shall have elapsed from the date of the filing of the first petition.

176.8 APPLICATIONS AND FEES. The Zoning Administrator shall establish and provide the application form and information required for all applications as may be necessary and required this ordinance. The fees for all applications shall be as established by resolution of the City Council.

CHAPTER 177 – NONCONFORMITIES

177.1 PURPOSE AND INTENT.

177.2 NONCONFORMING LOTS OF RECORD.

177.3 NONCONFORMING USE OF LAND.

177.4 NONCONFORMING USE OF STRUCTURES.

177.5 NONCONFORMING STRUCTURES.

177.6 REPAIRS AND MAINTENANCE.

177.7 REPAIR OR RECONSTRUCTION OF AN EXISTING NONCONFORMING SINGLE-FAMILY DWELLING.

177.8 REGISTRATION OF NONCONFORMING USES

177.1 PURPOSE AND INTENT. Within the districts established by the Zoning Code or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the Zoning Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of the Zoning Code or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

177.2 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of the Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. All other bulk regulations and standards within the district shall apply.

177.3 NONCONFORMING USE OF LAND. Where, at the effective date of adoption or amendment of the Zoning Code, lawful use of land exists that is made no longer permissible under the terms of the Zoning Code as enacted or amended, such use may be continued subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the Zoning Code.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the adoption or amendment of the Zoning Code.
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Zoning Code for the district in which such land is located.

177.4 NONCONFORMING USE OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Code that would not be allowed in the district under the terms of the Zoning Code, the lawful use may be continued subject to the following provisions:

1. No existing structure devoted to a use not permitted by the Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any of the parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Code, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to a more restricted classification.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
5. Any structure devoted to a use made nonconforming by this Ordinance, that is destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at the time of destruction, exclusive of the foundation(s), shall not be reconstructed and used as before such happening. If the structure be less than sixty percent (60%) destroyed above the foundation(s), it may be reconstructed and used as before provided reconstruction be started within six (6) months of such happening and be completed within one (1) year, and be built of like or similar materials.
6. Where nonconforming use status applied to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land.

177.5 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

177.6 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Code shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

177.7 REPAIR OR RECONSTRUCTION OF AN EXISTING NONCONFORMING SINGLE-FAMILY DWELLING. An exception to these provisions will be made for any existing single-family residential dwelling that was legally permitted when originally constructed but now made non-conforming by being zoned or rezoning to a zoning district in which a single-family residential dwelling is not permitted. For such a situation where the residential dwelling and/or its detached accessory structure is damaged or completely destroyed by catastrophe or act of God. Reconstruction of the structure or building shall be permitted provided that there is no increase in the number of dwelling units. The reconstruction of the building or structure will comply with all residential standards for the comparable district in which the structure or building was first constructed or a comparable residential district, as determined by the Zoning Administrator, and with all other pertinent codes and regulations existing at the time of reconstruction. Reconstruction must begin within six (6) months or the use will be deemed discontinued, abandoned, or vacated. This exception will not be granted when nonaccidental causes, intentional acts by the owner, lessee, or other person such as arson, or by circumstances of neglect.

~~**SPECIAL EXCEPTIONS.** Any use for which a special exception is permitted as provided in Section 177.07 of this Zoning Code shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.~~

177.8 REGISTRATION OF NONCONFORMING USES. No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued.

CHAPTER 178 – ZONING DISTRICT REGULATIONS

- 178.1 A-1 AGRICULTURAL DISTRICT.
- 178.2 R-1 LOW DENSITY RESIDENTIAL DISTRICT.
- 178.3 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.
- 178.4 R-3 HIGH DENSITY RESIDENTIAL DISTRICT.
- 178.5 R-4 MANUFACTURE HOME PARK DISTRICT.
- 178.6 C-1 TRANSITIONAL COMMERCIAL DISTRICT.
- 178.7 C-2 GENERAL COMMERCIAL DISTRICT.
- 178.8 MU MIXED USE DISTRICT (FORMERLY C-4 CENTRAL BUSINESS DISTRICT).
- 178.9 BP BUSINESS PARK DISTRICT.
- 178.10 M-1 LIMITED INDUSTRIAL DISTRICT.
- 178.11 M-2 MEDIUM INDUSTRIAL DISTRICT.
- 178.12 PUD PLANNED UNIT DEVELOPMENT.
- 178.13 RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS.
- 178.14 NON-RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS.
- 178.15 PERMITTED AND CONDITIONAL USES.

178.1 A-1 AGRICULTURAL DISTRICT.

1. **Intent:** The “A-1” Agricultural District is intended and designed to provide for certain agricultural and undeveloped areas of the City now utilized primarily for agricultural purposes and to prevent the establishment of scattered small lot subdivisions which may inhibit the orderly and efficient extension of urban services as anticipated in the long-term Comprehensive Plan or force extension of services prematurely.
2. **Bulk Regulations.** (See Section 178.13 - Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)

178.2 R-1 LOW DENSITY RESIDENTIAL DISTRICT.

1. **Intent:** The “R-1” District is intended and designed to provide for certain low-density residential areas of the City now developed primarily with **larger lot**, single-family detached dwellings and areas where similar residential development seems likely to occur. **This district is also intended to accommodate certain non-residential uses common within single-family residential areas, such as religious, educational, and similar institutional uses as well as child care centers, and public or private recreation areas.**
2. **Bulk Regulations.** (See Section 178.13 - Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)

3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)
8. **Special Performance Standards.**
 - A. Basement Required: A basement, containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval, is required for all detached single-family dwellings.
 - B. Lot Size Reduction: Up to 20% of the single-family residential lots within any one, contiguous development may be reduced to a minimum 60 foot in width and 7,200 sq. ft. in size. All other bulk regulations for the R-1 district shall apply. Said lot size reduction shall be applied at the time of Final Plat.

178.3 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

1. **Intent:** The "R-2" District is intended and designed for medium density residential development comprising of single-family detached and attached residential dwellings including duplex and two-family dwellings, townhomes, and rowhouses and certain non-residential uses common within single-family residential areas.
2. **Bulk Regulations.** (See Section 178.13 - Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)
8. **Special Performance Standards.**

A. **Basement Required:** A basement, containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval, is required for all detached single-family dwellings.

178.4 R-3 HIGH DENSITY RESIDENTIAL DISTRICT.

1. **Intent:** The "R-3" District is intended and designed to accommodate higher density residential development comprising of a mix of single-family detached and attached residential dwellings including duplex and two-family dwellings, townhomes, and rowhouses and certain non-residential uses common within residential areas.
2. **Bulk Regulations.** (See Section 178.13 - Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)
8. **Special Performance Standards.**

A. **Basement Required:** A basement, containing the square footage of at least 60% of the dwelling's first story square footage at the time of original building permit approval, is required for all detached and attached single-family dwellings, including duplex, two-family, townhome, and rowhouse dwellings.

178.5 R-4 MANUFACTURED HOME COMMUNITY DISTRICT.

1. **Intent:** The "R-4" District is intended to designate areas of the City, which by reason of their design and location, are suitable for manufactured housing development and which are compatible with surrounding residential areas. For the purposes of this section, the term "manufactured home" shall also refer to "mobile home," the term "community" shall refer to the entire manufactured home community area, and the term "lot" shall refer to an individual manufacturing home stall rented within the community.
2. **Bulk Regulations.** The bulk regulations for all manufactured home park shall be as follows. For any other use permitted in the "R-4" District, the requirements shall be as established in Section 178.13 - Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.

- A. Minimum Community Area: A proposed manufactured home community shall have a minimum area of fifty (50) acres.
- B. Maximum Community Density: The maximum density allowed for the gross development area shall be five (5) manufactured home units per gross acre.
- C. Community Setbacks: A manufactured home community shall have a perimeter yard setback of not less than fifty (50) feet. No part or any manufactured home lot shall be located in the perimeter setback. In addition, no part of any manufactured home lot shall be located closer than fifty (50) feet to any public street upon which the community adjoins. Interior community streets may be located within the setback areas.
- D. Community Minimums: Each manufactured home community shall contain a minimum of fifty (50) manufactured home spaces.
- E. Minimum Lot Area: Each individual manufactured home lot shall contain not less than five thousand four hundred (5,400) square feet in area.
- F. Front Yard: Each lot shall have a front yard not less than twenty (20) feet in depth measured from the edge of the surfaced private street to the closest point to the lower face of the manufactured home.
- G. Side Yard: Side yards shall be provided and maintained so as to provide a minimum separation at the nearest point between manufactured homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet, however, side yards as so described shall not be less than seven (7) feet.
- H. Rear Yard: Rear yards shall be provided and maintained so as to provide a minimum separation at the nearest point between manufactured homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet, however, rear yards as so described shall not be less than ten (10) feet, for any structure.
- I. Open Space: A minimum of 250 square feet for each lot shall be provided for one or more open spaces, which shall be easily accessible to all community residents. The required yards and setbacks (including the perimeter setback) shall not be computed as part of the required open space area. An open space is defined as land, which is specifically, set-aside for leisure or recreational uses.
- J. Height Regulations: Maximum height of thirty-five (35) feet for principal building; thirty-five (35) feet for service buildings, community offices, maintenance buildings, community buildings, and storm shelters; twelve (12) feet for accessory buildings such as garages.
- K. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.

- L. Stories: Maximum number of stories for principal building shall be three (3) stories, one (1) story for accessory buildings.
 - M. Livable Space: Minimum livable space for a Ranch dwelling shall be 950 sq. feet; Two Story dwelling shall be 1,000 sq. feet; Split Level Style dwelling shall be 875 sq. feet on two adjacent levels and Split Foyer Style dwelling shall be 850 sq. feet on the main floor.
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **Site Plan Required.** Each petition for a change to the R-4 zoning classification submitted to the City shall be accompanied by a manufactured home community site plan along with the application form and fee as required by the Zoning Code. Said site plan shall show each manufactured home space, or platted lot, the water, electrical and sewer lines serving each manufactured home space, the location of water hydrants, community shelter building or buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping.
- A. Review Process: The plan shall be considered by the Planning and Zoning Commission and the City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Code and the General Requirements contained hereinbelow. All changes to the R-4 classification shall be made in accordance with the provisions of this Zoning Code.
 - B. Covenants Required. The Site Plan shall be accompanied by a covenant to run with the land, in favor of the City and all persons having a possessory interest in any portion of the manufactured home community, that the owner or owners of the community or their successors in interest will maintain all interior streets, parking areas, sidewalks and plantings in compliance with City ordinances and the Site Plan as approved by the Council, which covenant shall be recorded in the office of the Polk County Recorder.
 - C. Final Plan: If the Council approves the site plan and request for rezoning, the applicant shall submit within **ninety (90) days** or such longer period as may be approved by the Council after recommendation by the Commission, a final development plan, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed: each manufactured home space, the water, electrical and sewer lines serving each manufactured home space, the location of garbage receptacles, water hydrants, service buildings, driveways, streets, walkways, recreation areas, playgrounds, required yards, existing and proposed grading, parking facilities, storm shelter, lighting, landscaping, and the location of existing trees, buildings or other significant features, development stages and timing of each.

The final development plan shall be accompanied by a covenant to run with the land favor of the City and all persons having a possessory interest in any portion of the manufactured home community, that the owner or owners of the community or their successors interest will maintain all interior infrastructure items in compliance with the Statewide Urban

Design and Specifications (SUDAS), and the final development plan as approved by the City Council, which covenant shall be recorded in the office of the Polk County Recorder.

The final development plan shall be reviewed by the Commission for compliance with the standards of this section and substantial compliance with the site plan. The Commission's recommendations and report on the final development plan shall be referred to the Council. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the site plan.

5. **Compliance with Subdivision Requirements.** Every manufactured home community authorized under the provisions of this chapter shall fully comply with the subdivision requirements of the City, and all improvements shall be completed as required under said subdivision regulations.

6. **Building Permit Required.**

- A. No building permit for any home, building or other structure within the manufactured home community shall be issued until the Council approves the final site plan.
- B. Only independent manufactured homes being used for residential purposes in the manufactured home community will be considered as a building permit applicant. An independent manufactured home is a manufactured home which (1) is designed for long-term occupancy and contains a flush toilet, a tub or shower and kitchen facilities; (2) requires a connection to outside sanitary sewer and water systems because a waste holding tank and a water storage tank are not integral parts of a manufactured home; (3) is over thirty-eight (38) feet in body length exclusive of a trailer hitch when factory equipped for the road; (4) is not built on a self-propelled motor chassis; (5) is not identified as a recreational vehicle such as a camping trailer, travel trailer, motor home, or truck camper by the manufacturer.
- C. No certificate of occupancy for a manufactured home community or approved stage thereof shall be granted until the approved stage thereof is completed and has been inspected by the Zoning Administrator, or representative thereof, and the City Engineer has certified to the Zoning Administrator that the approved stage thereof has been developed in substantial compliance with the site plan, except as hereinafter provided.

A temporary certificate of occupancy not to exceed one (1) year may be granted for any portion of a manufactured home community or approved stages thereof comprising not less than fifty (50) percent of the entire community or approved stages thereof if: a. Such portion is completed and has been inspected by the Zoning Administrator, or representative thereof, as has been developed in substantial compliance with the site plan, and b. The community developer has posted a bond approved by the City's Legal Department and City Administrator in an amount not less than the estimated cost to construct streets, utilities, and other common community facilities contained in the community or approved stages thereof, which bond will insure to the City that the bonded improvements will be completed by the developer by or before the expiration date of the temporary certificate of occupancy.

- D. Any change, except minor changes as approved by the Zoning Administrator, in the final site plan proposed after the Council has approved the plan, shall be re-submitted and considered in the same manner as the original site plan.
 - E. The Council may condition the approval of the site plan upon the developer commencing construction of the manufactured home community within six (6) months after Council approval of the plan, unless an extension is approved by the Council for due cause shown after recommendation by the Commission.
 - F. The Council may make the approval of the final site plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development and any schedule of construction and improvements submitted by the developer.
7. **General Requirements.** The following are the general requirements for all manufactured home community. Any requirement not addressed herein this section shall be as provided within Chapter 179 - General Provisions and elsewhere in the Zoning Code.
- A. Parking: A minimum of two (2) off-street car spaces directly accessible to the private street for each manufactured home lot shall be provided. Garage stalls shall not count toward the minimum off-street parking requirements. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the manufactured homes but shall not exceed a distance of two hundred (200) feet from the manufactured home that it is intended to serve. All parking areas shall be constructed with a concrete or asphalt concrete surface. Parking stalls shall be a minimum of 9½ feet in width by 20 feet in length. In addition, off-street parking and storage shall be provided for storing of community occupants' boats, boat trailers, pickup coaches, truck tractors, trucks over 3/4 ton pick-up size, and items of a similar nature, if permitted in the community, in addition to and separate from the parking required elsewhere in this chapter. Temporary manufactured home storage may be permitted prior to placement on the permanent lot but shall not exceed twenty-one (21) days and may not exceed more than four (4) homes at any one time.
 - B. Streets: The entrance road connecting the community streets with a public street shall have a minimum road pavement width of thirty-five (35) feet, measured back to back of curbs. All interior streets shall be not less than twenty-six (26) feet in width, measured back to back of curbs. Every dead end street shall be provided with a cul-de-sac with not less than a forty (40) foot turning radius. All streets shall be constructed with a curb to provide drainage. If the turning lanes or other forms of traffic control at entrances and exits to and from the manufactured home community are deemed necessary by the Council, the developer shall provide the necessary improvements, subject to the approval of their locations and design standards by and as adopted by the City. All streets shall be constructed in accordance with appropriate ordinances and specifications of and as adopted by the City.

- C. Sidewalks: Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreation facilities; and such sidewalks shall be at least **five (5) feet** wide and of **ACC or PCC** pavement. Individual walks shall be provided to connect all manufactured homes to common sidewalks, to paved streets, or the paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least **four (4) feet** wide and of asphalt or Portland cement binder pavement or other type of walk ways. In lieu of the above requirements, the developer may provide for bike paths and/or walking paths if set in the preliminary plat approved by the Commission
- D. Lighting: The manufactured home street system shall be furnished with lighting units so placed and equipped to provide the following minimum average maintained level of illumination:
- (1) Upon all parts of the community street system shall be illuminated to a minimum of 0.4 foot candles. Upon potentially hazardous locations including major street intersections and community entrances, the illumination shall be a minimum 0.4 foot candles with a Uniformity Ratio of 6 to 1.
- E. Anchoring and Skirting:
- (1) Tie-downs or anchors shall be provided on every manufactured home. Each tie-down or anchor must be able to sustain a minimum tensile strength of 2,800 pounds.
 - (2) Skirting of a permanent type material and construction shall be installed within thirty (30) days to enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home community.
- F. Utilities:
- (1) Sewer and water facilities shall be provided for each manufactured home lot in accordance with the requirements of the Iowa State Department of Health. All manufactured home developments must be connected to the municipal sanitary sewer system and the municipal water system. All units shall be individually metered in accordance with City Regulations. Each unit shall have accessible Water shut off valve as approved by the City Water Department. The developer must show that sanitary sewer facilities of sufficient capacity to accommodate the manufactured home community are accessible.
 - (2) All electrical lines, telephone lines and cable TV shall be placed underground.
 - (3) ~~All gas lines shall be black steel, 120#.~~

- (4) Refuse collection stands consisting of a holder or rack elevated at least twelve (12) inches above ground or on a pervious slab at ground level shall be provided for all solid waste receptacles.

G. Storm Shelters: Manufactured homes are extremely vulnerable to tornadoes and other high wind conditions. The greatest number of casualties in tornadoes generally comes from manufactured home developments. This is primarily due to the fact that the manufactured home is usually not anchored to as firm of a foundation as a regularly constructed building and cannot take the impact of the extremely high winds and the accompanying flying debris. Tie-downs do not greatly increase the stability in extremely high wind or tornado type conditions, though may be fully adequate for lesser wind and thunderstorm conditions. Another concern in manufactured home developments is the closeness of the units, which causes additional damage. When one home is destroyed by the winds, the debris is forced into the next subsequent unit and thereby weakening them in a domino type effect, increasing both the loss to property and the residents.

Every manufactured home community, approved after July 01, 2001, shall be provided with above or below-grade storm shelters that conform to the following requirements:

- (1) Shelters shall be constructed in compliance with all applicable codes to house residents in the event of threatening weather conditions and sized to adequately accommodate all residents of the manufactured home park with a minimum of thirty (30) square feet of floor area provided for each manufactured home planned.
- ~~(2) A minimum floor area of 12 square feet shall be provided for each lot located in the manufactured home community.~~
- (3) Shelters shall be centrally located to provide a minimum travel distance of not more than six hundred (600) feet from any manufactured home space. It may be necessary to provide more than one shelter.
- (4) Shelters shall not be located in flood prone areas.
- (5) Shelters shall be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
- (6) Shelters shall be designed by a licensed structural engineer or architect and built in accordance with plans sealed by said structural engineer or architect.
- (7) A shelter may be utilized for other purposes, which are allowed as accessory uses in this district; with the exception that the required minimum floor area shall not be infringed, nor shall the function of the structure as a storm shelter be limited in any way.
- (8) Shelters shall remain accessible at all hours.

- (9) For any addition of 10 or more lots to any existing manufactured home community, a storm shelter, which complies with the general requirements of this ordinance, shall be provided to serve such additional lots. For any addition of fewer than 10 lots to an existing manufactured home community which otherwise complies with the requirements of this section, there is no requirement that an additional shelter be provided to serve such additional lots. Provided, however, that when two or more such additions occur which result in a cumulative addition of 10 or more lots, a storm shelter shall be provided to serve such additional lots.
8. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
9. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)

178.6 C-1 TRANSITIONAL COMMERCIAL DISTRICT.

1. **Intent:** The “C-1” District is intended to provide space for limited professional, retail, civic, and service activities which serve adjacent residential areas with reasonable proximity for the satisfaction of daily consumer needs. C-1 Districts sites are generally 5 to 15 acres in size.
2. **Bulk Regulations.** (See Section 178.14 – Non-Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)
8. **Special Performance Standards.**

A. **Maximum Building Footprint:** The building footprint for any non-residential building shall be 15,000 sq. ft. gross ground floor area.

178.7 C-2 GENERAL COMMERCIAL DISTRICT.

1. **Intent:** The “C-2” District is designed to provide space for the general retail and professional office uses and efficient development of major retail shopping areas. The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer. Since such areas will be along major entrances to the City and heavily traveled arterial streets, it is essential to maintain an aesthetically pleasing appearance

through proper design, site layout and landscaping, and to minimize interference with through traffic.

2. **Bulk Regulations.** (See Section 178.14 – Non-Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)

178.8 MU MIXED USE DISTRICT (FORMERLY C-4 CENTRAL BUSINESS DISTRICT).

1. **Intent:** The “MU” District, *formerly known as the C-4 Central Business District*, is intended to support and promote within the historic downtown area that is pedestrian oriented, walkable environment with a mix of retail, office, and upper-story residential uses. The district may be expanded to include other areas outside of the downtown that are appropriate for mixed-use development.
2. **Bulk Regulations.** (See Section 178.14 – Non-Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)

178.9 BP BUSINESS PARK DISTRICT.

1. **Intent:** The “BP” District is intended for business and limited light industrial uses that are at a smaller scale and compatible with being in closer proximity with residential uses. Uses include office and general business uses, contractor’s offices, storage and warehousing, and light assembly and manufacturing. All activities occur within a building with no outdoor storage of

goods and bulk materials. Buildings have front facades with more of an office or retail level of finish and sites are well landscaped with parking lots and loading docks paved and well screened from adjoining properties.

2. **Bulk Regulations.** (See Section 178.14 – Non-Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)
8. **Special Performance Standards.**
 - A. Outdoor Storage: No stock in trade shall be stored or displayed outside nor shall any assembly or manufacturing activities be conducted on the premises.
 - B. Parking and Loading Areas: Parking or loading areas located in the front yard or yard adjacent to a street shall be screened from observation from by traffic on any and all public thoroughfares within 1,000 feet of such areas.
 - C. Buffering: Where the lot abuts property zoned for residential uses, a 50 foot buffer yard shall be provided whereby no part of any required buffer yard shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance.

178.10 M-1 LIMITED INDUSTRIAL DISTRICT.

1. **Intent:** The “M-1” District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off- street parking and loading spaces.
2. **Bulk Regulations.** (See Section 178.14 – Non-Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)

4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)
8. **Special Performance Standards.**
 - A. Outdoor Storage: Licensed and operable trailers, trucks, power equipment, and shipping containers plus limited storage of other equipment and bulk materials is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.
 - B. Buffering: Where the lot abuts property zoned for residential uses, a **thirty (30) foot** buffer yard shall be provided whereby no part of any required buffer yard shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance.

178.11 M-2 MEDIUM INDUSTRIAL DISTRICT.

1. **Intent:** The “M-2” District is intended and designed to primarily accommodate wholesale and warehouse activities and industrial operations whose external effects are restricted to the area of the district and are not detrimental to adjoining or surrounding districts by reason of any gas, fumes, vibrations, dust, cinders, smoke, noise, or unsightly appearance. It is not intended that any new residential development be permitted in the M-2 District.
2. **Bulk Regulations.** (See Section 178.14 – Non-Residential Zoning Districts Building Bulk Regulations Table, herein this chapter.)
3. **Permitted and Conditional Uses.** (See Section 178.15 - Permitted and Conditional Uses Table, herein this chapter.)
4. **General Provision.** (see Chapter 179 – General Provisions.)
5. **Off-Street Parking Regulations.** (See Chapter 180 - Off-Street Parking Regulations.)
6. **Open Space, Landscaping and Buffering.** (See Chapter 181 - Open Space, Landscaping and Buffering.)
7. **Sign Regulations.** (See Chapter 183 – Sign Regulations.)

178.12 PUD PLANNED UNIT DEVELOPMENT.

1. **Intent.** The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with an approved Master Plan. The development guidelines and standards in which land uses, transportation facilities, building densities, arrangements, and types are set out in a unified Master Plan in order to provide greater flexibility of land use, development densities, and building locations than other zoning districts may allow.

The PUD District is intended to maximize benefits from the use of open spaces, preserve natural areas and existing tree cover, protect steep slopes, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the general health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a single use or a mix of residential, commercial, and limited industrial uses, provided such PUD is compatible with the Future Land Use Map and Comprehensive Plan of the City. It is not the intent of the PUD district to be utilized to reduce or provide relief from an existing zoning regulation or requirement.

2. **PUD Scoring Matrix.** To aid with the determination of the appropriateness of a proposed PUD and if it meets the intent of this chapter, the Zoning Administrator shall determine and provide to the Planning and Zoning Commission a relative score from the PUD Scoring Matrix. This PUD Scoring Matrix and any resulting score shall be created and calculated at the sole discretion of the Zoning Administrator.
3. **Procedures.**
 - A. Application: The owner or owners of a parcel of land within the zoning jurisdiction of the City may submit to the Zoning Administrator an application accompanied by a PUD Master Plan requesting a rezoning to the PUD Zoning District. The application form, Master Plan (including number of copies), proposed development rules and regulations, design guidelines, and other submittal details and requirements shall be as determined by the Zoning Administrator as necessary to review the request. The required application fee shall be as determined by resolution of the City Council.
 - B. Review Process: The PUD Application shall be reviewed by the Zoning Administrator for completeness. Applications deemed incomplete shall be returned to the applicant with a list of the missing or incomplete items. Applications deemed complete shall be distributed by the Zoning Administrator to other City departments and agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent City codes, regulations, standards, and policies.
 - (1) Subsequent to review by the Zoning Administrator and other City departments and agencies, the Zoning Administrator shall submit to all members of the Planning and Zoning Commission a copy of the PUD Application along with a written recommendation as to the request's conformity with the rules and regulations of the City and may include a recommendation for approval, approval with conditions, or denial of the application.

- (2) The Planning and Zoning Commission shall subsequently hold a public meeting for a rezoning as prescribed by their rules of procedures and the Zoning Code and review the PUD Application for conformity with the zoning regulations and standards and may confer with the applicant on changes to their requested as may be deemed advisable. The Planning and Zoning Commission shall consider the following as part of their deliberation:
- a. Compatibility with the Future Land Use Map and the Comprehensive Plan.
 - b. Land uses, building sizes and densities, and number of dwelling units.
 - c. Building types, functions, architecture, and building placement and setbacks.
 - d. Provisions for open space, landscaping, buffers, pedestrian circulation, and storm water management.
 - e. Preservation and protection of natural features, drainageways, steep slopes, and existing tree cover.
 - f. Provisions for adequate public infrastructure including sanitary sewer and water service, storm water run-off, public parks, and public safety services.
 - g. Traffic circulation and congestions including access to and from the site.
 - h. General relationship to and impact on the surrounding area and neighboring properties.
 - i. The resulting score from the PUD scoring matrix as provided by the Zoning Administrator.
- (3) After completion of its deliberation, the Planning and Zoning Commission may adopt a recommendation for approval or denial of the PUD Master Plan and associated development rules, regulations, and guidelines as submitted. The Planning and Zoning Commission may also request the developer agree to certain conditions or agree to make certain modifications, alterations, adjustments, or amendments to the proposed Master Plan and associated rules, regulations, and guidelines in order to secure a recommendation of approval from the Planning and Zoning Commission.
- (4) The Planning and Zoning Commission shall forward its recommendation to the City Council within 60 days of the receipt of a PUD Application deemed complete by the Zoning Administrator. If the Planning and Zoning Commission does not act within the 60 days as prescribed above, the PUD Application shall be deemed to have received a recommendation of approval by the Planning and Zoning Commission unless the applicant agrees to an extension of time.
- (5) Within 60 days of receiving a recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing for a rezoning as prescribed

by their rules of procedures and the Zoning Code and review the PUD Application for conformity with the zoning regulations and standards. During this hearing, the City Council may confer with the applicant on changes to their request as may be deemed advisable in order to secure the approval by the City Council. The City Council may approve, approve with conditions or modifications as agreed to by the applicant, or deny the application. If the City Council fails to act within the herein prescribed 60-day period, the PUD Application shall be deemed to have been denied, unless both the applicant and the City Council agree to an extension of time.

- (6) Whenever any PUD Application has been denied by the City Council, no new application covering the same property, or the same property and additional property, shall be filed with or considered by the City Council until one year has elapsed from the date of the filing of the first application.
- C. Recording of the Master Plan and Associated Regulations and Guidelines: The chapter providing for the rezoning of the property to the PUD Zoning District and the associated Master Plan, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the Polk County Recorder and shall be binding on the property owners, their heirs, successors, or assigns. No phase of the PUD shall be started, and no building permits shall be issued until all documents have been recorded.
- D. Modifications: Any application by the property owner or owners for modification to an approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Planning and Zoning Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final.

No modification may be considered that is more than a ten percent (10%) increase in density or change of uses of the site without a public hearing by the Planning and Zoning Commission and City Council as required for a rezoning. A public hearing may be held by the Planning and Zoning Commission or City Council on any requested modification. All modifications and adjustments shall be recorded at the Office of the Polk County Recorder.

- E. Platting and Development: Prior to development within the PUD, applications for Preliminary and Final Plats, Site Plans, and Building Permits that are in conformance with the provisions of the PUD shall be submit for review in accordance with the City's regulations. At the applicant's own risk, Preliminary Plats, Final Plats, and Sites Plans may be submitted and reviewed concurrently with the PUD Application process.

178.13 RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

(INSERT TABLE)

RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS							
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE						
	A-1 Zoned Single Family Dwelling	R-1 Zoned Single Family Dwelling (Detached)	R-2 Zoned Single Family Dwelling (Detached)	Single-Family Dwelling (Semi-Detached) & Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	20 acres	8,400 sq ft	6,500 sq ft	5,000 sq ft or 10,000 sq ft if combined on 1 lot	n/a	n/a	40,000 sq ft
Min. Lot Width ¹	150 ft	70 ft.	60 ft	42.5 ft or 85 ft if combined on 1 lot	n/a	85 ft	100 ft
Min. Lot Street Frontage ²	20 ft	20 ft.	20 ft	20 ft each lot	20 ft	40 ft	40 ft
Front Yard Setback ³	75 ft	30 ft.	30 ft.	30 ft.	30 ft.	50 ft	35 ft.
Side Yard Setback ⁴	10 ft	7.5 ft	7.5 ft	7.5 ft (0 ft at common wall)	8 ft. ⁶ (0 ft at common wall)	50 ft	30 ft
Rear Yard Setback ⁵	50 ft	35 ft	35 ft	35 ft	25 ft	50 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	n/a	16 ft side to side, 50 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	30 ft from back of curb or street sidewalk whichever is closest	30 ft from back of curb or street sidewalk whichever is closest	30 ft from back of curb or street sidewalk whichever is closest	30 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	2.5 stories	2.5 stories	2.5 stories	3 stories	3 stories	4 stories	45 ft
Min. Open Space	n/a	n/a	n/a	n/a	20%	20%	20%
Max. Dwelling Units Per Acre	0.05	4	6	8	12	20	n/a
¹ Measured at the front yard building setback line							
² Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line							
³ Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback							
⁴ Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line							
⁵ Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback							
⁶ Zero feet from common lot lines of attached structures							

178.14 NON-RESIDENTIAL ZONING DISTRICTS BUILDING BULK REGULATIONS. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each non-residential zoning district.

(INSERT TABLE)

178.15 PERMITTED AND CONDITIONAL USES. The following table identifies the allowable uses within each zoning district. A use identified with a “P” within a given zoning district column is a Permitted use. A use identified with a “C” within a given zoning district column requires approval of a Conditional Use Permit from the Board of Adjustment in accordance with the provisions of the Zoning Code. A blank space indicated that use is not permitted within the given zoning district. Uses not listed shall be considered not permitted uses.

- 1. Definitions and Interpretations.** The definitions for each listed use shall coincide first with the definition contained within Chapter 175 of the Zoning Code, second as may be defined elsewhere in the City Code, and finally the commonly understood definition as determined by the Zoning Administrator. A proposed use may follow under more than one category; however, for the purposes of this section, the proposed use shall follow the closest, most similar or specific use as listed in the Use Matrix. It shall be the sole discretion of the Zoning Administrator to make the determine as to where a proposed use falls within the Uses Table, whether it fits within or is similar to a use listed within the Uses Table or is otherwise not listed and therefore not permitted. The determination by the Zoning Administrator is appealable to the Board of Adjustment per the procedures as provided in the Zoning Code.
- 2. Accessory Uses.** Every permitted use may include accessory uses that are customary for that permitted, principal use. Accessory uses are not allowed without a permitted principal use located on the same lot. Accessory uses shall follow the same standards required for the principal except as specifically provided for in Chapter 179 – General Provisions, Subsection 179.1 – Accessory Buildings and Structures. The determination if a proposed accessory use is appropriate and allowable for a given permitted use, shall be at the sole discretion of the Zoning Administrator.

(INSERT TABLE)

NON-RESIDENTIAL BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY ZONING DISTRICT	ZONING DISTRICTS					
	C-1	C-2	MU (C-4)	BP	M-1	M-2
Min. Lot Size	n/a	n/a	n/a	10,000 sq ft	n/a	n/a
Min. Lot Width	100 ft	100 ft	n/a	100 ft	100 ft	100 ft
Max Building Footprint	15,000 sq ft	n/a	n/a	n/a	n/a	n/a
Min. Lot Street Frontage ⁵	40 ft	40 ft	20 ft	40 ft	40 ft	40 ft
Front Yard Setback	30 ft	30 ft	0 ft	50 ft	50 ft ³	30 ft
Side Yard Setback	10 ft ¹	10 ft ¹	0 ft	20 ft ¹	20 ft ¹	20 ft ¹
Rear Yard Setback	10 ft ²	25 ft ²	0 ft	50 ft	50 ft ³	40 ft
Min. Separation Between Buildings Not Attached	20 ft	20 ft	0 ft	20 ft	20 ft	20 ft
Max. Building Height	35 ft	45 ft ³	60 ft ³	80 ft ³	80 ft ³	80 ft ⁴
Min. Open Space	20%	20%	0%	15%	15%	15%
Max. Dwelling Units Per Acre	n/a	n/a	36	n/a	n/a	n/a
¹ 30 feet when said yard adjoins a residential zoning district or existing residential property						
² 30 feet when said yard adjoins a R-1 or R-2 zoning district or existing single-family property						
³ An additional 10 ft of height is permitted for every 10 ft of additional building setback provided to a maximum height of 120 ft						
⁴ An additional 10 ft of height is permitted for every 10 ft of additional building setback provided - no limit						
⁵ Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line						

TABLE OF PERMITTED AND CONDITIONAL USES											
USE	ZONING DISTRICTS										
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
AGRICULTURAL USES											
Commercial Farm Operation											
Farming (row crop, vegetables, greenhouse, vineyards, orchards)	P										
Animal Husbandry (raising of livestock including animal feeding operations)	P										
Truck gardening and nurseries	P										
Farm Support Housing	C										
Other Rural Uses											
Horse boarding and riding stables	P										
Household Animal Breeding	C										
RESIDENTIAL USES											
Household Living											
Single-family dwelling, detached	P	P	P								
Single-family dwelling, semi-detached (traditional duplex on two lots)			P	P							
Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single family home into 2 dwelling units)			P	P							
Townhouse dwelling (3+ units)			P	P							
Multiple family dwelling (3+ apartment or condo units)				P							
Manufactured Home Park					C						
Accessory dwelling units	P	P	P	P	P			P			
Dwelling units located above the ground floor (mixed use building)								P			
Group Residential											
Family home, state licensed (as defined and provided in Section 414.22 of the Code of Iowa)	P	P	P	P	P						
Elder group home, state certified (as defined in Section 231B.1)	P	P	P	P	P						
Maternity group home (as defined and provided in Section 414.27 of the Code of Iowa)	P	P	P	P	P						
Assisted living residential facility		P	P	P	P	P	P				
Nursing or convalescent home		P	P	P	P	P	P				
Supervised group residence				C							
PUBLIC AND CIVIC USES											
College, university, vocational and trades schools						P	P	P	P		

TABLE OF PERMITTED AND CONDITIONAL USES												
USE	ZONING DISTRICTS											
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2	
Cultural exhibit, museum, or library						P	P	P	P			
Membership or religions organization, social club or lodge, and other place of public assembly		P	P	P	P	P	P	P	P			
Public or private elementary, middle, or high school		P	P	P	P	P	P	P	P			
Public or private parks, golf courses, golf driving ranges, country clubs, swimming pools, playgrounds, and indoor or outdoor recreational facilities and ball fields	P	P	P	P	P	P	P	P	P	P	P	
Office of public utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)	P	P	P	P	P	P	P	P	P	P	P	
Government buildings and properties	P	P	P	P	P	P	P	P	P	P	P	
Hospital									P	P	P	
COMMERCIAL USES												
After hours business												
Agricultural Sales and Services	P								P	P	P	
Art gallery						P	P	P	P			
Body piercing studio or tattoo studio							P	P				
Child Care Center (child care home and child development home are addressed under the home occupations chapter)	P	P	P	P	P	P	P	P				
Drive-in or drive-thru facilities						P	P	C	P	P	P	
Animal Services												
Kennel (including day kenneling)												
With outdoor kennels or enclosures	P									P	P	
No outdoor kennels or enclosures	P						P		P	P	P	
Veterinary services (without non-medical related kenneling)							P		P	P	P	
Banks and financial services												
Banks, not including delayed deposit service business						P	P	P	P			
Delayed deposit service business (including check cashing, payday lending, car title loan business)							C					
Pawnshop							C					
Freestanding automated teller machine (ATM)						P	P	C	P			
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use												
No outdoor storage							P		P	P	P	
With outdoor storage										P	P	
Eating and drinking establishment												

TABLE OF PERMITTED AND CONDITIONAL USES												
USE		ZONING DISTRICTS										
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
	Restaurant						P	P	P	P		
	Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales						P	P	P	P		
	Tavern / Bar						P	P	P	P		
Entertainment												
	Movie theater, performance hall, performing arts studio						P	P	P	P		
	Small Scale Indoor:miniature golf, bowling, video game arcades, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P	P	P	P	
	Indoor: waterpark							P		P	P	
	Indoor or Outdoor: waterpark, drive-in theater, waterpark, miniature golf, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P		P	P	
	Adult oriented business											C
Funeral and interment services												
	Cemetery, mausoleum, columbarium	P	P	P	P	P	P	P	P	P	P	P
	Cremation services										C	C
	Funeral Home including funeral services and retail sales with no outdoor display or storage								P			
	Retail sales with outdoor displays and storage								P			
Lodging												
	Bed & breakfast inn							P	C	P		
	Boarding or rooming house				C			C				
	Extended stay or apartment hotel				C			C				
	Hotel or motel							P	P		P	
	Campground	C										
	Short-term rental	P	P	P	P	P			P			
Office uses												
	Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use						P	P	P	P	P	
	Print shop, copy center, retail shipping store						P	P	P	P	P	
	Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)						P	P	P	P	P	

TABLE OF PERMITTED AND CONDITIONAL USES												
USE		ZONING DISTRICTS										
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
	Television and radio broadcast studio, offices, and production facilities						P	P	P	P	P	
Retail												
	Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)						P	P	P	P	P	
Retail - intensive												
	Convenience store with fuel sales							P			P	
	Fireworks retail sales facility						P	P	P	P	P	P
	Hardware store, lawn and garden store, or similar use with outdoor storage							P			P	P
	Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)							P			P	P
	Liquor store							P	P		P	P
	Lumber yard and Construction Sales and Services							P			P	P
	Medical cannabidiol (CBD) dispensary and sales							C			C	C
	Can and bottle redemption facility										P	P
	Smoking lounge or hookah lounge							C			P	P
	Tobacco store (including vape shop)							C			P	P
Personal and consumer services												
	Beauty salon, barbershop						P	P	P	P	P	P
	Dry cleaner and laundry service									P	P	P
	Dry cleaner and laundry service (pick-up/drop-off service only)						P	P	P	P	P	P
	Laundry (self-serve laundromat)							P		P	P	P
	Massage therapy establishment, state licensed						P	P	P	P	P	P
	Fitness center, gym, health spa						P	P	P	P	P	P
	Tailor						P	P	P	P	P	P
Mini warehouse or self-storage facility												
	In-door only							P		P	P	P
	Out-door storage including vehicle, boat, camper, recreational vehicle										P	P
Motor vehicle and motor equipment-oriented businesses												
	Automobile service center (auto parts sales)							P			P	P
	Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							P			P	P

TABLE OF PERMITTED AND CONDITIONAL USES												
USE		ZONING DISTRICTS										
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
	Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P			P	P
	Electric vehicle charging stations (not ancillary to a principal use)							P		P	P	P
	Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)							C			P	P
	Automobile sales, rental, storage lot, and off-street parking							P			P	P
	Automobile, truck and equipment auction facilities										P	P
	Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P			P	P
	Light equipment sales, rental, or repair service										P	P
	Heavy equipment sales, rental or repair service										P	P
	Truck Stop, not including trailer washout										C	P
	Commercial parking lots and parking structures (not ancillary to a principal use)											P
Spectator sports												
	Indoor	P						P		P	P	P
	Outdoor	P								P	P	P
Sports and recreation, participant												
	Indoor	P						P		P	P	P
	Outdoor	P								P	P	P
INDUSTRIAL USES												
Manufacturing												
	Limited (no food related processing and manufacturing, all activities wholly contained within a building)									P	P	P
	General (limited food processing, outdoor storage limited)										C	P
	Intensive (may include outdoor storage of materials and activities not contained within a building) and includes:											
	Animal feedlots, processing of animals or animal by-products											

TABLE OF PERMITTED AND CONDITIONAL USES												
USE		ZONING DISTRICTS										
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
	Auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)											C
	Truck or trailer washout											
	Cement, lime, gypsum, or plaster manufacture											C
	Explosive and ammunition manufacture or storage											
	Junk or garbage processing, recycling, storage, or transfer station (indoor only)											
	Petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage											
	Rubber goods manufacture											
	Rock and ore crushing and processing											C
	Smelting and processing of ore, metal and scrap metal											
	Medical cannabidiol (CDB) growing and/or processing											C
Shipping and distribution												
	Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)									P	P	P
	Trucking/freight terminal											C
	Wholesale fuel storage, sales, or distribution											
	Grain storage and distribution											C
Waste related use												
	Junkyard including auto, truck and machinery wrecking and recycling											
	Recycling facility											C
	Sanitary landfill											
	Waste transfer station											C
Other industrial uses												
	Small engineer repair									P	P	P
	Electronics, appliance, household goods, furniture or similar									P	P	P
	Research laboratory and testing									P	P	P
	Storage of equipment, data and records, electronic data center, furniture and similar									P	P	P

TABLE OF PERMITTED AND CONDITIONAL USES												
USE		ZONING DISTRICTS										
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	MU (C-4)	BP	M-1	M-2
	Mining operation, sand and gravel extraction, gas or oil well, or similar mineral or earth resource extraction (no processing of material and crushing of rock or ore)	C										C
Wireless telecommunications facility												
	Tower	C	C	C	C	C	C	C	C	C	C	C
	Co-located	P	P	P	P	P	P	P	P	P	P	P
	Commercial broadcast antennas, towers, and satellite dishes	C								C	C	C
Energy generation and distribution												
	Gas and electrical power distribution station	C	C	C	C	C	C	C	C	C	C	P
	Battery Energy Storage Systems	C									C	C
	Electrical power generation (utility scale for off-site use, distribution, or sale)											C
Renewable energy power generation (accessory use)												
	Accessory Small Wind Energy Conversion System (not utility scale)	C									C	C
	Accessory Solar Energy Conversion System – building-integrated (not utility scale)	P	P	P	P	P	P	P	P	P	P	P
	Accessory Solar Energy Conversion System – ground mounted (not utility scale)	P	C	C	C	C	C	C	C	C	C	P

CHAPTER 179 – GENERAL PROVISIONS

- 179.1 STREET FRONTAGE REQUIRED
- 179.2 LOT AND YARD REGULATIONS
- 179.3 EXCEPTIONS TO HEIGHT REGULATIONS
- 179.4 VISIBILITY AT STREET INTERSECTIONS
- 179.5 USE OF PUBLIC RIGHTS-OF-WAY
- 179.6 FENCES AND WALLS.
- 179.7 ACCESSORY BUILDINGS AND STRUCTURES.
- 179.8 ACCESSORY DWELLING UNITS.
- 179.9 MANUFACTURED HOMES.
- 179.10 TOWERS, ANTENNAS, SATELLITE DISHES, AND WIRELESS COMMUNICATIONS FACILITIES.
- 179.11 RENEWABLE ENERGY EQUIPMENT AND FACILITIES AND BATTERY ENERGY STORAGE SYSTEMS
- 179.12 HOME-BASED BUSINESSES.
- 179.13 MEDICAL CANNABIDIOL DISPENSARIES AND MANUFACTURING FACILITIES.
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- 179.15 OUTDOOR SALES AND DISPLAYS FOR COMMERCIAL AND RETAIL BUSINESSES.
- 179.16 OUTDOOR STORAGE.
- 179.17 LOADING DOCKS, DELIVERY AND SERVICE OVERHEAD DOORS.
- 179.18 TRASH AND RECYCLING COLLECTION.
- 179.19 EQUIPMENT SCREENING.
- 179.20 EXTERIOR LIGHTING.
- 179.21 STANDARDS FOR AUTO SALES OR RECREATIONAL VEHICLE SALES.
- 179.22 STANDARDS FOR DRIVE-IN AND DRIVE-THROUGH FACILITIES.
- 179.23 STANDARDS FOR ATTACHED AND FREE-STANDING DRIVE-THRU CANOPIES.

179.1 STREET FRONTAGE REQUIRED. All lots shall have no less than twenty (20) feet of frontage along at least one public or private street, except as otherwise required herein this Zoning Code. The City Council may also allow, at its own discretion, the construction of a building or the use of a lot that has a shared access or other shared common access to a public or private street when part of a planned development managed under an owners' association.

179.2 LOT AND YARD REGULATIONS.

1. **Yards Required.** In all zoning districts, there shall be a minimum front, side, and rear yard required as stated in the building and parking setback requirements of that particular district. No yard or lot existing at the time of passage of the Zoning Code shall be reduced in dimension or area below the minimum required by the Zoning Code.
2. **Corner Lots.** For corner lots, the front yard regulation shall apply to each street side of the corner lot. The Zoning Administrator shall designate the rear yard of a lot which shall generally be that portion of yard opposite the narrow street side.
3. **Through Lots.** The Zoning Administrator shall designate the front yard of a through lot (also known as a double frontage lot) which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard regulations shall apply to each street side of a through lot.
4. **Postage-Stamp Lot.** Structures built within a postage-stamp lot shall be setback no less five (5) feet from all lot lines, excluding shared walls located along a common lot line, and shall otherwise meet all other building setback requirements for the zoning district in which it is

located. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an adjoining outlot or association held parcel.

5. **Projecting Overhang or Structure.** The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, bay windows, or other similar architectural features, except for gutters and downspouts, may not project or extend more than three (3) feet into a required yard, provided no part of a building is closer than five (5) feet to a lot line.
6. **Other Yard Encroachments.**
 - A. Carports, cantilevered projections, chimneys, accessory buildings, and structures may not project into any required yard.
 - B. Air conditioning units, heat pumps, or other similar devices may encroach into the required side yard.
 - C. Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard.
 - D. Front stoops, stairs, open decks and unenclosed porches may encroach up to six (6) feet into the required front yard.
 - E. Stoeps, stairs, and open decks, not enclosed or covered by a roof, may encroach up to twenty (20) feet into the required rear yard.
 - F. Uncovered patios, brick or stone pavers, concrete slab structures, or other paved surfaces constructed on the ground, or less than twelve (12) inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards, except that no such patio or paved area shall encroach closer than two (2) feet of the property line nor extend more than ten (10) feet beyond either side of a driveway.

179.3 HEIGHT REGULATION EXCEPTION. No permit will be issued for any structure above height limits, except as specifically approved by the Board of Adjustment. However, the height limitations contained herein this Zoning Code do not apply to minor projections above the roof line for typical building features including rooftop mechanical equipment and equipment enclosures, ventilation pipes and fans, chimneys. This exception also applies to antennas and satellite dishes that project less than ten (10) feet in height above the top of the roof line or parapet.

179.4 VISIBILITY AT STREET INTERSECTIONS. On a corner lot in any district, except the Mixed Use Zoning District (MU), no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed, allowed to grow, or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines. For purposes of this section, a split rail fence, chain link fence, or any other fence which consists of vision blocking material over twenty-five percent (25%) or less of its total surface area is not considered as obstructing vision.

179.5 USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by this code, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. However, tables, chairs, displays, and temporary signs (as may be allowed by Chapter 183 of this Code) associated with the adjoining business may be allowed to encroach the public street right-way for fronting properties within in the Mixed Use Zoning District (MU) subject to the following:

1. No such use shall occur within any travel lane or paved street area.
2. May be permitted on all sidewalks provided there remains a free walking path with a minimum walking surface of five (5) feet in width.
3. May be permitted within designated off-street parking space(s) if specifically approved and authorized by the City of Bondurant as part of an approved parking space use agreement.
4. Allowed during business hours only, unless specifically authorized by the City of Bondurant as part of an approved sidewalk use agreement.
5. Shall provide proof of liability insurance in an amount as determined by the City of Bondurant.

179.6 FENCES AND WALLS.

1. **Residential Zoning Districts.**
 - A. In all residential zoning districts, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. Fences and walls are permitted in the front yard with a maximum height of forty-eight (48) inches. All fences located between the front property line and the front yard building setback, shall be designed with a minimum transparency or openness of forty (40) percent. Retaining walls shall be the only type of wall allowed within a residential front yard.
 - B. **Corner Lots:** Residential corner lots contain two (2) front yards. For the purposed of this section, the Zoning Administrator, or their designee, may classify one of these two front yards as the “secondary” front yard. Generally, the wider of the two front yards should be determined as the secondary front yard. A fence or wall not exceeding six (6) feet in height may be constructed within this secondary front yard provided said fence or wall is setback a minimum **ten (10)** feet from the adjoining street right-of-way line.
 - C. **Through Lots or Double Frontage Lots:** On through lots or double frontage lots, a privacy type fence not exceeding six (6) feet in height may be place within the designated rear yard, as determined by the Zoning Administrator, **provided it is a minimum of ten (10) feet from the street right-of-way line.**
 - D. Fences and walls shall be built wholly on the owner’s property.

- E. No fence or wall shall be erected in violation of the Visibility at Street Intersections provisions of this Chapter.

2. **Commercial and Industrial Zoning Districts.**

- A. In Commercial and Industrial zoning districts, fences and walls not exceeding ten (10) feet in height are permitted within the limits of the side and rear yard. Fences and walls not exceeding forty-eight (48) inches in height are permitted within the front yard. The approval authority may allow a fence or wall that exceeds these height limits as part of the review and approval of a site plan permit.

- B. Fences and walls shall be built wholly on the owner's property.

- C. No fence or wall shall be erected in violation of the Visibility at Street Intersections provisions of this Chapter.

3. **Decorative Features.** In all zoning districts, decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence height by no more than twelve (12) inches.

- 4. **Arbors.** A decorative arbor, archway, or garden arch may be installed over any fence opening or gate and may be constructed within the confines of a front yard provided said structure is no taller than nine (9) feet and no wider than six (6) feet. Said structure shall not be constructed in violation of the Visibility at Street Intersections provisions of this Chapter.

5. **Swimming Pool Enclosures.** Barriers constructed for the purpose of enclosing a swimming pool, shall also be subject to the requirements of this chapter.

- 6. **Fence Frames.** The frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.

7. **Retaining Walls.**

- A. Retaining walls shall be set back from the property line one foot for every one (1) foot of height.

- B. Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six (6) feet in height without terraces to break up the wall expanse. A minimum one (1) foot of terrace shall be used for each two (2) feet of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.

8. **Materials and Maintenance.**

- A. Permitted Materials: Fences are to be constructed of customarily used materials such as chain-link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar

- materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
- (1) The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as fencing material; bamboo; reed; or plywood sheeting. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.
 - (2) An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of this chapter. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.
 - (3) Walls and retaining walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc., and shall not be painted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations, per Chapter 183 herein this Code.
- B. Prohibited Materials. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited.
- C. Construction and Maintenance. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator after ten (10) days' notice to the owner of the fence, may order the removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.
9. **Measuring Fence or Wall Height**. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:
- A. In a yard abutting a street, the total effective fence or wall height above the finished grade shall be measured on the side nearest the street. Notwithstanding, if a property or premises is lower than an adjacent street, then the height of the fence or wall shall be determined by a measurement from the street grade at a ninety-degree (90°) angle from

- the fence or wall; provided the total vertical measurement from the ground beneath the fence or wall to the top of the fence or wall shall not exceed eight (8) feet.
- B. In any other required yard, the total effective fence or wall height above the finished grade shall be measured on the side nearest the adjacent property.
 - C. On a property line, the fence or wall height shall be measured from the finished grade of the side of the adjacent property.
 - D. Swales and other earth depressions up to six (6) feet wide shall not be used when measuring the fence or wall height.
 - E. Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall, except in the case of a fence or wall constructed within an industrial zoning district or as otherwise may be required by the City for the purposes of screening.
10. **Stormwater Overland Flowage Easements.**
- A. Fences may encroach into a stormwater overland flowage easement provided the fence is designed and constructed in a manner that does not cause siltation buildup or restrict the flow of stormwater.
 - B. Permitted fence material includes chain-link, wrought iron fencing, picket style fencing, or other fencing styles that have a transparency or openness of no less than forty (40) percent.
 - C. All fencing shall be elevated a minimum of three (3) inches through the swale part of the easement to allow water flowage.
11. **Exceptions to Fence Requirements.** The following shall be exempt to the fence provisions.
- A. **Agricultural Purposes.**
 - (1) In an agricultural zoning district, barbed wire and woven wire fencing shall be allowed, provided it is used to contain livestock or to protect crops and plantings.
 - (2) In agriculture districts, an electrified fence shall be allowed for the purpose of containing livestock.
 - B. **Industrial Districts.** In industrial districts, fences topped with barbed wire may be allowed by approval of the City Council, provided the barbed wire is not less than six (6) feet above the ground.
 - C. **Recreational Purposes.** Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified herein this chapter, provided that such fence is constructed to maintain a transparency or

openness of no less than sixty (60) percent and does not violate the Visibility at Street Intersections provisions of this Chapter. Any such fence is subject to design review and approval of the Zoning Administrator or approval authority.

- D. **Governmental Properties.** Fences associated with governmental (federal, state, county, city) facilities and properties.
- E. **Temporary Fences.** Temporary or seasonal fences, e.g., snow fence, garden fence, are exempt from permitting requirements providing they are not more than four (4) feet in height. Snow fence shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fence shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this Chapter.
- F. **Temporary Construction Fence.** Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.
- G. **Existing Fence.** Repair of existing, legal but nonconforming fences shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence. Complete replacement of an existing fence requires compliance with the terms of this Chapter. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence.

179.7 ACCESSORY BUILDINGS AND STRUCTURES.

- 1. **Intent.** All uses specified as permitted within a given zoning district herein this Code shall be deemed to include accessory buildings and structures that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such use, hereinafter referred to as the “principal” use or “principal” building or structure. These accessory buildings and structures include: free standing garages for vehicles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, above-ground and in-ground pools and hot-tubs, little free library boxes, and similar structures and buildings. It is the intent of these standards herein this section to establish the basic regulations for accessory buildings and structures.
- 2. **General Provisions.** No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except as provided herein this code.
- 3. **Applicability.** The following regulations shall apply to all accessory buildings and structures for residential uses including manufactured home parks. Accessory buildings and structures

for all other uses shall comply with the regulations and standards as established elsewhere in this code for principal structures and buildings.

4. **Location and Setbacks.** The following location and setback requirements shall apply to all accessory buildings and structures:
 - A. Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.
 - B. Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.
 - C. Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.
 - D. All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.
 - E. Accessory buildings and structures shall not be erected within any required buffer or easement.
 - F. When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.
 - G. When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.
 - H. No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line.
 - I. **Little Free Libraries.** A little free library box that is no taller than five (5) feet, no wider than two (2) feet, and with a depth no greater than two (2) feet may be placed within the confines of the front yard provided there shall be no more than one such box per legal lot

of record. Said structure shall not be constructed in violation of the Visibility at Street Intersections provisions of this Chapter.

5. **Area and Height Limit.**

- A. Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least a one-car garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.
- B. Accessory buildings and structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case more than one and one-half (1.5) stories in height and shall not exceed a height of twenty-four (24) feet.
- C. All garages and accessory structures that include an overhead door or otherwise are designed and constructed to house a motor vehicle, trailer, camper, boat, or other wheeled equipment shall have a paved driveway that connects to a street. Said driveway shall comply with the standards as provided herein this Chapter, Chapter 180 – Off-Street Parking Regulations of the Zoning Code, and as provided elsewhere in City Code.

- 6. **Exempt Structures.** Accessory structures of eighty (80) square feet or less, no taller than twelve (12) feet, and of a movable design, plus ground mounted play structures no taller than twelve (12) feet with a footprint of no more than 400 square feet, shall be exempt from permit requirements. These structures must conform to all setback requirements. The square footage of these structures shall be included in the maximum cumulative area requirements of this Chapter.

179.8 ACCESSORY DWELLING UNITS.

- 1. An accessory dwelling unit is permitted within any lot that has a legally permitted, single-family dwelling, herein after referred to as the principal dwelling, subject to the following:
 - A. No more than one (1) accessory dwelling unit shall be permitted on any lot.
 - B. The accessory dwelling unit shall not exceed 1,000 sq. ft. gross floor area nor exceed fifty percent (50%) of the gross floor area of the principal dwelling on the lot on which it is located.
 - C. The accessory dwelling unit may be attached or detached to the principal dwelling.
 - D. The accessory dwelling unit, whether attached or detached, shall meet the building setback, height, and other bulk and density standards that are required for a principal structure on the lot or parcel on which it is located.

- E. All ADUs shall be subject to the same utility connection fees and parkland dedication requirements as required for a single-family dwelling.

179.9 MANUFACTURED HOMES.

1. **Conversion to Real Property.** A mobile home or manufactured home that is located outside a manufactured home community or park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes.
2. **Foundation Requirements.** A mobile home or manufactured home located outside of a manufactured home community or home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. Said home shall further comply with the basement requirement for single-family dwellings.

179.10 NON-COMMERCIAL TOWERS, ANTENNAS, AND SATELLITE DISHES (NOT WIRELESS COMMUNICATIONS FACILITIES).

The following standards shall apply to all non-commercial antennas, satellite dish antennas, and towers that are not part of a wireless telecommunications facility:

- A. Freestanding antennas, satellite dish antennas, and towers uses shall comply with the height restrictions and setback requirements for accessory buildings and structures.
- B. Antennas, satellite dish antennas, and towers attached to a principal building or structure shall comply with the height restrictions and setback required of that principal building or structure for the zoning district in which it is located.
- C. No satellite dish antenna, radio or TV antenna, or related tower use shall be permitted within any front or side yard or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the antenna or satellite dish antenna within the confines of the rear yard and obtain a signal.
- D. No satellite dish antenna with a dish diameter greater than three (3) feet or height greater than fifteen (15) feet shall be permitted in any residential zoning district. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public streets.
- E. These provisions shall not apply to licensed amateur radio (HAM radio) operators that are in compliance with all relevant Federal Communications Commission (FCC) rules and regulations.
- F. Commercial towers, antennas, and satellite dishes and Wireless Communications Facilities are regulated by chapter ???.

179.11 RENEWABLE ENERGY EQUIPMENT AND FACILITIES AND BATTERY ENERGY STORAGE SYSTEMS.**1. Small Wind Energy Conversion Systems.**

- A. Intent: The intent of this section is to establish provisions for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity, namely wind energy, and to provide standards for the construction and use of small wind energy conversion systems. The City finds these regulations are necessary to ensure that small wind energy conversion systems are appropriately designed, sited and installed.
- B. Definitions: The following terms are defined for this section:
- (1) "Accessory Wind Energy Conversion System (AWECS)" means a wind energy conversion system that is incidental and subordinate to a principal use on the same parcel and intended to primarily provide power for use on the site in which the system is located.
 - (2) "Height, total system" means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
 - (3) "Lot" (or parcel) means any legally established lot or parcel which contains or could contain a permitted or conditional use as provided by Chapter 175 of this Zoning Code.
 - (4) "Off grid" means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
 - (5) "Shadow flicker" means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
 - (6) "Small Wind Energy Conversion System (SWECS)" means an accessory wind energy system which has a nameplate rated capacity of up to 15 kilowatts for residential uses and districts and up to 100 kilowatts for commercial and industrial districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company.
 - (7) "Small Wind Energy Conversion System, free-standing" means a SWECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition.
 - (8) "Small Wind Energy Conversion System, horizontal axis" means a small wind energy conversion system that has blades which rotate through a horizontal plane.

- (9) "Small Wind Energy Conversion System, building mounted" means a SWECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building. These systems are prohibited by this Chapter.
- (10) "Small Wind Energy Conversion System, vertical axis" means a small wind energy conversion system that has blades which rotate through a vertical plane.
- (11) "Tower" means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.
- (12) "Utility Scale Wind Energy Conversion System (USWECS)" means one or more wind energy conversion systems located together and used for production of electric power to be interconnected into the local utility electrical grid and primarily for consumption by on-grid utility customers located off the property. USWECS are typically the principal use of the parcel on which located but may include a dual use such as vegetable farming. Commonly referred to as a "wind farm."
- (13) "Wind Energy Conversion System (WECS)" means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.
- (14) "Wind turbine generator" means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.
- C. General Regulations:
- (1) *Zoning.* SWECS may be allowed within the zoning districts as identified in Chapter 178 of the Zoning Code and subject to the provisions contained herein and elsewhere within this Code. All SWECS shall be an accessory use and free-standing. Utility Scale Wind Energy Conversion System (USWECS) are prohibited in all zoning districts.
- (2) *Conditional Use Permit Required.* A Small Wind Energy Conversion System (SWECS) shall be allowed only as an accessory use to a permitted principal use and with approval of a conditional use permit from the Board of Adjustment where identified as allowable subject to approval of a Conditional Use Permit.
- (3) *Permit Required.* It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City, unless a conditional use permit has been obtained from the City. The conditional use permit may be revoked by the approval authority any time the approved system does not comply with the rules set forth in this Chapter and the conditions imposed by the approval authority. The owner/operator of the SWECS

must also obtain any other permits required by other federal, state and local agencies/departments prior to constructing the system.

- (4) *Application.* Application for SWECS shall be made on forms provided by the City. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.
- (5) *Number of Systems per Zoning Lot.* No more than one free-standing SWECS may be placed on any parcel or lot. Additional free-standing SWECS are prohibited.
- (6) *Tower.* Only monopole towers shall be permitted for free-standing SWECS. Lattice, guyed or towers of any other type shall not be considered to be in compliance with this Chapter.
- (7) *Color.* Free-standing SWECS shall be a neutral color such as white, sky blue or light gray. Other colors may be allowed at the discretion of the approval authority. The surface shall be non-reflective.
- (8) *Lighting.* No lights shall be installed on the tower, unless required to meet FAA regulations.
- (9) *Signage.* No signage or advertising of any kind shall be permitted on the tower or any associated structures.
- (10) *Climbing Apparatus.* The tower must be designed to prevent climbing within the first 10 feet.
- (11) *Maintenance.* Facilities shall be well maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this Chapter or as provide elsewhere within the City Code.
- (12) *Utility Notification.* The City shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.
- (13) *Interconnection.* The SWECS, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility. No permit of any kind shall be issued until the City has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.
- (14) *Restriction on Use of Electricity Generated.* A SWECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company.

- (15)*Noise*. A SWECS shall be designed, installed and operated so that the noise generated does not cause a public nuisance.
- (16)*Shadow Flicker*. No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
- (17)*Safety Controls*. Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.
- (18)*Shut Off*. A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Building Official.
- (19)*Electromagnetic Interference*. All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.
- (20)*Wind Access Easements*. The enactment of this Chapter does not constitute the granting of an easement by the City. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.
- (21)*Engineer Certification*. Applications for any SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the SWECS showing compliance with the applicable regulations and certified by a Kansas licensed professional engineer shall also be submitted.
- (22)*Installation*. Installation must be done according to the manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.
- (23)*Removal*. If the SWECS remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The SWECS owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The

SWECS owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the Zoning Administrator shall notify the SWECS owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.

(24) *Right of Entrance.* As a condition of approval of a Conditional Use Permit an applicant seeking to install SWECS shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

D. Bulk Regulations:

(1) *Setbacks.* The minimum distance between any free-standing SWECS and any property line shall be a distance that is equivalent to 150 percent of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.

(2) *Maximum Height.* Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.

a. For lots of more than one and fewer than three acres, the maximum height shall be 65 feet.

b. For lots of more than three and fewer than five acres, the maximum height shall be 80 feet.

c. For lots more than five acres, the maximum height shall be 100 feet.

(3) *Minimum Lot Size.* The minimum lot size for a free-standing SWECS shall be one acre.

(4) *Clearance of Blade.* No portion of a horizontal axis SWECS blade shall extend within 30 feet of the ground. No portion of a vertical axis SWECS shall extend within 10 feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure, or above ground utility facilities.

E. Location:

(1) No part of a SWECS shall be located within or over drainage, utility or other established easements.

(2) A SWECS shall be located entirely in the rear yard.

- (3) A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
- (4) No SWECS shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.
- (5) Building mounted SWECS shall be prohibited.

2. **Solar Energy Systems.**

- A. Intent: The intent of this section is to establish provisions for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity, namely solar energy, and to provide standards for the construction and use of solar energy systems. The City finds these regulations are necessary to ensure that Solar Energy Systems are appropriately designed, sited and installed.
- a. Definitions: The following terms are defined for this section:
 - (1) "Accessory Solar Energy Conversion System (ASECS)" means a solar energy conversion system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located. ASECS do not include concentrating solar power systems (CSPS).
 - (2) "Building-integrated Solar Energy Systems" means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - (3) "Concentrating Solar Power System (CSPS)" means a power generation system that uses mirrors to concentrate the sun's energy to drive traditional steam turbines or engines that create electricity. The thermal energy concentrated in a CSPS plant is sometimes stored and later used to produce electricity.
 - (4) "Ground-mounted" means a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems are accessory to the principal use.
 - (5) "Roof-mount" means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
 - (6) "Solar Access" means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

- (7) "Solar Carport" means a solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
 - (8) "Solar Mounting Devices" means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
 - (9) "Utility Scale Solar Energy Conversion System (USSECS)" means a solar energy conversion system that is used to produce electrical power for the primary purpose of off-site use through the electrical grid or export to the wholesale market. USSECS do not include concentrating solar power systems (CSPS).
- B. Restrictions: Except as provided in this article, no solar energy system or solar collection device shall be erected, constructed, altered or maintained on any lot within the city, without first receiving a permit to do so and complying with the regulations herein this Chapter.
- C. General Regulations:
- a. *Zoning*. ASECS may be allowed within the zoning districts as identified in Chapter 178 of the Zoning Code and subject to the provisions contained herein and elsewhere within the City Code. Utility Scale Solar Energy Conversion Systems (USSECS) and Concentrating Solar Power Systems (CSPS) are prohibited in all zoning districts.
 - (2) Building-integrated solar energy systems and roof-mounted and building-mounted solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.
 - (3) Ground-mounted solar energy systems shall require approval of a Conditional Use Permit from the Board of Adjustment where identified as allowable subject to approval of a Conditional Use Permit.
- D. Standards: All solar energy systems or solar collection devices shall meet the following standards and conditions:
- (1) *Height*. Solar energy systems must meet the following height requirements:
 - a. Building-mounted or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

- b. Ground-mounted or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
 - c. Solar carports shall not exceed 20 feet in height.
- (2) *Setback.* Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, except as allowed below.
- a. *Roof-mounted or Building-mounted Solar Energy Systems* - The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
 - b. *Ground-mounted Solar Energy Systems* - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- (3) *Visibility.* Solar energy systems shall be designed to minimize visual impacts from the public street right-of-way.
- a. *Building Integrated Photovoltaic Systems* - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 - b. *Roof-mounted systems on pitched roofs* that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - c. *Roof-mount systems on flat roofs* that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
 - d. *Reflectors* - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- (4) *Lot Coverage.* Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure. Ground-mounted systems shall be

exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

- (5) All solar energy system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.
 - (6) All solar energy system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus. The design and drawings of any system or apparatus shall be completed and sealed by a licensed design professional.
- E. Building Permit Required: No solar energy system or solar collection device shall be constructed, erected, added to, or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot or parcel of land unless the owner, contractor or agent of either shall first have applied for and received from the Building Official a permit therefore as provided for in this section.
 - F. Application for Permit: Any application for the building permit required hereunder shall show that the proposed construction meets the requirements set forth in this section. Should any submittal in the opinion of the Building Official contain design elements that are substantially unique and outside the normal configuration of typical solar array components, design or system requirements, the application for permit shall be forwarded to the City Council for action.
 - G. Issuance of Permit: Any building permit issued pursuant to the provisions of this article for the construction, erection or modification of a solar energy system or solar collection device shall only be issued after the Building Official has determined the proposed construction meets the requirements of this section, the building code regulations, and that the design of the solar system or solar collection device is in general conformity with the style and design of surrounding structures.
 - H. Solar Access Easements: Refer to Article XV of the Zoning Code regarding the provisions for the creation of solar access easements.
 - I. Removal: If the solar energy system remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The solar energy system owner/operator shall remove the abandoned system at their expense. Removal of the system includes all panels, mounting devices, and appurtenant equipment and structures from the property. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter for photovoltaic systems or a thermometer for a solar collector system. The solar energy system owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the solar energy system if requested. If removal of structures and appurtenant facilities is required, the Zoning Administrator shall notify the solar

energy system owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.

- J. Right of Entrance: As a condition of approval of a Conditional Use Permit for a ground-mounted solar energy system, the applicant seeking to install the solar energy system shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the solar energy system pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

3. **Battery Energy Storage Systems.**

- A. Intent: The intent of this section is to establish provisions for the installation of Battery Energy Storage Systems (BESS). The City finds these regulations are necessary to ensure that BESS are appropriately sited and installed.

- B. Definitions: The following terms are defined for this section:

- (1) "Battery Energy Storage Systems (BESS)" means a bank of batteries or capacitors used to store electricity for later use primarily off-site through the electrical grid or export to the wholesale market – sometimes called a battery storage power station. This definition does not include a battery storage system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located.

- C. General Regulations:

- (1) *Zoning Required*. A BESS may be allowed within any be allowed within the zoning districts as identified in Chapter 178 of the Zoning Code, subject to approval of a Conditional Use Permit from the Board of Adjustment as provided herein the Zoning Code and all relevant code regulations.
- (2) *Exceptions*. The provisions of this Chapter do not apply to a battery energy storage system that is incidental and subordinate to a principal use on the same parcel and intended to primarily provide electrical power for use on the site in which the system is located.
- (3) *Height*. BESS equipment, buildings, and related structures shall not exceed 25 feet in height.
- (4) *Setbacks*. BESS equipment, including all accessory structures, shall be setback a minimum of 100 feet from all property lines and road right-of-way lines. No setback is required between participating lots.
- (5) *Landscape Buffering*. All BESS equipment shall comply with the zoning buffers for the zoning district in which located. At the discretion of the approval authority, a

landscaped buffer may be required along any of the project boundaries of the BESS to buffer adjoining residential land use and public views.

- (6) *Ground Cover and Landscaping.* All area not hard surfaced shall be planted and maintained with a perennial ground cover.
- (7) *Lot Coverage.* The total amount of impervious surfacing shall not exceed twenty-five percent (25%) of the site area. For the purpose of this Chapter, impervious surfacing includes paved or gravel roads, parking areas, equipment pads, building footprints, and other similar non-vegetated areas.
- (8) *Emergency Access.* Paved, all-weather access for emergency service equipment shall be provided and maintained to all BESS equipment and related structures.
- (9) *Emergency Response Plan.* A plan for local emergency services on the procedures to respond to a fire or other event on site, the process of clean-up and recovery, and the development of regular training to be provided by the owner/operator of the facility shall be provided prior to installation of any BESS. The approval authority may require the owner/operator of any BESS to provide specialized equipment and training as may be deemed by the Fire Chief as necessary to safely respond to any emergencies at such facility.
- (10) *Noise Levels.* The noise level measured at the property line of the property on which the BESS has been installed shall not cause a noise disturbance to an adjoining residential dwelling.

179.12 HOME-BASED BUSINESSES.

1. **No-Impact Home-Based Business Permitted.** In accordance with the provisions of **Section 414.33 of the Code of Iowa**, any home-based business that complies with the following shall be permitted within any legally established residential dwelling:
 - A. The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property.
 - B. The business activities are characterized by all of the following:
 - (1) The activities are limited to the sale of lawful goods and services.
 - (2) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.
 - (3) The activities occur inside the residential dwelling or in the yard of the residential property.
 - (4) The activities are not visible from an adjacent property or street.

2. **Other Home-Based Businesses Permitted.** The following operations and/or uses are considered permitted within any legally established residential dwelling subject to the following:
 - A. In-home Child Care Home or Child Development Home, provided the following requirements are met:
 - (1) All Child Care Homes and Child Development Homes shall be registered and/or licensed, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
 - (2) Child Care Homes, as defined by the DHS, and Child Development Homes registered as either Category A or Category B, as defined by the DHS, shall be permitted. Category C as defined by the DHS shall be prohibited as a in-home business.
 - (3) All Child Care Homes and Child Development Homes shall follow all other requirements of this Chapter, applicable zoning codes, and applicable building codes.
 - (4) All Child Care Homes and Child Development Homes shall register annually with the Zoning Administrator, or their designee, and provide proof that they are registered or licensed with the Iowa Department of Human Services (DHS).
 - (5) No in-home child care service shall be allowed that does not meet items (1) through (4) above.
3. **Restrictions for All Home-Based Businesses.** In addition to all the use limitations applicable to the district in which it is located, no Home-Based Business shall be permitted unless it complies with the following restrictions:
 - A. Not more than one (1) person who is not a resident on the premises shall be employed and at least one resident of the premises shall be the primary operator of the Home-Based Business.
 - B. Home-Based Businesses are limited to one operation per dwelling unit, and rental property must have landlord approval prior to operation.
 - C. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - D. No Home-Based Business shall be apparent to adjoining residences and from any public street.
 - E. There shall be no outdoor storage of equipment or materials used in the Home-Based Business. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any Home-Based Business shall be parked on either the property or on public streets.

- F. Off-street parking space shall be adequate to accommodate the parking demand generated by the Home-Based Business and at no time shall any parking generated by the Home-Based Business take place on-street.
- G. Commercial signage shall be limited to one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling.
- H. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the Home-Based Business, with the exception of a child care home or a child development home. The Home-Based Business shall be conducted entirely within the principal dwelling unit.
- I. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
- J. No Home-Based Business shall be noxious, offensive, or hazardous due to vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- K. Except for an in-home child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.
- L. Product distribution, display, and sales (including product demonstrations and sales meetings) shall primarily occur off-site. Any on-site sales, product demonstrations, and product pick-ups by customers shall be by individual appointment only and shall not be permitted between the hours of 7:00 pm to 7:00 am. Customer visits shall be limited to no more than twelve (12) per day and no more than two (2) customers at one time.
- M. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

179.13 MEDICAL CANNABIDIOL DISPENSARIES AND MANUFACTURING FACILITIES. The following regulations are in response to the State of Iowa's Medical Cannabidiol Act, as adopted on May 12, 2017. Nothing within these regulations herein or elsewhere within the City's Zoning Code shall be construed as an official endorsement or recognition that medical cannabidiol dispensaries and medical cannabidiol manufacturing facilities are legal uses as it may pertain to federal law. The intent of these regulations is to address the negative secondary impacts these uses may create.

1. The following regulations shall apply to all medical cannabidiol dispensary facilities:
 - A. All facilities shall be licensed by the State of Iowa as a medical cannabidiol dispensary and comply with all State of Iowa rules and regulations for a medical cannabidiol dispensary.

- B. Facilities may only be located on a property that is zoned for such a facility as provided in the in Chapter 178 of the Zoning Code and for which a Conditional Use Permit has been approved by the Board of Adjustment.
 - C. No facility shall be located within 1,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 1,000 feet of a residential property or a residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.
 - D. No medical cannabidiol dispensary shall be located within 1,000 feet of any other such facility as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.
 - E. The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.
 - F. All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.
 - G. Vehicle drive-up or drive-thru service is prohibited.
 - H. Off-site delivery is prohibited.
 - I. No outdoor display of merchandise is allowed, and no outdoor seating shall be permitted.
 - J. No facility shall permit any person to consume medical cannabidiol on the facility premises or property.
 - K. No facility shall permit any person not directly affiliated with the facility to loiter on the facility premises or property.
 - L. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
 - M. Signage for a medical cannabidiol dispensary shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol dispensaries.
 - N. All medical cannabidiol dispensaries shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.
2. The following regulations shall apply to all medical cannabidiol manufacturing facilities:

- A. All facilities shall be licensed by the State of Iowa as a medical cannabidiol manufacturing facility and shall comply with all State of Iowa rules and regulations for a medical cannabidiol manufacturer.
- B. Facilities may only be located on a property that is zoned for such a facility as provided in Chapter 178 of the Zoning Code and for which a Conditional Use Permit has been approved by the Board of Adjustment.
- C. No facility shall be located within 2,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 2,000 feet of a residential property or a residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.
- D. All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.
- E. No facility shall permit any person to consume medical cannabidiol on the facility premises or property.
- F. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- G. Signage for a medical cannabidiol manufacturing facility shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol manufacturing facilities.
- H. All medical cannabidiol manufacturing facilities shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.
- I. No medical cannabidiol dispensary or medical cannabidiol manufacturing facility shall occupy a building, begin operation, or otherwise conduct business within the City of Indianola until such time the proposed facility has received approval of a Conditional Use Permit from the Board of Adjustment.

179.14 DELAYED DEPOSIT SERVICES BUSINESSES AND PAWNSHOPS. The following regulations shall apply to all delayed deposit services businesses (commonly known as check cashing, payday lending, or car title loan businesses) and pawnshops. The intent of these regulations is to address the negative secondary impacts these uses may create.

- 1. May only be located on a property that is zoned for such a business as provided in Chapter 178 of the Zoning Code and for which a Conditional Use Permit has been approved by the Board of Adjustment.

2. Shall not be located within 1,000 feet of any public or private elementary, secondary or high schools, a residential property, or a residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.
3. Shall not be located within 1,000 feet of any other such business as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.
4. The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.

179.15 OUTDOOR SALES AND DISPLAYS FOR COMMERCIAL AND RETAIL BUSINESSES.

1. **Outdoor Displays and Sales and Outdoor Food and Beverage Service Areas for Permanent Businesses.** Appropriately zoned, retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales (i.e., pumpkins, plants, lawn and garden goods), including outdoor seating areas for food and beverage service, subject to the provisions contained herein.
 - A. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan and obtain approval as part of a Major Site Plan or a Minor Site Plan. All other City Code requirements for seasonal and temporary uses must be met.
 - B. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas.
 - C. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
 - D. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.
 - E. Outdoor food and beverage service areas are required to have a permanent barrier or fence, that is a minimum three feet (3') tall, enclosing the outdoor seating area. The permanent barrier or fence shall be architecturally consistent and appropriate with the level of finish and appearance of the adjacent retail building.
 - F. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code.

G. In accordance with Section 414.1 of the Code of Iowa, the sale of consumer fireworks within any commercial or industrial zoning district are exempt from these provisions.

2. **Seasonal Garden Centers and Seasonal Outdoor Displays for Permanent Businesses.**

Seasonal garden centers, selling outdoor lawn and garden goods and supplies, the sale of agricultural products, and Christmas tree sales, may be permitted within appropriately zoned retail properties subject to the provisions contained herein.

A. All proposed seasonal garden centers, temporary agricultural product sales, and other seasonal outdoor displays must be clearly defined and detailed on a site plan and obtain Minor Site Plan approval from the Zoning Administrator. Information to be shown on the site plan includes details of product display and storage areas, all proposed tents, fencing, barriers, and other structures as well as proposed modifications to the site circulation and parking areas.

B. Garden centers and outdoor display areas shall be located on a surface paved with Portland Concrete Cement (PCC) or Hot Mix Asphalt (HMA) in accordance with Chapter 180 of the Zoning Code and no more than twenty percent (20%) of the parking lot or the total parking available on an individual site may be utilized for a seasonal garden center or seasonal outdoor display. No main drive aisles, as determined by the City, shall be blocked or closed. The layout shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.

C. Garden centers and outdoor display areas shall be located no closer than 15 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.

D. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code. All other City Code requirements for seasonal and temporary uses must be met including obtaining an annual permit and the limitation of the dates of the installation and operation as contained herein.

E. In accordance with Section 414.1 of the Code of Iowa, the sale of consumer fireworks within any commercial or industrial zoning district are exempt from these provisions.

3. **Use of Public Sidewalks and Street Rights-of-Way.** Businesses located within the MU zoning district may place tables, chairs and displays associated with the adjoining business subject to the provisions of Section 179.5 herein this Chapter.

179.16 OUTDOOR STORAGE. The outdoor storage of any materials, goods, shipping containers, construction equipment, trucks or trailers over 30 feet in length, inoperable vehicles, inoperable trucks, other inoperable equipment, parts, containers, pallets, construction equipment, debris, or other materials is prohibited in all zoning districts except where expressly permitted by the Zoning Code. When permitted, outdoor storage is subject to review and approval of a Major Site Plan or a Minor Site Plan and shall comply with the following standards:

1. Must be located on a surface paved with Portland Concrete Cement (PCC) or Hot Mix Asphalt (HMA) in accordance with Chapter 180 of the Zoning Code. The City Council may, at their full discretion, approve recycled asphalt pavement (RAP), a granular surface consisting of asphalt millings, for a storage yard in the M-1 and M-2 industrial zoning district provided the storage yard is wholly located within the rear yard of the site and mitigation measures are established to prevent dust and gravel from leaving the site.
2. Shall comply with the Open Space, Landscaping and Buffering requirements of the Zoning Code.
3. Shall be screened from view from all adjoining public street rights-of-way and all adjoining residentially developed or zoned properties, schools and similar sensitive uses and properties.
4. Shall be enclosed by an opaque fence no less than six (6) feet in height.

179.17 LOADING DOCKS, DELIVERY AND SERVICE OVERHEAD DOORS. In all zoning districts, with the exception of the M-1 and M-2 industrial zoning districts and with the except for residential garage doors, all loading docks and overhead doors for delivery, distribution, and service, including vehicle repair service bay doors, shall not face a public street. This requirement may be waived by the City Council upon review of a site plan inconsideration of the layout of the site and the architectural treatment of the building and the overhead door(s).

179.18 TRASH AND RECYCLING COLLECTION. The following trash and recycling collection standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse and row dwellings:

1. **Provisions Required.** All buildings and dwellings shall have adequate provisions for the collection of trash, grease, and recyclable materials with sufficient numbers and locations of collection containers as determined by the Zoning Administrator, at their sole discretion.
2. **Screening of Collection Containers.** All outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be opaquely screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed of permanent materials such as opaque fencing on metal framing, textured block, split faced concrete block, brick, or stone. Colors shall be compatible with the dominant architectural materials of buildings on site and shall be integral to a building on site whenever possible. The enclosure shall be located out of public view and constructed to visibly screen the views from the adjoining properties. Trash and recycling receptacles and dumpsters within the M-1 and M-2 zoning districts are not required to be enclosed provided they are screened from view from any public street, highway, or adjoining residential property.

179.19 EQUIPMENT SCREENING. The following equipment screening standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse and row dwellings:

1. All ground mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be screened from view from adjacent public streets and residential developed or zoned properties.
2. Required screening shall be accomplished by one or more of the following: landscaping, screen walls, and building structure.

179.20 EXTERIOR LIGHTING. The following exterior lighting standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse and row dwellings:

1. All site and building lighting shall be LED type (light produced via light emitting diodes) of a soft-white or bright-white light color and quality.
2. All light fixtures shall be downcast in nature and must possess sharp, cut-off qualities to limit off-site glare. Wall-pack type light fixtures are prohibited.
3. In all multi-family, office, commercial, and industrial zoning districts, all parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.
4. Buildings and signage may be up-cast or downcast illuminated provided said lighting does not shine or glare off or past the sign or building wall.
5. Upon the request of the Zoning Administrator, a photometric plan and cut-sheets of all light fixtures shall be provided to the City during the site plan and/or building permit review process to ensure compliance with the regulations of this section.

179.21 STANDARDS FOR AUTO SALES OR RECREATIONAL VEHICLE SALES. The following standards shall apply to all auto sales or recreational vehicle sales businesses.

1. **Site Plan Review and Approval Required.** Any proposed auto or recreational vehicle sales business shall submit a Major Site Plan application, in accordance with the provisions of Chapter 176 of the Zoning Code, for review and approval prior to construction of any site improvements and start of operation.
2. **Site Development Standards.** In addition to the design standards contained within the Zoning Code regulations, the following shall apply:
 - A. Zoning: Shall be located on a property appropriately zoned for the use.
 - B. Minimum Lot Size: Shall be located on a lot or parcel of no less than one (1) acre in size.
 - C. Location: No site shall adjoin an existing residential property or residentially zoned property.

- D. Vehicle Service Bays and Overhead Doors Screening: All vehicle service bays and overhead shall not face a public street. This requirement may be waived by the City Council upon inconsideration of the layout of the site and the architectural treatment of the building and the overhead door(s).
- E. Conversion of Residential Structures: Conversion of an existing residential structure shall not be allowed.
- F. Vehicle Display and Parking. All areas for vehicle display and parking shall be paved in accordance with the provisions of Chapter 180 of the Zoning Code and identified on an approved site plan.
- G. Exterior Lighting. The exterior lighting, including building and parking lot lighting, shall comply with the provisions of Section 179.20 herein this Chapter. A photometric plan and cut-sheets of all light fixtures shall be provided to the City during the site plan review process.
- H. Signage. All permanent and temporary signage shall comply with the provisions of Chapter 183 of the Zoning Code.

179.22 STANDARDS FOR DRIVE-IN AND DRIVE-THROUGH FACILITIES. The following standards shall apply to all vehicle drive-in and drive-through facilities for commercial uses.

1. **Site Plan Review and Approval Required.** Any proposed commercial drive-in or drive-through facility shall submit a Major Site Plan application, in accordance with the provisions of Chapter 176 of the Zoning Code, for review and approval prior to construction of any site improvements and start of operation.
2. **Site Development Standards.** In addition to the design standards contained within the Zoning Code regulations, the following shall apply:
 - A. Zoning: Shall be located on a property appropriately zoned for the use.
 - B. Location: No drive-in or drive-thru shall adjoin an existing residential property or residentially zoned property.
 - C. Vehicle Queuing Spaces. Each drive-thru lane shall have no less than 10 vehicle queuing spaces located before the order window or order kiosk. These required queuing spaces shall be designed and located in a manner to accommodate site circulation and may not block any parking spaces or drive aisle required for circulation. The City Council may approve a reduction in the number of required vehicle queuing spaces when provided with a compelling study or analysis that supports a lesser number.
 - D. Screening. All vehicle drive-thru lanes, order and pick-up windows, and kiosks that face a public street shall be screened with landscaping.

- E. Exterior Lighting. The exterior lighting, including building and parking lot lighting, shall comply with the provisions of Section 179.20 herein this Chapter. A photometric plan and cut-sheets of all light fixtures shall be provided to the City during the site plan review process.
- F. Signage. All permanent and temporary signage shall comply with the provisions of Chapter 183 of the Zoning Code.

179.23 STANDARDS FOR ATTACHED AND FREE-STANDING DRIVE-THRU CANOPIES. The following regulations shall apply to all vehicle drive-thru or drive-up canopies for commercial and industrial uses including bank ATM and teller service canopies, fuel pump island canopies, and restaurant drive-thru and drive-up canopies.

1. Canopies shall meet the building setback requirements for the property on which it is located.
2. The minimum vertical clearance for all canopies shall be fourteen (14) feet.
3. The maximum height for all free-standing canopies shall be twenty (20) feet.
4. All structural and supporting columns shall be wrapped in a material consistent with or complementary to the primary building material of the principal building or buildings located on the same site. Canopies clad in any architectural metal panel shall consist of no more than two different colors.
5. Under-canopy lighting shall be flush mounted.

CHAPTER 180 – OFF-STREET PARKING REGULATIONS

180.1 PURPOSE AND INTENT.

180.2 OFF-STREET PARKING AND LOADING REQUIRED.

180.3 DESIGN STANDARDS.

180.1 PURPOSE AND INTENT. It is the purpose and intent of this Chapter to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. In all districts, with the exception of the MU zoning district, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this Chapter are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

180.2 OFF-STREET PARKING AND LOADING REQUIRED.

1. **Off-Street Loading Spaces.** Any building or part thereof hereafter constructed, having a gross floor area of 10,000 square feet or more, which is to be occupied by any commercial or industrial use, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each 20,000 square feet, or major fraction thereof, of gross floor area, so used, in excess of 10,000 square feet.
 - A. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length.
 - B. Such space may occupy all or any part of any required rear or side yard, except where adjoining a residentially zoning property, and shall be setback and screened as required within this chapter and elsewhere within the Zoning Code.
 - C. All loading spaces and access drives to loading spaces, loading docks, and storage areas shall be paved with Portland Concrete Cement (PCC) or Hot Mix Asphalt (HMA) in accordance with surfacing requirements set forth in this Chapter.
2. **Off-Street Parking Spaces.**
 - A. All parking and storage of vehicles, trailers, recreational vehicles, campers, boats and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this Chapter. Unlicensed or inoperable vehicles and equipment shall not be stored outside unless part of an approved storage area on a property located within the M-1 or M-2 zoning districts. In all zoning districts, with the exception of the MU zoning district, space for parking and storage of vehicles and trailers shall be provided in accordance with the Off-Street Parking Required Table and the standards contained herein this Chapter. Required off-street parking facilities shall be

primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served.

- B. Off-Street Parking Required Table: The following table identifies the minimum number of parking spaces required for the specified use. The intent of these standards is to provide the appropriate number of parking spaces on site for the given use and to accommodate changes in uses over time. No off-street parking shall be required in the MU zoning district. At the discretion of the Zoning Administrator, the City may require the amount of parking required for a site be based on the parking standards contained within the latest edition of the ITE Parking Generation manual or by an alternative parking study and analysis.

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
RESIDENTIAL USES	
Household Living	
Single-family dwelling, detached	2 per dwelling unit
Single-family dwelling, semi-detached	2 per dwelling unit
Two family dwelling	2 per dwelling unit
Townhouse dwelling (3+ units)	2 per dwelling unit
Multiple family dwelling	1 per bedroom
Manufactured home park	2 per dwelling unit
Accessory dwelling	No additional parking required
Dwelling units located above the ground floor (mixed use building)	1 per bedroom
Group Living	1 per 4 residents plus 1 per employee at max shift
Family home / maternity home	"
Elder group home	"
Assisted living residential facility	"
Nursing or convalescent home	"
Supervised group residence	"
PUBLIC AND CIVIC USES	
College, university, or vocational school	1 per 4 student desks or seats at max capacity plus 1 per employee at max shift, additional parking required for stadium/theater type facilities and dorms/student housing
Cultural exhibit, museum, or library	1 per 300 sq. ft. GFA, additional parking required for classroom, meeting space, and theater type facilities
Membership or religions organization, social club or lodge, and other place of public assembly	1 per 4 seats at max capacity in the main assembly area
Public or private elementary, middle, or high school	1 per 4 student desks or seats at max capacity plus 1 per max number of employees concurrently on site
Public or private golf course, golf driving range, country club, swimming pool, and indoor or outdoor recreational facilities and fields	4 spaces per hole or driving range tee, parking required for restaurant and meeting spaces

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
Offices of Public Utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)	1 per employee at max shift
Government buildings and properties	1 per 200 sq. ft. GFA
Hospital	3 per bed
COMMERCIAL USES	
Animal services	
Kennel (including day kenneling)	1 per 400 sq. ft. GFA
Veterinary services (without overnight kenneling)	1 per 200 sq. ft. GFA
Art gallery	1 per 250 sq. ft. GFA
Banks and financial services	1 per 250 sq. ft. GFA plus 3 vehicle queuing spaces per drive-up or ATM lane
Body piercing studio or tattoo studio	1 per 250 sq. ft. GFA
Child Care Center	1 per employee at max shift plus 1 per 10 children
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use	1 per 250 sq. ft. GFA
Eating and drinking establishment	
Restaurant (including fast food restaurants, coffee shops, and ice cream shops)	1 per 150 sq. ft. GFA plus 10 vehicle queuing spaces per drive-up lane
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales	1 per employee at max shift plus 1 per 150 sq. ft. of patron space
Tavern / Bar	1 per 100 sq. ft. GFA
Entertainment	
Movie theater, performance hall, performing arts studio	1 per 4 seats
Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving range, go-carts, trampoline park, playground play space or similar use	1 per 4 persons at max capacity
Outdoor: drive-in theater, waterpark, miniature golf, commercial driving range, go-carts, trampoline park, playground play space or similar use	1 per 4 persons at max capacity
Funeral and interment services	1 per 250 sq. ft. of office space plus 1 per 4 seats at max capacity
Lodging	1 per bedroom
Bed and breakfast inn	1 per bedroom
Boarding or rooming house	1 per bedroom
Extended stay or apartment hotel	1 per bedroom
Hotel or motel	1 per bedroom
Short-term rental	1 per bedroom
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use	1 per 250 sq. ft. GFA

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
Mini warehouse or self-storage facility	1 per 20 storage units or spaces plus 1 per employee at max shift
Motor vehicle and motor equipment-oriented businesses	
Automobile service center (auto parts sales)	2 per service bay plus 1 per employee at max shift
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout	1 per employee at max shift plus 5 vehicle queuing spaces per wash bay or wash bay lane
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane	1 per 250 sq. ft. GFA of retail space plus 2 per service bay plus 1 per employee at max shift
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)	2 per service bay plus 1 per employee at max shift
Automobile sales, rental, storage lot, and off-street parking	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Automobile, truck and equipment auction facilities	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Light equipment sales, rental, or repair service	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Heavy equipment sales, rental or repair service	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Truck Stop, not including trailer washout	1 per 250 sq. ft. GFA plus 1 per 5,000 sq. ft. of lot area
Personal and consumer service	
Beauty salon, barbershop	1 per 250 sq. ft. GFA
Dry cleaner and laundry service	4 plus 1 per employee at max shift plus
Laundry (self-serve laundromat)	1 per 250 sq. ft. GFA
Fitness center, gym, health spa	1 per 150 sq. ft. GFA
Tailor	1 per 250 sq. ft. GFA
Print shop, copy center, retail shipping store	1 per 250 sq. ft. GFA
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)	1 per 250 sq. ft. GFA
Television and radio broadcast studio, offices, and production facilities	1 per 250 sq. ft. GFA
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)	1 per 250 sq. ft. GFA
Retail sale - intensive uses including multi-tenant commercial centers	1 per 250 sq. ft. GFA
Convenience store with fuel sales	1 per 250 sq. ft. GFA
Adult oriented business	1 per 250 sq. ft. GFA

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
Spectator sports	1 per 4 seats at max capacity
Sports and recreation, participant	1 per 4 seats at max capacity
INDUSTRIAL USES	
Animal feedlots, processing of animals or animal by-products	1 per employee at max shift
Electrical power generation (utility scale for off-site use, distribution, or sale)	1 per employee at max shift
Manufacturing, production and industrial services	1 per 1,000 sq. ft. GFA
Repair service	1 per 250 sq. ft. GFA
Research laboratory and testing	1 per 1,000 sq. ft. GFA
Storage of equipment, data and records, electronic data center, furniture and similar	1 per 10,000 sq. ft. GFA or 1 per employee at max shift, whichever is greater
Trucking/freight terminal	"
Wholesale fuel storage, sales, or distribution	"
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)	"
Waste related use	1 per employee at max shift
OTHER USES	
Agricultural uses and sales	1 per employee at max shift
Boarding stables and riding schools	1 per employee at max shift
Gas and electrical power distribution station	1 per employee at max shift
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction	1 per employee at max shift
Wireless facility	1 per employee at max shift

C. Calculating of Parking Required: In computing the number of parking spaces required, the following shall apply:

- (1) *Uses Not Specifically Mentioned*. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned, and to which said use is similar, shall apply.
- (2) *Unknown Uses*. Where new buildings are proposed but the owner or developer does not wish to designate the type of use that will occupy the building, the most intensive use possible (recognizing the use imitations of the zoning on the property) shall determine the parking requirements.
- (3) *Fractional Spaces*. Any space 0.5 or more shall be considered a whole space.

- (4) *Seating Capacity*. When the unit of measurement determining the number of required parking spaces is based upon the seating capacity of a structure or use, each 24 inches of pew, bench or other seating shall count as one seat.
 - (5) *Employees*. When the unit of measure determining the number of required parking spaces is based on the number of employees, the maximum shift or employment period during which the greatest number of employees is present at the structure or use shall be used in the computation.
 - (6) *Two or More Different Uses*. If a building contains two or more differing uses, the parking requirement shall be determined by the addition of the parking requirements for each use. This calculation may be modified at the discretion of the Zoning Administrator.
- D. Accessibility Parking: Accessibility parking (handicapped parking) shall be provided in accordance with State and Federal law requirements, the Statewide Urban Design and Specifications (SUDAS) as maintained by the Institute for Transportation at Iowa State University, and provided spaces shall count towards the total parking requirement.
- E. Gross Floor Area: The term "gross floor area" (GFA) means the area included within the exterior walls of a building or portion thereof, exclusive of vent shaft and courts and any portion of a structure above or below ground used for off-street parking, loading areas, or mechanical equipment.
- F. Off-Site Parking: Off-street parking areas for residential uses shall be provided on the same lot. Non-residential uses may be permitted off-site parking areas at the discretion of the Zoning Administrator.
- G. Garages and Structured Parking: Each parking space within a residential garage that is directly connected to an individual dwelling unit may count towards the fulfillment of the parking space requirement. In all other situations, each parking space within a residential garage or parking structure shall count as one-half (0.5) of a parking space for the purposes of calculating the fulfillment of the parking space requirement.
- H. Tandem Parking: Tandem parking spaces, defined as a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway, are not permitted and shall not be counted towards the fulfillment of the parking space requirement except when within the individual driveway of a single-family residence or manufactured home, within the individual driveway that is directly in front of a garage that is connected to an individual townhome or apartment unit, or within a parking facility when an attendant is on duty during the hours when the facility is being used. The minimum required depth of a tandem parking space is twenty (20) feet.
- I. Alternate Calculations and Deferrals: At their full discretion, the Zoning Administrator may approve an alternate method for calculating the required parking for a given site including credit for shared parking between off-peak uses and parking shared at multi-tenant retail centers. The Zoning Administrator may further defer the construction of required parking

to a date certain, as part of a future phases, or upon determination of need. Deferred parking must be identified upon the site plan and accommodated as part of the site plan design including storm water management.

- J. Bicycle Parking: For multi-family residential and all nonresidential forms and functions, bicycle racks or other form(s) of bicycle storage shall be provided to accommodate at least one (1) bicycle for every twenty (20) parking spaces, provided, up to a maximum of ten (10) bicycles. Bicycle parking accommodations shall be placed an adequate distance from the entrance to multi-family residential and nonresidential buildings.

180.3 DESIGN STANDARDS. Every lot or parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements. At the discretion of the Zoning Administrator, any design standard contained herein may be superseded by the standards contained in the Statewide Urban Design and Specifications (SUDAS) as maintained by the Institute for Transportation at Iowa State University.

1. **Access Drive and Driveways.** An access drives (or driveway) is required to provide access to all off-site parking areas and to any garage.
 - A. Location and Spacing: All access drives, driveways, driveway approaches shall be located and designed according to the standards as established in this Chapter and elsewhere within City Code.
 - B. Width: The widths of all driveway approaches shall comply with the standards as established in the City Code. The widths of all access drives and driveways shall comply with the following:
 - (1) *Single Family, Two-Family, and Townhouse or Row Dwellings* - where each individual unit directly fronts on a public or private street, all driveways shall be no less than 8-feet wide and no greater than 24-feet wide or the width of the garage opening(s) that face the street. One additional wing-style parking space no greater than 10-feet in width may be added to the edge of a driveway. Driveway tapers, as may be necessary to transition the driveway to meet the maximum allowable driveway width as measured at the right-of-way line, shall begin no less than 10-feet from said right-of-way line. The design of the driveway apron within the public street right-of-way shall be in accordance with the design standards as established by the City.
 - (2) *All Other Uses* - All other access drives and driveways shall be a minimum 24-feet wide for two-way drives and 16-feet wide for one-way drives.
 - C. Parking lot interconnections required: In order to provide mutually beneficial cross circulation and access, the parking lots for adjoining similar commercial and office uses shall be interconnected unless impractical due to topography or other physical constraints of either site.
 - D. Paving: All driveways, access drives, and off-street parking and loading areas shall be paved with hot mix asphalt (HMA), Portland cement concrete (PCC), or pavers (including

permeable pavement and paver systems). The design and construction of said pavement or pavers shall be of sufficient thickness, reinforcement, and sub-base necessary to provide a durable, dustless surface designed and rated for the traffic it is anticipated to carry. All paved areas shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. No vehicles or trailers shall be parked or storage upon an unpaved surface except as may be permitted within a designated and approved outdoor storage area.

- E. Curb and Gutter: Except for the individual driveways for Single-Family, Two-Family, and Townhouse or Row Dwellings, an integral, six (6) inch tall curb of Portland cement concrete (PCC) shall be provided along the edges of all parking lots, drive aisles, loading area, access drives, and driveways. Openings within the required curbing may be permitted for the purposes of conveying storm water and for ramps for sidewalk and trail crossings. Prefabricated curbs or wheel stops are prohibited unless specifically approved by the Zoning Administrator.
- F. Sidewalks: **Except for Single-Family and Two-Family Dwellings and industrial use buildings in the BP, M-1, and M-2 zoning districted,** sidewalks shall be required as necessary to connect parking areas to the building entrances. In addition, at least one sidewalk connection shall be made to the public sidewalk. All sidewalks shall be a minimum five (5) feet in width. Sidewalk adjoining parking stalls shall be widened a minimum two (2) feet in width as necessary to accommodate vehicle overhang.
- G. Parking Lot Markings and Traffic Control Signage: Parking lots, drive aisles, and driveways shall be marked and signed per the standards within the Manual on Uniform Traffic Control Devices (MUTCD). The location of each parking space shall be identified by surface markings or other effective means and shall be maintained so as to be readily visible at all times.
- H. Maintenance Required: All paved areas shall be properly maintained at all times, including pavement markings and traffic control signage, to permit the safe access of the site by customers, visitors, and emergency services.
- I. Parking Lot Dimensional Standards: All parking spaces shall be provided in accordance with the SUDAS design standards and the standards contained herein this Chapter. Should a conflict between these standards arise, the more restrictive standard shall be applied. At the discretion of the Zoning Administrator, alternate parking stall dimensions may be approved for structured parking.

2. **Parking Area Setbacks.**

- A. No parking or loading area shall be constructed within a required buffer.
- B. Parking is prohibited within the required parking lot setback areas. However, parking is permitted upon the individual driveway of a Single Family, Two-Family, or Townhouse or

Row Dwelling, provided no vehicle or trailer overhangs, crosses, or encroaches upon a sidewalk or street right-of-way.

- C. **Parking Area Setback Table** The following table identifies the setback requirements for all parking and loading areas. All setbacks are measured from edge of paving.

OFF-STREET PARKING AND LOADING AREA SETBACK TABLE												
REQUIRED SETBACKS	ZONING DISTRICT											
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	MU	BP	M-1	M-2
Front Yard Setback	30 ft	30 ft	30 ft	20 ft	30 ft	10 ft	10 ft	5 ft	0 ft	10 ft	10 ft	10 ft
Side Yard Setback¹	10 ft ²	10 ft ²	10 ft ²	10 ft ²	10 ft	10 ft	10 ft	5 ft	0 ft	10 ft	10 ft	10 ft
Rear Yard Setback³	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	0 ft	10 ft	10 ft	10 ft
¹ No side yard setback required between adjoining parcels that share a driveway or have interconnected parking lots.												
² Side yard setback is 1 ft for individual driveways of Single Family, Two-Family, and Townhouse or Row Dwellings.												
³ Rear Yard Setback is required from any alley line. A 20 ft setback is required for garages that face an alley.												

CHAPTER 181 – OPEN SPACE, LANDSCAPING AND BUFFERING

- 181.1 PURPOSE AND INTENT.**
- 181.2 APPLICABILITY.**
- 181.3 DEFINITIONS.**
- 181.4 OPEN SPACE AND LANDSCAPING REQUIRED.**
- 181.5 STREETSCAPE REQUIRED.**
- 181.6 BUFFERING.**
- 181.7 PLANT MATERIALS STANDARDS.**
- 181.8 PLAN SUBMITTAL REQUIREMENTS.**
- 181.9 MODIFICATIONS.**
- 181.10 NONCONFORMITIES.**
- 181.11 MAINTENANCE AND REPLACEMENT.**

181.1 PURPOSE AND INTENT. It is to establish the minimum regulations necessary to maintain and improve the appearance and natural character of the community with landscaping, preserve existing vegetation, reduce heat gain from large expanses of paved surfaces, reduce the impact from heavy rains and stormwater run-off, and screen and mitigate the visual, noise or other impacts of high-intensity areas of sites, buildings and land uses.

181.2 APPLICABILITY.

1. The standards of this Chapter shall apply to all new development and the redevelopment of existing sites, all site modifications including building additions and expansions, new parking lots and paved area expansions, and the subdivision of land within all zoning districts, except:
 - A. Agricultural uses and single-family and two-family dwellings built or improved upon existing lots of record.
 - B. Improvements or repairs to existing buildings and sites that do not result in an increase in building footprint by more than ten percent (10%), an increase in the total impervious surface area by more than ten percent (10%), or changes in use that do not result in an increase in intensity. These expansion limits cannot be exceeded by sequential improvements.
2. In cases where improvements or repairs increase the building footprint by more than ten percent (10%), increase the total impervious surface area by more than ten percent (10%), or increase the intensity of use, the intent is to bring the site into full compliance with these standards, except that the Zoning Administrator may prorate the requirements to the extent of new development on the site where full compliance is not possible or practical.

181.3 DEFINITIONS. The following terms are defined for this Chapter:

1. **“Deciduous Ornamental Tree”** means a deciduous tree (often an ornamental type tree) that reaches a mature height of less than 30 feet.
2. **“Deciduous Shade Tree”** is defined as a deciduous tree with one vertical stem or trunk which begins branching at a height of six (6) feet or more and has a distinct crown that reaches a mature height of at least 30 feet.

3. **“Evergreen / Coniferous Tree”** is defined as a tree that has needle-shaped or scale like leaves that remain green throughout the year; commonly referred to as pine, fir, and spruce trees. These trees generally reach a mature height of over 15 feet.
4. **“Invasive Plant Species”** is a plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality.
5. **“No Mow Grass”** is defined as a type of grass that grows slowly and does not need to be mowed frequently.
6. **“Open Space”** means any area not covered by a building, structure, parking lot, loading area, driveway, or other similarly paved area, and may include sidewalks, trails, pedestrian plazas and patios, and landscaped parking lot islands.
7. **“Ornamental Grasses”** is defined as tall perennial grasses, generally over 24-inches at mature height, that are specifically grown and cultivated for their decorative properties. Most of the commonly used ornamental grasses are non-native, introduced species such as: Feather Reed Grass, Blue Oat Grass, Switch Grass, and Fountain Grass.
8. **“Prairie Grass Plantings”** means native grasses and forbs (flowering plants) found within the native prairie environment typical for the area prior to clearance and cultivation of the land by European settlers. For the purposes of this Article, prairie plantings may contain native grasses without forbs to simplify prairie plant installation and maintenance.
9. **“Turf Grass”** means a continuous plant coverage consisting of a grass species that is mowed or maintained at an established height of 6 inches or less and can include native and non-native vegetation, e.g., Kentucky Blue Grass, Perennial Ryegrass, Tall Fescue, Fine Fescue.

181.4 OPEN SPACE AND LANDSCAPING REQUIRED.

1. **Open Space Required.** All sites shall provide no less than the minimum amount of landscaping as required for each zoning district.
2. **Landscaping Required.**
 - A. Ground Cover: All area unencumbered by buildings, paving or hard-surfaced, shall be landscaped with turf grass, prairie grass plantings, plant beds, shrubs, and trees. No mow and low maintenance grasses should not be utilized within the street rights-of-way, within parking lots, and within the front yard area of any site and should be restricted to low traffic and low visibility areas or larger areas within a site intended to be preserved and maintained as a more natural area.
 - B. Use of Mulch: Except for single-family and two-family dwellings, wood-based mulch shall be used around all plantings and in all plant beds. Large areas of wood mulch that do not contain plantings shall not be permitted except when used around play structures.

Inorganic ground cover material, including rock, chip brick, and synthetic turf (unless part of a designated sport field or play surface), is prohibited except along building foundations, around drainage structures, and in other limited applications as may be deemed acceptable by the Zoning Administrator.

C. Minimum Open Space Landscape Requirements: The following minimum open space plantings shall be required for all sites except for single-family and two-family dwellings.

(1) One (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs shall be planted for every 2,000 square feet of required open space. However, the minimum required landscape for all sites shall be no less than one (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs.

(2) This landscaping is in addition to landscaping required for parking lot landscaping and open space plant materials shall not count towards the fulfillment of any other landscaping requirement.

D. Off-Street Parking, Driveways and Loading Areas: The following standards shall apply to all off-street parking and loading areas with ten (10) or more parking stalls or with more than 2,500 square feet of paved area. Off-street and loading area required plant materials shall not count towards the fulfillment of any other landscaping requirement.

(1) *Parking Lot Design.*

- a. All rows of parking shall be terminated with a curbed landscaped island that is a minimum nine (9) feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
- b. No off-street parking or loading area shall be more than 100 feet from a deciduous shade tree located within a landscaped open space area.
- c. Sidewalks that abut the front edge of any parking stall shall be no less than seven (7) feet wide to accommodate a two (2) feet vehicle overhang.

(2) *Parking Lot Landscaping Required.*

- a. All parking lot islands shall be landscaped with a combination of turf grass, prairie grass plantings, plant beds, shrubs, and trees.
- b. Rock, chip brick, pavers, pavement and similar hard surfacing shall not be permitted within a parking lot island. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation.
- c. No less than one (1) deciduous shade tree shall be planted within each required landscaped island.

(3) *Parking Lot Screening.*

- a. Whenever an off-street parking area fronts along a public street one (1) deciduous shade tree and two (2) deciduous ornamental trees shall be planted for every 40 feet within the parking lot setback area. A cluster of at least five (5) ornamental grasses and/or shrubs shall be planted for every 20 feet of frontage. Said landscaping shall be evening and aesthetically placed.

181.5 STREETScape REQUIRED. The following street frontage landscaping shall be required for all sites except for single-family and two-family dwellings. One overstory street tree shall be required for every 40 feet of public or private street frontage. A periodic cluster of at least five (5) ornamental grasses and/or shrubs shall be repeated along the streetscape at an average interval of one (1) cluster or grouping for every 20 feet of frontage. The required streetscaping may be arranged with varying spacing and need not be placed evenly at 40-foot and 20-foot intervals in order to address placement restrictions related to underground and overhead utilities, streetlights, driveways, and street intersections. These plantings are required to be located within 15' of the street right-of-way and may be located within the public street right-of-way, if approved by the City.

181.6 BUFFERING.

1. **Buffers Required.** Buffers, as provided in this Chapter, are required for the following conditions. Properties separated by a public street right-of-way are not considered adjoining for the purposes of this section.
 - A. Between any residentially zoned or developed property and any adjoining commercial, office, or industrial uses.
 - B. Between any single-family residentially zoned or developed property and any multi-family residential use.
 - C. Between any commercial or office zoned or developed property and any industrial use.
 - D. Double Frontage Lots: Any proposed single-family residential lot that has both its front and rear lines abutting a street shall have a buffer from the street along its rear yard. No fences or structures shall be permitted within this buffer and the rear yard building setback shall be measured from the buffer yard line.
2. **Burden of Providing a Required Buffer.** The burden of constructing and maintaining a required buffer shall be determined as follows:
 - A. In the case of a buffer required between two (2) undeveloped properties, the property with the more intensive zoning shall be burdened with the buffer requirements.
 - B. In the case of a buffer required between an undeveloped and a developed property, the property proposing the development shall be burdened with the buffer requirements.

C. In the case of a buffer required between a property proposed for redevelopment and a developed property, the property proposed for redevelopment shall be burdened with the buffer requirements.

D. Two properties may agree to transfer or share the burden of a required buffer.

3. **General Buffer Provisions.**

A. Required buffers shall be established by easement or by restricted outlot, if owned by an owner's association.

B. All building and parking lot setbacks shall be measured from the closest edge any required buffer yard.

C. No structures or parking lots or loading areas may be permitted within a required buffer. Fences, sidewalks, and trails may be permitted within a required buffer except that no fence may be constructed within a buffer that fronts along a street.

D. Buffer plantings should be in small groupings to appear more natural versus evenly spaced in a line.

E. Earth berming required within a buffer may vary and undulate to accommodate drainage and to provide a more nature appearance.

4. **Buffer Options.** The following buffer options may be utilized to meet the buffering requirements of this chapter, unless an alternate standard is established by the Board of Adjustment as a condition for approval of a Conditional Use Permit conditional use or by the City Council as a condition of a rezoning or site plan approval to mitigate conditions that may otherwise be detrimental to adjoining residential properties.

A. 15-Foot Wide Buffer:

(1) *Minimum Width:* fifteen (15) feet.

(2) *Landscape Requirements:* For every 25 linear feet of required buffer a minimum of 1-overstory tree, 2-evergreen trees, and 6-shrubs shall be planted.

(3) *Earth Berming.*

B. 30-Foot Wide Buffer:

(1) *Minimum Width:* thirty (30) feet.

(2) *Landscape Requirements:* For every 25 linear feet of required buffer a minimum of 1-overstory trees, 1-evergreen trees, and 3-shrubs shall be planted.

(3) *Earth Berming.*

- C. Buffer Reduction: Should the burden of a buffer requirement cause a property to become practically undevelopable, at the sole discretion of the Zoning Administrator, the width of a required buffer may be reduced in lieu of the installation of additional landscaping, a minimum six (6) foot tall privacy fence or masonry screen wall, and other measures necessary to mitigate the impact on the property to be buffered.

181.7 PLANT MATERIALS STANDARDS.

1. **Plant Materials.** All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals.
 - A. To reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.
 - B. Ornamental and prairie grass plantings must be appropriate in size, scale, quantity, and type for the location they are being placed so not to appear unkept or encroach walkways and driveways.
 - C. Prohibited Trees: The City declares that invasive nonnative species as listed by the most recent publication of the Iowa Department of Natural Resources' (IDNR's) list of invasive plant species are a public nuisance that degrades landscaped and natural areas. The City shall prohibit the planting of any nonnative invasive plant species in all public and private properties. The following trees are prohibited:
 - (1) Ash (all species/cultivars)
 - (2) Black Locust
 - (3) Birch, White/Paper
 - (4) Boxelder
 - (5) Eastern Cottonwood
 - (6) Elm (all species/cultivars except Dutch Elm Disease resistant cultivars)
 - (7) Maple, Silver/Norway/Amur
 - (8) Pear (all species/cultivars)
 - (9) Poplar (all species/cultivars)
 - (10) Russian and Autumn Olive
 - (11) Trees with thorns

2. **Minimum Plant Sizes.** All plant sizes shall meet the following size and design requirements:
 - A. Deciduous Shade Trees: Minimum 2.0-inch caliper, measured six (6) inches above the immediate ground level.
 - B. Deciduous Ornament Trees: Minimum 1.5-inch caliper, measured six (6) inches above the immediate ground level.
 - C. Evergreen / Coniferous Trees: Minimum 5-feet in height.
 - D. Shrubs: Minimum three (3) gallon container.
 - E. Ornamental Grasses: Minimum one (1) gallon container.
3. **Plant Locations.** All plantings shall comply with the following:
 - A. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.
 - B. Trees shall be located no closer than six (6) feet to the back of curb along any street or driveway and no closer than four (4) feet to the edge of any parking lot, sidewalk or walkway.
 - C. Ornamental and prairie grasses with a mature height of over four (4) feet shall not be permitted within the front yard area of any residential property.
 - D. Landscaping must meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.
 - E. Deciduous shade trees should not be placed within any public sanitary sewer, storm sewer or watermain utility easement.
 - F. No landscaping shall be planted in violation of the City's street intersection vision clearance requirements.
 - G. A permit must be obtained prior to planting any street tree or landscape material in the public right-of-way and shall comply with all City clearance and setback requirements.
4. **Plant Substitutions.** Substitution of required plant materials may be made as follows:
 - A. One (1) deciduous shade tree may be substituted in place of 10 required shrubs.
 - B. One (1) deciduous ornamental tree may be substituted in place of five (5) required shrubs.
 - C. One (1) evergreen/coniferous tree may be substituted in place of one (1) required deciduous shade tree.

- D. One (1) deciduous shade tree may be substituted in place of two (2) required deciduous ornamental trees. Deciduous ornamental trees may not be substituted for required deciduous shade trees.
 - E. Three (3) ornamental grasses may be substituted for one (1) required shrub.
5. **Existing Trees and Tree Preservation Credit.** The preservation of existing trees on a site is encouraged when they are in good condition and at least 2-inch caliper in size. Such trees may be counted as part of the required number of trees on a site. A credit of two (2) trees toward the number trees shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over ten (10) inch caliper in size measured six (6) inches above the immediate ground level. However, this credit may not be applied in reducing the number of required interior parking lot trees, unless the tree is located within the parking lot area.

181.8 PLAN SUBMITTAL REQUIREMENTS.

1. **Plan Approval Required.** A landscape plan that follows the provisions of this Chapter shall be submitted as part of any application for approval of a Site Plan and as part of any application for approval of a Preliminary Plat that is for a single-family residential subdivision. No building permit shall be issued without an approved landscape plan in accordance with this Chapter.
2. **Plan Submittal Requirements.** The landscape plan shall be prepared and signed by a licensed landscape architect or other licensed professional with competency in preparing landscape plans. The plan set shall include the following:
 - A. Property boundary and general location of all existing and proposed structures, fences, walls, paved areas, parking lots, utilities, easements, and storm water management facilities.
 - B. Identification of all required Stream Buffers.
 - C. Existing and proposed grades.
 - D. Identification of all existing landscaping including whether it is to be preserved or removed.
 - E. Details for the methods by which existing landscaping planned to be preserved will be protected during site construction.
 - F. Identification of all proposed landscaping include plant species and size.
 - G. Identification of all proposed ground cover.
 - H. Width and details for all required buffers including buffer type and plant quantifies.
 - I. Details of all required screening.

- J. Specifications for soil conditioning and plant installation.
 - K. Summary of the following site details:
 - (1) Square footage of the total site area.
 - (2) Sum square footage of all impervious areas.
 - (3) Square footage of the current and proposed building footprint area and paved areas (not including sidewalks, patios, and pedestrian plaza).
 - (4) Required open space calculations and square footage of open space provided.
 - (5) Calculation of the require landscaping and summary of landscape provided.
 - L. Other information as required by the Zoning Administrator.
 - M. The Zoning Administrator may waive any of these required elements if determined unnecessary to ensure compliance with this Chapter.
3. **Final Approval.** Prior to approval of a Final Plat for any single-family residential subdivision and prior to issuance of a Certificate of Occupancy for any building, all landscaping must be installed in accordance with the approved landscape plan. Should any of the required landscaping not be installed prior to a request for Final Plat approval or Certificate of Occupancy, due to weather conditions or time of the year, the Zoning Administrator, at their sole discretion, may accept a cash surety or performance bond as a guarantee of installation and approve the Final Plat or issue a temporary Certificate of Occupancy. The surety amount shall be no less than one and one-half (1½) times the cost of installation.

181.9 MODIFICATIONS. The Zoning Administrator may administratively review and approve requests for minor changes to any approved landscape plan, such as changes in plant materials or plant locations, provided those changes comply with the requirements of this Chapter and do not materially alter the appearance of the site.

181.10 NONCONFORMITIES. Existing developed sites seeking approval of a building permit or site plan approval for any site modifications including building additions and paving expansions shall attempt to bring the entire property into full compliance with the requirements of this Chapter. At a minimum, all new buildings, building additions, new parking lots, and new paved areas shall comply with the regulations of this Chapter. No site plan or building permit shall be approved that causes or increases a site's nonconformity with this chapter.

181.11 MAINTENANCE AND REPLACEMENT.

- 1. **Maintenance.** All property owners shall maintain all landscaping including regular mowing, trimming, and pruning and removal of dead, dying, or diseased plant material and keep the property clear from weeds, debris, and litter. Plant material shall be regularly trimmed and pruned to keep from encroaching sidewalks, walkways, driveway, and parking areas.

2. **Replacement.** The owner of any lot or parcel for which a landscape plan has been approved under this section shall further be responsible for the replacement of any dead, dying, or diseased plant material to remain in compliance with the approved landscape plan. Should a tree for which a landscape credit was given, die, become diseased, or is otherwise removed, the owner of the property on which the tree is located shall replace the tree at the same ratio at which the credit was originally given. Failure to maintain the landscaping in accordance with this provision shall constitute a violation of the site's site plan and/or building permit approval and certificate of occupancy.

CHAPTER 182 – BUILDING DESIGN STANDARDS

- 182.1 PURPOSE AND INTENT.**
- 182.2 APPLICABILITY AND EXCEPTIONS.**
- 182.3 DEFINITIONS.**
- 182.4 GENERAL PROVISIONS.**
- 182.5 BUILDING EXTERIOR FINISH MATERIALS.**
- 182.6 STANDARDS BY BUILDING TYPE.**
- 182.7 SUBMITTAL REQUIREMENTS.**

182.1 PURPOSE AND INTENT. The purpose of this Chapter is to establish a uniform set of design standards for new development and redevelopment within the City of Bondurant. The intent of these standards is to protect property values, enhance the appearance of the community, and preserve neighborhood character.

182.2 APPLICABILITY AND EXCEPTIONS.

1. With the exception of agricultural buildings, single-family and two-family dwellings, townhomes, rowhouses, multi-family residential buildings with twelve (12) or fewer units, and city-owned parks and recreation buildings and structures, these standards and regulations contained herein this Chapter shall apply to new development, the renovation and redevelopment of existing sites and buildings, all building additions and expansions, and modifications and changes to existing building facades for all uses and districts within the City,
2. The regulations of this Chapter do apply to changes in building facades but do not apply to building façade maintenance and repair including repainting of existing painted surfaces, window, door, siding and roof replacement with identical or similar materials.
3. Building expansions or additions, including successive additions, totaling less than twenty percent (20%) of the gross floor area of the existing building may use the same or superior exterior building materials and building design that matches that of the existing building.
4. At the full discretion of the City Council, deviations from these standards may be granted in order to ensure the building or building addition is aesthetically compatible with the context of the site, the surrounding area, or the existing building design and appearance or to address the special circumstances for historic or iconic buildings and structures.

182.3 DEFINITIONS. The following terms are defined for this Chapter:

1. **“Clear Glass”** means glass windows and doorway openings with at least a seventy percent (70%) light transmittance and no visible reflective coating, coloring, or other covering. An exception is made for glass integrated with low-emissivity glass (low-e) or UV coatings or treatments.
2. **“Façade Area”** means the total exterior wall area of all vertical or near-vertical faces of a building wall four (4) feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four (4) feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.

3. **“Fenestrations”** means window and doorway openings.
4. **“Major Façade Materials”** means any exterior finish materials that cover at least five percent (5%) of a building’s façade area. Any material that covers less than five percent (5%) of a building façade area shall not be considered a “major” façade material and will not count towards meeting any requirement for use of multiple class 1, 2, 3, and/or 4 materials. A distinctly different color of fired clay brick (full brick or brick veneer) may be considered as an additional Class 1 or Class 2 material for the purposes of meeting the required minimum number of different major façade materials.
5. **“Pedestrian View Zone”** means the 8-foot-tall area of a building façade that is between two (2) feet and ten (10) feet above the adjacent sidewalk or ground level.
6. **“Primary Façade”** means all street-facing façades (i.e., all building façades that face or front along a public or private street including highways), and façades with a building’s main customer entrance. Buildings may have more than one primary façade as is the case with buildings located on corner lots and double frontage lots. All other façades shall be “secondary” façades.
7. **“Secondary Façade”** means all facades that do not meet the criteria as a “primary” façade. See definition for “Primary Façade.”
8. **“Street Facing Façade”** means all building façades that have frontage along or face a public or private street at an angle of forty-five (45) degrees or less from the street line. This definition includes those building façades separated from the street by a parking lot or open space. This definition does not include frontage along an internal drive that is not classified as a private street.

182.4 GENERAL PROVISIONS.

1. **Four-Sided Architectural Design Required.** Buildings shall incorporate four (4) sided architecture. Architectural elements (horizontal or vertical) shall extend around the building and utilize the same, compatible, or complementary materials on all building facades.
2. **Base, Body, and Top Required.** Buildings shall clearly express a base, a body, and a top. Transitions from between the base, body, and top shall be accomplished by a change in wall plane, roof overhang, and/or a change in building materials or color. The City Council may waive this requirement based upon the building’s architectural style, use, or other factors deemed relevant.
3. **Wall and Roof Articulation Required.** Buildings shall have regular variations and changes (articulations) in the wall planes, roof lines, and roof slopes. The minimum wall and roof articulation requirements are provided in Section 182.6 herein this Chapter.
 - A. Examples of wall articulation methods include but are not limited to:

- (1) Provide projections or recesses in the wall plane of at least two (2) feet in depth.
 - (2) Use of columns, piers, pilasters or other equivalent structural and/or decorative elements that project at least two (2) feet beyond the wall plane in a manner that complements the overall aesthetic appearance of the building.
- B. Examples of roof articulation methods include but are not limited to:
- (1) A change in direction of the roof pitch or slope.
 - (2) The raising or lowering of the parapet wall, if applicable.
 - (3) The use of a tower element or other similar building feature.
4. **Standards for the Application of Exterior Building Materials on Primary Facades.**
- A. Multiple Façade Materials: The use of multiple façade materials is encouraged; and the transitions from one wall material to another shall follow a level horizontal or vertical line.
 - B. Application of Brick and Stone Masonry: Heavy exterior materials, such as any type of brick or stone masonry, shall be applied so as to acknowledge its historic use as a building foundation and structural material. Brick or stone masonry that appears to be unsupported or ‘float’ within a façade shall not be permitted, e.g., stone applied to a roof dormer or stone placed directly above doors/windows without a supporting lintel above the door/window.
 - C. Painting of Brick and Stone Masonry: Brick and stone masonry exterior finishes shall not be painted, unless approved by the approval authority based on the building design, architectural style, or current condition of the brick or stone.
 - D. Exterior Insulation and Finish Systems (EIFS): Subject to the provisions of Section 182.6 herein this Chapter, the use of Exterior Insulation and Finish System (EIFS) on a building façade is permitted above the first ten (10) feet of the building finished floor elevation for a single-story building and is permitted on those floors above the first-floor elevation for a multi-story building.
 - E. Thin Brick and Stone Masonry Veneer: Thin brick or stone masonry veneer, including brick and stone paneling, shall comply with the following:
 - (1) Thin brick and stone masonry veneer or paneling shall only be used in applications where the apparent thickness of the bricks or stones will not be distinguishable or is otherwise addressed by adjustments in the wall plane to simulate the appearance of full depth brick or stone.
 - (2) ‘L’ shaped brick/stone corner pieces and full-depth brick/stone caps shall be utilized at all corners and edges to maintain the appearance of full-depth brick/stone.

- (3) Thin brick and stone masonry veneer or paneling shall be continued (returned) a minimum of twelve (12) inches around all wall corners to further maintain the appearance of full-depth brick or real stone and shall be terminated at a ninety-degree (90°) angle inside corner along the given facade.
5. **Use of Trim on Primary Façades.** Appropriately scaled trim shall be included around all window and door openings, building corners, roof lines, and façade material transitions located on primary façades, unless the use of trim is considered inappropriate based on the building's architectural style.
6. **Building Facadism Discouraged.** Building facadism, defined as the application of false or fake building façades or elements over an existing building façade or roof, is discouraged. Windows or dormers should be in proportion with and match the adjoining roof pitch and have the appearance of being functional and operational. Hip or mansard roofs that only partially conceal a roof well or low slope roof area are also discouraged.
7. **Franchise Building Architecture Discouraged.** Buildings are encouraged to refrain from using franchise or trade-marked building shapes or including integral building forms that are readily identifiable with a specific commercial franchise. Buildings are encouraged to be designed to appear as their intended use, e.g., a restaurant building can look like a building for a restaurant; however, with the signage removed, the building should not be recognizable as belonging to a specific commercial business or franchise.
8. **Application of Windows and Doors on Commercial Storefronts.** All commercial, retail, and mixed-use building façades that face a public or private street shall conform with the following standards:
- A. Fenestrations with clear glass shall occupy no less than fifty percent (50%) of the pedestrian view zone.
- B. All doors, including any overhead doors located within the pedestrian view zone of the building façade shall contain no less than seventy-five percent (75%) clear glass.
- An exception is granted for buildings that are greater than 50,000 square feet in gross floor area.
9. **Overhead Doors.** Street facing overhead doors (garage doors) are discouraged. Any street facing overhead door that is not otherwise part of a commercial storefront and regulated by subsection H hereinabove, shall have no less than fifty percent (50%) clear glass and shall be recessed a minimum of eighteen (18) inches into the building wall plane. This provision shall not apply to industrial buildings located within an industrial zoning district.
10. **Awnings and Canopies.** Awnings and canopies are encouraged but must be functional, provide shade and shelter to the building entry, be designed in scale and proportion to the mass of the building, and constructed of high-quality and durable building materials.

11. **Building Mounted Equipment Screening Required (Roof-Top and Exterior-Mounted Mechanical Equipment).** All exterior-mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be located out of view or otherwise screened from view from all adjacent public or private streets and residential developed or zoned properties. Screening shall be accomplished via landscaping, walls, and building elements or screen walls, or a combination of these methods. For roof-top equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials. The height of the screen shall be no lower than the height of the equipment. The above provisions shall not apply to photovoltaic solar energy panels.

182.5 BUILDING EXTERIOR FINISH MATERIALS. For the purposes of this Chapter, exterior building materials shall be divided into the following four class ranges by materials category. The range starts with Class 1 being the top-quality, very durable materials and ends with Class 4 being lower-quality, less durable materials. All materials must be utilized in the application as intended by the manufacturer and follow proper installation requirements and standards, including management of water migration and installation of appropriate substrate material. The Zoning Administrator may categorize a building material not listed below if they determine that the new material is of similar or higher quality to other materials in the same category with regard to durability, quality, and appearance.

(INSERT TABLE)

BUILDING EXTERIOR FINISH MATERIALS CLASSIFICATION TABLE					
	Class 1	Class 2	Class 3	Class 4	Definitions
Masonry					
Brick veneer, fired clay	X				Fired clay brick, full-veneer masonry wall system
Brick veneer (thin), fired clay		X			Thin veneer fired clay brick adhered to a wall surface or wall anchoring system, with the appearance of full brick
Brick paneling, fired clay		X			Prefabricated panels of thin veneer fired clay brick
Brick veneer, synthetic			X		Synthetic bricks adhered to wall surface or wall anchoring system
Brick paneling, synthetic			X		Prefabricated panels of synthetic brick adhered to a wall surface or wall anchoring system
Terracotta rainscreen panels	X				Fired clay panels with a rainscreen wall anchoring system
	Class 1	Class 2	Class 3	Class 4	Definitions
Stone					
Stone veneer, natural	X				Genuine stone, full-veneer masonry wall system
Stone paneling, natural		X			Prefabricated panels of genuine stone adhered to wall surface or wall anchoring system
Stone veneer, synthetic		X			Synthetic stone adhered to wall surface or wall anchoring system (also referred to as cultured stone)
Stone paneling, synthetic		X			Prefabricated panels of synthetic stone adhered to a wall surface or wall anchoring system (also referred to as cultured stone)
	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete Masonry Units					
Cast Stone	X				A highly refined architectural precast concrete masonry unit intended to simulate natural-cut stone
Burnished / ground-faced block		X			Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints
Patterned or shaped block			X		Concrete modular blocks, face surface has pattern or shape, not flat, and with mortared joints
Split-faced block			X		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block				X	Concrete modular blocks, plain, flat finish, and with mortared joints

BUILDING EXTERIOR FINISH MATERIALS CLASSIFICATION TABLE					
	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete					
Architectural quality precast concrete panels	X				Highest finish precast concrete panels, textured or burnished, and integrally colored - not painted
Cast-in-place concrete, board formed or decorative form liner		X			Architecturally designed cast-in-place concrete with a high-quality patterned or textured surface created by board forms or decorative concrete form liners
Cast-in-place concrete, plain			X		Textured or smooth finish, may be painted
Site cast and precast concrete panels			X		Site cast and precast concrete panels, plain, smooth finish, may be painted
	Class 1	Class 2	Class 3	Class 4	Definitions
Metal					
Architectural quality, composite metal wall panel systems	X				High quality insulated metal panels for decorative surface application, such as <i>Alucobond</i> panel systems
Architectural quality metal wall panel systems, concealed fastening		X			High quality metal panels for decorative surface application with concealed fasteners, such as <i>Firestone Delta</i>
Architectural quality metal wall panel systems, exposed fastening			X		High quality metal panels for decorative surface application with exposed fasteners, such as <i>Firestone Omega</i>
Metal (panels, siding, and trim)				X	Standard, non-insulated, metal siding and panels, including corrugated, galvanized, painted or coated for exterior application
	Class 1	Class 2	Class 3	Class 4	Definitions
Glass					
Clear glass (windows, doors, curtain walls, paneling systems)	X				Clear glass with at least a 70% light transmittance no visible reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass blocks			X		Hollow translucent block of varying shapes and sizes made entirely from glass. Also, known as glass brick.
Mirrored glass				X	Glass with a reflective or mirrored coating or finish
Opaque or tinted glass (including color applied)			X		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Spandrel Glass	X				Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns floors and shear walls
Fritted or Frosted Glass			X		Glass fused with colored particles or ink.

BUILDING EXTERIOR FINISH MATERIALS CLASSIFICATION TABLE					
	Class 1	Class 2	Class 3	Class 4	Definitions
Other Materials					
Architectural quality fiber cement wall panels textured to resemble stone or metal	X				The highest quality fiber cement wall panel systems textured to resemble stone or metal with concealed fasteners – such as <i>Nichiha</i>
Stucco, genuine	X				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
Wood (panels and siding)			X		Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Cement fiber board (siding)			X		Cement siding reinforced with cellulose fibers, such as <i>HardiePlank</i>
Cement fiber board (panels)			X		Cement panels reinforced with cellulose fibers, such as and <i>HardiePanel</i>
Exterior Insulation and Finish System (EIFS)			X		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated
Composite wood (panels, siding, and trim)			X		Composite or other synthetic wood types, such as <i>LP SmartSide</i> and <i>Trex</i> decking
Vinyl and PVC (panels, siding, and trim)				X	Exterior siding and trim that is made from a synthetic resin or plastic - minimum thickness 0.46 mm
Ceramic			X		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel systems			X		Panels or blocks, typically hollow, made of translucent polycarbonate material - such as <i>Kalwall</i>
Fabric					(not permitted)

182.6 STANDARDS BY BUILDING TYPE.

1. **Building Use Types.** For the purposes of this Chapter, all buildings subject to these standards shall be categorized in the following building use types. Any building type not listed or any question as to the appropriate categorization of a building shall be as determined by the Zoning Administrator. The building design standards shall be regulated by both building use type and the zoning district in which the building is located. All accessory buildings and structures shall comply with the design standards required of the principal building.
 - A. Agricultural Buildings: Includes agricultural use related buildings in the A-1 zoning district.
 - B. Single-Family and Two-Family Dwellings: Includes accessory dwellings and group homes.
 - C. Horizontally Attached Residential Dwellings: Includes townhouse and row dwellings.
 - D. Vertically Attached Residential Dwellings: Includes apartments, condos, assisted living, skilled care facilities, and continuing care retirement facilities.
 - E. Non-Residential Buildings in a Residential Zoning District: Includes public and private schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and government buildings.
 - F. Commercial/Retail Buildings: Includes single and multi-tenant commercial buildings, day care centers, restaurants, financial institutions, hotels, motels, and recreational and entertainment buildings.
 - G. Office and Civic Buildings: Includes single and multi-tenant office buildings and, when in non-residential zoning districts, schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
 - H. Mixed-Use Buildings: Includes multi-story buildings that contain two (2) or more different uses such as residential and retail and/or office uses. This further includes all buildings within the MU (C-4) zoning district.
 - I. Industrial Buildings: Includes buildings or structures constructed for an industrial use and located within the BP, M-1, or M-2 zoning districts.
2. **Buildings Design Standards by Building Use Type.** The following table provides the building design standards for each building use type as defined herein this Chapter.

(INSERT TABLE)

BUILDING DESIGN STANDARDS BY BUILDING USE TYPE TABLE				
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Vertically Attached Residential Buildings with 13 or More Dwelling Units	Each primary façade shall have no less than 3 different Class 1 or 2 building materials together comprising at least 1/2 of the façade area.	The Primary façade shall have a wall articulation (as provided herein Section 182.4) no less than once every 80 feet in wall length.	Street facing roofs shall not exceed 100 feet without a change in the roof articulation.	Elevated and open walkways and stairways are prohibited.
	Each secondary façade shall have no less than 3 different Class 1, 2, or 3 building materials.			All main building entries must be covered, either through a projection or a recession in the wall plane.
	Class 4 façade materials shall not be permitted on any primary or secondary façade area except as a minor trim element.			
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Non-Residential Buildings in a Residential Zoning District	Each primary façade shall have no less than 3 different Class 1 or 2 building materials together comprising at least 1/2 of the façade area.	The Primary façade shall have a wall articulation (as provided herein (as provided herein Section 182.4) no less than once every 60 feet in wall length.	Street facing roofs shall not exceed 100 feet without a change in the roof articulation.	All main building entries must be covered, either through a projection or a recession in the wall plane.
	Each secondary façade shall have no less than 3 different Class 1, 2, or 3 building materials.			
	Class 4 façade materials shall not be permitted on any primary or secondary façade area except as a minor trim element.			

BUILDING DESIGN STANDARDS BY BUILDING USE TYPE TABLE				
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Commercial / Retail Buildings	Each primary façade shall have no less than 3 different Class 1 or 2 building materials together comprising at least 1/2 of the façade area.	The Primary façade shall have a wall articulation (as provided herein (as provided herein Section 182.4) no less than once every 60 feet in wall length.	Street facing roofs shall not exceed 100 feet without a change in the roof articulation.	All main building entries must be covered, either through a projection or a recession in the wall plane.
	Each secondary façade shall have no less than 3 different Class 1, 2, or 3 building materials.			
	Class 4 façade materials shall not be permitted on any primary or secondary façade area except as a minor trim element.			
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Office and Civic Buildings	Each primary façade shall have no less than 3 different Class 1 or 2 building materials together comprising at least 1/2 of the façade area.	The Primary façade shall have a wall articulation (as provided herein (as provided herein Section 182.4) no less than once every 80 feet in wall length.	Street facing roofs shall not exceed 100 feet without a change in the roof articulation.	All main building entries must be covered, either through a projection or a recession in the wall plane.
	Each secondary façade shall have no less than 3 different Class 1, 2, or 3 building materials.			
	Class 4 façade materials shall not be permitted on any primary or secondary façade area except as a minor trim element.			

BUILDING DESIGN STANDARDS BY BUILDING USE TYPE TABLE				
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Mixed-Use Buildings and Buildings within the MU (C-4) Zoning District	Each primary façade shall have no less than 3 different Class 1 or 2 building materials together comprising at least 3/4 of the façade area.	The Primary façade shall have a wall articulation (as provided herein (as provided herein Section 182.4) no less than once every 60 feet in wall length.	Street facing roofs shall not exceed 100 feet without a change in the roof articulation.	All main building entries must be covered, either through a projection or a recession in the wall plane.
	Each secondary façade shall have no less than 3 different Class 1, 2, or 3 building materials.			
	Class 4 façade materials shall not be permitted on any primary or secondary façade area except as a minor trim element.			
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Industrial Buildings (BP Zoning District)	Each primary façade shall have no less than 3 different Class 1 and 2 building materials together comprising at least 1/4 of the façade area.	The Primary façade shall have a wall articulation (as provided herein (as provided herein Section 182.4) no less than once every 150 feet in wall length.	n/a	n/a
	Class 4 façade materials shall not be permitted on any primary or secondary façade area except as a minor trim element.			
Building Use Type	Major Façade Materials	Wall Articulation	Roof Articulation	Entryways
Industrial Buildings (M-1 and M-2 Zoning Districts)	Metal buildings are permitted. Each primary façade shall have no less than 3 different Class 1, 2, 3, and 4 building materials.	n/a	n/a	n/a

182.7 SUBMITTAL REQUIREMENTS. Prior to the approval of any building permit or site plan application for a new building, building addition, or building renovation that is subject to the provisions of this Chapter, the application shall provide to the Zoning Administrator the following:

1. Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
2. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
3. Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
4. Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan, if required by the Zoning Administrator.
5. In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.
6. Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
7. Exterior building and finish material samples and color pallets, if required by the Zoning Administrator.
8. Other information as may be required by the Zoning Administrator. The Zoning Administrator shall further have the discretion to waive any of the above submittal requirements.

CHAPTER 183 – SIGN REGULATIONS

183.1	TITLE.
183.2	PURPOSE AND INTENT.
183.3	SEVERABILITY.
183.4	DEFINITIONS.
183.5	GENERAL REQUIREMENTS.
183.6	PROHIBITED SIGNS.
183.7	EXEMPTIONS TO SIGN PERMIT REQUIREMENT.
183.8	SIGN TYPES.
183.9	SIGN REGULATIONS.
183.10	SIGN DESIGN STANDARDS.
183.11	ENFORCEMENT AUTHORITY.
183.12	PERMIT REQUIRED.
183.13	NONCONFORMING SIGNS.
183.14	VARIANCES AND APPEALS.

183.1 TITLE. This chapter shall be known as the “Sign Regulations” for the City of Bondurant, Iowa, and may be cited as such and will be referred to herein as “this Chapter.” This Chapter is adopted as part of the City’s Zoning Code per Iowa Code Chapter 414. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this Chapter.

183.2 PURPOSE AND INTENT. The purpose of this Chapter is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, illumination, and maintenance of all signs and sign structures not located inside a building. The provisions of this Chapter are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. It is the further intent of this chapter to regulate signs by their physical characteristics and not by their message.

183.3 SEVERABILITY. If one or more provisions of this chapter is found by a court of jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this chapter. The remaining provisions of this Chapter remain in full force and effect.

183.4 DEFINITIONS. For the purposes of this Chapter, the following terms are as defined herein.

1. **“A-Frame sign”** means a small, free-standing and portable sign that is typically designed as either A or T framed and to be used on daily basis and only during business hours. These signs are also referred to as a “sandwich board” sign or a “sidewalk” sign.
2. **“Animated sign”** means any sign with actual motion, the appearance or illusion of motion, or light or color changes by mechanical or electrical means.
3. **“Air-Activated Graphics”** means a sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
4. **“Awning”** means any structure made of cloth type materials or metal with a metal frame attached to a building and projecting over a thoroughfare.

5. **"Bag sign"** is a sign made out of fabric, canvas or other flexible substrate, and designed to temporarily cover an existing, permanent sign of any kind, as to convey a different message for a short period of time of no more than 30 days.
6. **"Balloon sign"** is a sign that is an air-inflated or gas-inflated object, which may be of various shapes, made of flexible material meant to be inflated. Balloon signs can be resting on the ground or a structure and equipped with a portable blower, or inflated with a gas lighter than air and meant to float or hover at an altitude of no more than 25 feet while securely attached to the ground. See also the definition for air-activated graphics.
7. **"Banner sign"** is a sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, wall, post, or similar upright structure and secured by all four corners so as to limit movement of the sign caused by movement of the atmosphere.
8. **"Billboard"** means a flat surface on which an off-premise, commercial message or messages are displayed with the intent to be visible from a public street or highway.
9. **"Blade sign"** means a rigid projecting or suspended sign that is perpendicular to the building facade, that is mounted below the awning, canopy, or other first floor overhangs and/or over the building or store entryway and for which the primary audience is pedestrians.
10. **"Building sign"** means a sign which is wholly supported by the building wall, parallel to the plane thereof, and which does not extend beyond the surface of said building wall more than twelve (12) inches. This definition includes walls signs, awning signs, canopy signs, fascia signs, parapet signs, painted signs, and window signs as may be defined herein this Chapter. Internally illuminated color panels, strips, or bands and neon lighting shall be considered building signs.
11. **"Business"** means a place where different types of trade, commerce, etc., is carried on, usually under the ownership of one person, company or partnership.
12. **"Canopy"** means any structure, other than an awning, made of cloth type materials or metal with metal frames attached to a building, projecting over a thoroughfare, and carried by a frame supported by the ground or sidewalk.
13. **"Canopy sign"** is a building sign attached to or in any way incorporated with the face or underside of a canopy, marquee, or any other similar building projection, and which does not extend beyond the projection more than six inches.
14. **"Changeable message sign"** means a sign that has the capability of sign copy being changed manually or mechanically.
15. **"Clear Vision Zone"** means the clear vision zone required at street intersections as defined and required in Section 179.4 of the Zoning Code.
16. **"Commercial sign"** means any sign not defined herein as a "non-commercial sign."

17. **"Corporate flag"** means a flag, other than a government flag, that contains a logo, corporate name, or other identification.
18. **"Directory sign"** means a permanent diagrammed representation located near the entrance of a complex which shows the location and address of the unit designations within a complex.
19. **"Electronic message center"** means a sign that is electronically or electrically controlled that displays a message center or reader board composed of a series of lights that may be changed through electronic means including LED or LCD displays.
20. **"Feather sign"** is a temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.
21. **"Flag"** means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, or logos.
22. **"Free standing signs,"** means any sign which is self-supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.
23. **"Facing or surface"** means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign. The square footage of a sign, wherever the same is required to be computed for the purposes of this Chapter, shall be determined by computing the square footage of the facing or surface of such sign.
24. **"Government flag"** means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, used as a symbol of a government or political subdivision, including flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction.
25. **"Government sign"** means any type of sign that is constructed, placed or maintained by or at the direction of the federal, state, county, or local government. Examples include traffic control and safety signs and devices, public notices and informational signs, all public parks and public facilities signs, and directional and identification signs such as tourist oriented directional signs approved and placed by the Iowa Department of Transportation, memorial plaques, signs of historical interest, signs designating hospitals, libraries, public parks, schools, colleges, airports, and other institutions or places of public interest or concern.
26. **"Ground sign,"** see "free-standing sign."
27. **"Illuminated sign"** means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
28. **"Internal sign"** means any free standing sign that is oriented internally and intended to convey messages to internal users of a site and not design, located, or otherwise intended to convey messages to persons off-site. Examples include directional or wayfinding signs, traffic directions and signs that provide parking instructions, security warning signs, business

directories, or similar communications that are accessory to the use of the site and any building located thereon.

29. **"Logo"** means a stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.
30. **"Marquee"** means any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.
31. **"Mobile sign"** means a sign affixed, painted, or in any other way embedded to an automobile, truck, trailer, other vehicle, or wheeled structure of any kind including casters.
32. **"Monument ground sign"** means a free-standing sign which is anchored to the ground by means of a solid structure (normally concrete or masonry) with a low profile, which has a monolithic or columnar line and which maintains essentially the same contour from grade to top with the base of the sign being a minimum of 80% of the width of the widest component of the sign. Said signs may be doubled-sided, perpendicular or parallel to the adjoining roadway but in no case shall consist of more than 2 sign faces. The sign face shall cover no more than 80% of the total surface of the structure.
33. **"Non-commercial sign"** means any sign containing an ideological, political issue, religious or other message not related to the promotion of a commercial or business activity. All signs not defined as a "non-commercial sign" shall be defined as a "commercial signs."
34. **"Off-premises sign"** means a commercial sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located, sometimes referred to as a billboard. This definition does not include non-commercial signs.
35. **"On-premises sign"** means a sign installed, erected, constructed, or hung on a site or property that is appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located.
36. **"Panel sign"** means a sign consisting of a frame covered by a translucent material which may be internally illuminated. The entire sign structure is one unit and the copy is not intended to include three-dimensional individual letters.
37. **"Permanent sign"** means a sign constructed of durable materials and attached, painted, erected, or affixed to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a temporary basis for more than six (6) months.
38. **"Pole sign"** means a free-standing sign that is supported by one or more uprights not attached to, or braced by, any other structure.

39. **"Political issue sign"** means a sign announcing, promoting (for or against), or drawing attention to any personal or political issue or candidate(s) seeking public political office.
40. **"Portable sign"** means a free-standing sign not permanently anchored or secured to the ground or any building or wall, which may be moved from place to place, including, but not limited to, signs design to be transported by means of wheels, and is not expressly permitted under this Chapter as a temporary sign.
41. **"Projected-image sign"** means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.
42. **"Projecting sign"** means any sign which is attached to a building or other structure and extends more than 12 inches beyond the building.
43. **"Public school district sign"** means any type of sign that is constructed or placed by a public school district on property owned or leased by that public school district.
44. **"Raceway"** means an enclosed channel designed expressly for holding wires, cables, or bus bars on which a sign is mounted.
45. **"Raceway, pan style"** is a sign raceway that is shaped and contoured to follow the outline of the sign to which is mounted to the raceway.
46. **"Roof sign"** means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
47. **"Sandwich sign"** see "A-Frame sign."
48. **"Sidewalk sign"** see "A-Frame sign."
49. **"Sign"** means any kind of surface, object, structure or lettering in which a message is conveyed, or attention is gained by any means, static or dynamic, permanent or temporary, by any length of time to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.
50. **"Sign area"** means that area of a sign's exposed facing, determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. Such area shall be measured using one of the area calculation formulas as provided herein this Chapter.
51. **"Sign copy"** means words, letters, logos figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.
52. **"Temporary sign"** means any yard sign, bag or banner covering a permanent sign, or other sign, banner, pennant, valance or advertising display constructed of vinyl, cloth, canvass, light fabric, cardboard, plywood, wallboard, or other light materials, with or without frames,

intended to be displayed for a short period of time only and in no case displayed for more than 6-months.

53. **"Trailer sign"** see "mobile sign."

54. **"Vehicle sign"** see "mobile sign."

55. **"Wall sign"** means any flat sign of solid face construction which is placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

56. **"Window sign"** means a sign posted, painted, placed, adhered, or affixed on the outside surface a window or door.

57. **"Work of art"** means any mural painting or decoration, inscription, mosaic, painted glass, base-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on any lot or parcel or wall of any building or structure. A work of art shall not incorporate logos, advertisements, or other commercial speech nor shall a work of art contain images, letters, symbols or other representations designed to identify or market any commercial activities contained upon the site on which it is located.

58. **"Yard sign"** means a temporary, free-standing sign made of rigid materials that is supported by a frame, one or more poles or posts, or other support structure placed directly in the ground without foundation or other anchor. These signs may be single or double-sided (back-to-back).

183.5 GENERAL REQUIREMENTS.

1. General Provisions.

- A. No sign shall be allowed except as permitted by this Chapter.
- B. No person shall install, erect, construct, hang, or alter any sign within the City without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this Chapter.
- C. No person shall replace the sign copy or sign face without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this Chapter.
- D. Any permanent or temporary commercial sign allowed in this Chapter may be utilized as a non-commercial or political issue sign subject to the regulations contained herein.

2. **Vision Clear Zone.** No sign shall be located within the clear vision zone of a street intersection as defined in Section 179.4 of the Zoning Code. No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring a driver's or pedestrian's vision.

3. **Adequate Design and Construction.** All signs and other advertising structures shall be designed and constructed to withstand a wind load and deadload as required in the Building Code or other ordinances of the City of Bondurant.
4. **Sign Maintenance.** All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the City.
5. **Interference.** No sign or attachment thereto shall be erected, placed or maintained by any person in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any overhead electrical power, telephone, fiber optic, or cable wires or supports thereof.
6. **Placement.** No sign shall be erected, painted, attached or in any other way displayed on rocks, fences, trees, or any other public or private property not specifically meant to advertise.
7. **Safe Ingress and Egress.** No sign or part thereof shall be erected or maintained to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
8. **Clearance from Electric Lines.** A clearance of not less than eight (8) feet horizontally and twelve (12) feet vertically shall be maintained between any sign and any overhead electrical transmission line.
9. **Illumination.** All externally illuminated signs shall be constructed to direct the source of light away from adjacent properties or public streets.
10. **Free-Standing Sign Height Calculation.** The height of free-standing signs (including all temporary and permanent signs) shall be computed to be the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to mean the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.
11. **Free-Standing Sign Setback Measurement.** The sign setback for free-standing signs (including all temporary and permanent signs) shall be measured from the nearest edge of the sign.

183.6 PROHIBITED SIGNS. The following signs shall not be permitted, erected or maintained on any property within the City, unless located within the confines of a building, or not visible from outside the premises of the lot in which the sign is located.

1. **Animated Signs, Air-Activated Graphics, and Signs with Moving Parts.** Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermediate electrical pulsations, or by action of normal wind currents.

2. **Balloon Signs.**

3. **Banner Signs.** Banners, pennants, spinners, and streamers, except as specified in this Chapter as a permitted temporary sign.

4. **Billboards.**

5. **Flashing or Glaring Lights.** Flashing lights, strobe lights, or rotating beams shall be prohibited outside of a building or visible from the outside of a building in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Illumination of signs shall be designed in such a way as to reflect light away from residential properties and motorists' vision.

6. **Interference with Traffic.** No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street or alley in such a manner as to obstruct free and clear vision, or at any location, where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words STOP, LOOK, DRIVE-IN, DANGER or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

7. **Mobile Signs.**

8. **Pole Signs.**

9. **Off-Premises Signs.** Except for non-commercial signs and temporary signs, where permitted by this Chapter.

10. **Moving Lights.** Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights. Except for a special event approved by the City Council per the City's special event procedures.

11. **Obscene Matter.** Signs that display obscene matters in violation of Iowa Code 728.

12. **Hazardous Sign.** Any sign or sign structure which:

- A. Is structurally unsafe;
- B. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
- C. Constitute an obstruction so as to prevent free ingress or egress through any door, window or fire escape;
- D. Is not kept in good repair; or,
- E. Is capable of causing electrical shocks to persons likely to come in contact with it.

13. Roof Signs.

14. Signs Projecting over Public Right-of-Way. It is unlawful to erect or maintain any sign on, over, or above any land or right-of-way belonging to City or other governmental entity unless specifically permitted by said entity.

15. Temporary Signs. All temporary signs except those that are specifically allowed by this chapter.

16. Unlawful Signs. Any sign unlawfully installed, erected or maintained in violation of this chapter.

183.7 EXEMPTIONS TO SIGN PERMIT REQUIREMENT. The following signs shall not require a sign permit:

1. Government signs and government flags and signs for public school districts, as defined herein this Chapter, are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.
2. Signs located within the confines of a building, except those that are defined as window signs.
3. Building street addresses on buildings and signs as required by the City are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.
4. Directory signs as required by the Fire Department for emergency identification are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.
5. Works of art that meet the definition as provided herein this Chapter.
6. Temporary Signs, to the extent that they meet the standards herein this Chapter, are exempt from the Sign Permits and Fees requirement.

183.8 SIGN TYPES. For the purposes of this Chapter, the following sign types as defined herein are placed into the following categories.

1. **Permanent Signs.** Permanent signs may be commercial or non-commercial signs as defined herein this Chapter but shall not include off-premise signs with a commercial message. Permanent signs are limited to the following permanent sign types as defined and further regulated herein this Chapter:
 - A. Building Signs.
 - B. Projecting Signs.
 - C. Ground Monument Signs.

- D. Internal Signs.
 - E. Drive-Thru Facility Signs.
 - F. Signs on ATMS.
 - G. Home Occupation Signs.
 - H. Corporate Flags.
2. **Temporary Signs.** Temporary signs may be commercial or non-commercial signs as defined herein this Chapter and may include off-premise signs. No temporary sign shall be in place for a period greater than six (6) months unless removed and replaced with a new sign. Temporary signs are limited to the following temporary sign types as defined and further regulated herein this Chapter:
- A. Free-standing signs.
 - B. A-Frame signs.
 - C. Feather signs and flags.
 - D. Banner signs attached to a building wall or exterior window or covering and affixed to an existing building sign.
 - E. Bag signs covering and affixed to an existing free-standing sign.
- 183.9 SIGN REGULATIONS.** Signs permitted by Zoning District.

(INSERT TABLE)

SIGNS PERMITTED BY ZONING DISTRICT				
PERMANENT SIGNS				
BUILDING SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	1 sign per principal building facing a public street for all permitted multi-family residential developments with 13 or more dwelling units and all non-residential uses.	Building signs may be located on any side of a building so long as the total sign area does not exceed the total allowed for the building. The area of all wall, awning, blade, and window signs shall be included in the total building signage area calculation.		
Maximum Sign Area	32 sq. ft.	For each building, 10% of the total sq. ft. of the building wall area facing a public street. No more than two sides of any building facing a street shall be used to calculate the allowable signage. The sign area of all building signs (including wall, awning, blade, and window signs) shall be calculated using sign area Formula A as defined herein this article.		
Projecting Signs	Not Permitted	n/a	1 per main building entrance or storefront. Maximum of 48 sq. ft.	n/a
GROUND MONUMENT SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	2 signs per public or private street entrance for single family residential subdivisions. 1 per public street frontage for each lot of record for all permitted multi-family residential developments with 12 or more units and non-residential uses.	1 per public street frontage for each lot of record. For lots with 500 ft or more of frontage, 1 sign shall be allowed for each 250 ft of frontage.		
Maximum Sign Height	6 ft.	10 ft.		
Maximum Sign Width	6 ft.	12 ft.		
Maximum Sign Area	20 sq. ft. calculated using sign area Formula B as defined herein this article.	40 sq. ft. calculated using sign area Formula B as defined herein this article.		
Minimum Sign Setback Requirements	10 ft. from all property lines.	Signs shall be setback from all property lines an amount equal to the height of the sign, but no less than 5 ft, and 200 ft. from any free-standing sign located on the same lot.		
Interstate Frontage Ground Monument Sign	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	n/a	1 per frontage for each lot of record that has frontage along Interstate 80. For lots with 500 ft or more of frontage, 1 sign shall be allowed for each 250 ft of frontage.		
Maximum Sign Height	n/a	30 ft.		
Maximum Sign Width	n/a	14 ft.		
Maximum Sign Area	n/a	200 sq. ft. calculated using sign area Formula B as defined herein this article.		
Minimum Sign Setback Requirements	n/a	Signs shall be setback from all property lines an amount equal to the height of the sign, but no less than 5 ft, and 200 ft. from any free-standing sign located on the same lot.		

SIGNS PERMITTED BY ZONING DISTRICT				
INTERNAL SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	5 per each lot of record for all permitted multi-family residential developments with 12 or more units and non-residential uses.	5 per each lot or record. The City Council may grant additional signs for sites 5 or more acres in size.		
Maximum Sign Height	8 ft.			
Maximum Sign Area	18 sq. ft. per sign calculated using sign area Formula B as defined herein this article.			
Sign Setback Requirements	10 ft. from all property lines.			
DRIVE-THRU FACILITY SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	For sites with a permitted drive-thru facility, 2 signs, as provided herein, shall be permitted for each drive-thru lane. Signs may be free-standing (one-sided only) or building/wall mounted.			
Maximum Sign Height	8 ft.			
Maximum Sign Area	Each sign shall be no greater than 36 sq. ft. using sign area Formula B as defined herein this article.			
SIGNS ON ATMS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Maximum Sign Area		Sign copy may be adhered or placed upon any surface of a permitted ATM or ATM kiosk; however, the total area of all signage shall not exceed 48 sq. ft.		
HOME OCCUPATION SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Sign Permitted	Any approved home occupation shall be permitted 1 sign no greater than 2 sq. ft. calculated using sign area Formula B as defined herein this article. Said sign may be a building sign or a free-standing sign. Free standing signs may be double sided, max 6 ft tall and setback no less than 5 ft from all property lines.			
CORPORATE FLAGS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number Permitted	Not Permitted.	1 per lot of record or 1 per principal building.		
Maximum Height		35 ft.		
Minimum Pole Setback		10 ft.		
Other Requirements		May only be displayed concurrent with the display of 1 or more government flag(s) attached either on a shared pole or separate pole located in close proximity to the pole(s) displaying the government flag(s).		

SIGNS PERMITTED BY ZONING DISTRICT				
TEMPORARY SIGNS				
COMMERCIAL SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	1 sign per public street frontage for each lot of record.	1 sign per public street frontage for each lot of record plus 1 per building or individual business. In addition, each building or individual business may also display 1 "A-frame" or 1 "feather sign" during the hours in which the business is open. Said "A-frame or feather sign must be placed within 20 ft of the main entrance and be located within that building's street frontage. No sign may be located within a street right-of-way with the exception that businesses within the MU (C-4) zoning district may place 1 "A-frame" sign within the public sidewalk within the frontage of said business provided the sign does not create a hazard or otherwise conflict with any Americans with Disabilities Act (ADA) clearance standards.		
Maximum Sign Area	32 sq. ft. for permitted multi-family residential developments with 12 or more units and non-residential uses and 8 sq. ft. for all other uses. Sign area shall be calculated by using sign area Formula B as defined herein this article.	32 sq. ft. using sign area Formula B as defined herein this article.		
Maximum Free-Standing Sign Height	6 ft.	8 ft.		
Maximum Free-Standing Sign Setback Requirement	1 ft from the front property line/street right-of-way line and 5 ft. from all other property lines. No sign may be located within the sight triangle, clear vision zone as defined in City Code section 602.4 of Article VI, or otherwise cause a visual impairment by obscuring a driver's or pedestrian's vision			
NON-COMMERCIAL SIGNS	ZONING DISTRICT			
	A-1 and Residential Districts	C-1 and C-2	MU (C-4)	BP, M-1, and M-2
Number of Signs Permitted	Not limited.			
Maximum Sign Area	32 sq. ft. for permitted multi-family residential developments with 12 or more units and non-residential uses and 8 sq. ft. for all other uses. Sign area shall be calculated by using sign area Formula B as defined herein this article.	32 sq. ft. using sign area Formula B as defined herein this article.		
Maximum Free-Standing Sign Setback Requirement	1 ft from the front property line/street right-of-way line and 5 ft. from all other property lines. No sign may be located within the clear vision zone or otherwise cause a visual impairment by obscuring a driver's or pedestrian's vision			

183.10 SIGN DESIGN STANDARDS.

1. **Building Signs.** The following design standards apply to all permanent building signs.
 - A. Prior to installation of any building signage, all multi-tenant buildings and multi-building commercial centers shall provide a signage plan detailing how and where signage will be allocated to each individual tenant space. This plan shall be adhered to unless an alternate plan is provided to the City by the building owner. In the case of commercial condominium or horizontal property regime, each owner shall be allocated an amount of signage proportional to the size of their unit.
 - B. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
 - C. All building signs, including projecting signs but not including awning and window signs, shall consist of solid individual letters and symbols that have a three-dimensional appearance with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.
 - D. Signs with exposed neon or exposed florescent tubes or light bulbs are prohibited.
 - E. Painted signs, including any lettering, graphics, images, and logos, are prohibited except as may be permitted on awnings and windows.
 - F. Signs in any A-1, R-1, R-2, R-3, or R-4 zoning district shall not be internally illuminated.
 - G. **Panel signs are prohibited**; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed six (6) feet in height and six (6) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.
 - H. No individual letter or symbol shall exceed six (6) feet in height and six (6) feet in width. All letters and symbols should be individually attached to the building wall. Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator.
 - I. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the building wall.
2. **Projecting Signs.** Projecting signs, where permitted by this Chapter, shall comply with the following design regulations:

- A. Placement: The projecting sign shall provide a minimum ten (10) feet of clearance above any sidewalk and a minimum of fifteen (15) feet of clearance above any driveway or street over which the sign is located. The projecting sign shall not extend above the top of the parapet of the wall on which it is located nor above the roof line of the building.
 - B. Design: Signs shall be double-sided and shall project no further than forty-eight (48) inches from the surface of the building façade on which it is mounted or attached.
 - C. Obstructions and Traffic Hazards: Every projecting sign shall be erected in a manner which does not constitute an obstruction or traffic hazard regulated by this Chapter.
 - D. Right-of-Way Encroachment: Any projecting sign proposing to encroach into a public street right-of-way shall first obtain approval from the City of Bondurant for said encroachment.
3. **Ground Monument Signs.** The following design standards apply to all permanent ground monument signs where permitted by this Chapter.
- A. Ground signs shall be restricted to monument grounds signs. Pole signs are prohibited.
 - B. All sign structures shall be architecturally designed and incorporate design details, materials, and colors of the associated building. All sign bases shall be designed and constructed of materials of permanency and strength (i.e. brick, stone, masonry, etc.), and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material.
 - C. All ground signs shall consist of solid individual letters and symbols that have a three-dimensional appearance with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.
 - D. Signs with exposed neon or exposed florescent tubes or light bulbs are prohibited.
 - E. Painted signs, including any lettering, graphics, images, and logos, are prohibited.
 - F. Signs in any A-1, R-1, R-2, R-3, or R-4 zoning district shall not be internally illuminated.
 - G. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed six (6) feet in height and six (6) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.
 - H. No individual letter or symbol shall exceed six (6) feet in height and six (6) feet in width. All letters and symbols should be individually attached to the ground sign. Raceways are

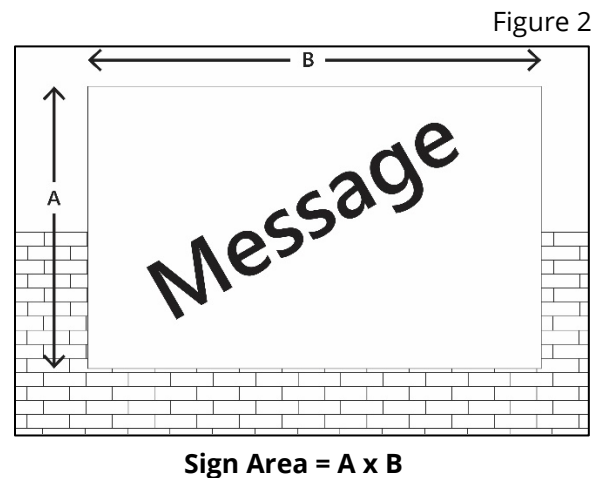
- prohibited. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the ground sign.
- I. Permitted ground signs may include a changeable message sign that is double-sided (back-to-back) and no larger than forty-eight (48) square feet in size per sign face.
4. **Electronic Message Center Signs.** Permitted ground monument signs may include an electronic message center sign that is double-sided (back-to-back), subject to the following design regulations:
 - A. The maximum electronic message center sign size within any non-residential zoning district is forty-eight (48) square feet per sign face, for a double-sided (back-to-back) sign.
 - B. The maximum electronic message center sign size within any residential zoning district is forty-eight (48) square feet per sign face, for a double-sided (back-to-back) sign.
 - C. Electronic message center messages and images may not include video, animation, scroll, or flash and shall not display full-motion graphics in a series of frames to give the illusion of motion or video.
 - D. The images and messages displayed on an electronic message center must have a minimum dwell time of at least eight (8) seconds before changing to the next static image or message.
 - E. Electronic message centers shall be integral to and a part of an approved monument sign.
 - F. An approved monument sign may have more than one individual electronic display provided the total area of all such displays does not exceed the total allowable EMC sign area.
 - G. The brightness of any electronic message center shall not exceed 0.3 foot candles above the ambient light level measured at a distance of sixty (60) feet from the face of the sign. Electronic message centers must be equipped with a light detector or photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
 5. **Sign Area Calculation.** The area of a sign shall be as determined by the Zoning Administrator using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants. The area of each sign type is to be measured with either Formula A or Formula B as noted below. The application of either Formula A or Formula B is established by sign type as defined elsewhere in this article.
 - A. Formula A: The sign area is the sum of the area of two (2) contiguous rectangles, squares or circles that enclose the extreme points or edges of all copy, logos and symbols of said sign.

Figure 1



$$\text{Sign Area} = (A1 \times A2) + (B1 \times B2)$$

- B. **Formula B:** The sign area is the area of one rectangle, square or circle that encloses the extreme points or edges of all areas where copy may be placed on a sign. This area does not include structural or architectural features of the sign where copy will not be located.



$$\text{Sign Area} = A \times B$$

183.11 ENFORCEMENT AUTHORITY. The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this Chapter.

183.12 PERMIT REQUIRED. Except those signs as expressly exempted herein this Chapter, it is unlawful for any person to erect, alter, or relocate any sign or other advertising structure as defined in this Chapter, without first obtaining a sign permit from the Zoning Administrator, and making payment of the sign permit fee as established by resolution of the City Council. Application for sign permits shall be made upon forms as determined by the Zoning Administrator and shall contain or have attached thereto information deemed necessary by the Zoning Administrator to determine compliance with this Chapter. A permit is not required to maintain or repair an existing, legally permitted sign.

183.13 NONCONFORMING SIGNS. Existing legal, nonconforming signs may continue to be maintained and used until they are removed under the terms of this Chapter. Every sign or other advertising structure lawfully in existence on the date of the adoption of this ordinance, but which is prohibited by the terms and conditions of this article, shall not be altered or moved except in compliance with this article.

1. **Modification.** A legal nonconforming sign or sign structure shall be brought into conformity with this Chapter if it is altered, reconstructed, replaced, expanded, or relocated. A change in sign copy, or the replacement of a sign face, is not an alteration or replacement for purposes

of this Chapter, but conditions may be placed on the approval to bring the sign closer to compliance with the intent of the provisions of this Chapter.

2. **Maintenance.** Legal nonconforming signs must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and it is not a change or modification for purposes of subsection 3 herein below.
3. **Removal.** Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:
 - A. Fifty percent (50%) or more of the entire sign structure of a legal nonconforming sign is damaged, destroyed, or for any reason or by any means taken down; or
 - B. The condition of the legal nonconforming sign or legal nonconforming sign structure has deteriorated without maintenance as required by this article; or the legal nonconforming sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event; and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty percent (50%) of the cost of reconstruction of the sign structure; or
 - C. The use of the legal nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of ninety (90) consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

183.14 VARIANCES AND APPEALS. Any variance from these regulations may be approved only by the Board of Adjustment after an application for a permit has been denied for the proposed sign, by the Zoning Administrator as provided in this Chapter. Any person aggrieved by an order, requirement, decision or determination of the Zoning Administrator in the enforcement of this Chapter may file an appeal with the Board of Adjustment in accordance with City Code.

CHAPTER 184 - SUBDIVISION REGULATIONS

184.1	TITLE AND PURPOSE
184.2	JURISDICTION.
184.3	SEVERABILITY.
184.4	DEFINITIONS.
184.5	PROCEDURES.
184.6	PRELIMINARY PLAT REQUIREMENTS.
184.7	FINAL PLAT REQUIREMENTS.
184.8	SUBDIVISION DESIGN STANDARDS.
184.9	PUBLIC PARKLAND DEDICATION.
184.10	CONSTRUCTION OF IMPROVEMENT OR POSTING OF BOND.
184.11	INSEPTION OF PUBLIC IMPROVEMENTS
184.12	WAIVERS.
184.13	AMENDMENTS.
184.14	ENFORCEMENT.

184.1 TITLE AND PURPOSE. The regulations contained herein this Chapter shall be known as the Subdivision Regulations of the City of Bondurant, Iowa. The purpose of this Chapter is to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

184.2 JURISDICTION. This Chapter is adopted by the City governing the subdivision of all lands within the corporate limits of the City, and pursuant to the provisions of Section 354.9 of the Code of Iowa, the City reserves the right to review each and every subdivision plat, and plat of survey, which is proposed to be developed on any and all land in the unincorporated area outside the corporate boundaries of the City, but within two miles of those corporate boundaries. These subdivision plats will be reviewed by the same standards and conditions used for review and approval of subdivisions within the City limits. In the alternative, the City reserves the right granted by Section 354.9(2) of the Code of Iowa and approval pursuant to Chapter 28E Agreements entered into and recorded between any county or city which has also adopted ordinances regulating the division of land which lies within the area of review established by the City. As required in Section 354.9(1) of the Code of Iowa, the City will record the ordinance codified in this section in the office of the County Recorder and file it in the office of the County Auditor of each county wherein land reserved in this section for review of subdivision plats by the City is located.

184.3 SEVERABILITY. If one or more provisions of this Chapter is found by a court of jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this Chapter. The remaining provisions of this Chapter remain in full force and effect.

184.4 DEFINITIONS. For the purpose of this Chapter, certain terms and words are hereby defined. Other terms shall be as defined within Chapter 175 of the Zoning Code and as may be defined elsewhere within the City of Bondurant's Code of Ordinances.

1. **"Access Street"** means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

2. **"Alley"** means a right-of-way that provides vehicle access to abutting lots but is not intended for general traffic circulation.
3. **"Block"** means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
4. **"Building Line"** shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building line shall not be less than required by the Zoning Code. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
5. **"Commission"** means the Planning and Zoning Commission.
6. **"Comprehensive Plan"** means the current version adopted by the City Council of the Comprehensive Plan, Future Land Use Map, and Future Streets Plan.
7. **"Collector streets"** means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
8. **"Cul-de-Sac"** means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
9. **"Easement"** means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
10. **"Engineer"** means a licensed engineer authorized to practice civil engineering, as defined by the licensing act of the State.
11. **"Flag Lot"** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
12. **"Half Street"** means a one-half width street right-of-way on the boundary of a subdivision dedicated by the sub-divider to the City; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.
13. **"Homeowner's Association"** means the association of all the unit owners acting pursuant to the bylaws through its duly-elected Board of Managers in accordance with applicable statutes.
14. **"Lot"** means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

15. **"Major Thoroughfare"** means a street used primarily for fast, large volume traffic.
16. **"Minor Street"** means a street used primarily for access to the abutting properties.
17. **"Performance Bond"** means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.
18. **"Plat"** means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.
19. **"Lot tie agreement"** means an agreement executed by the property owner whereby the property owner agrees that the described lots and/or parcels shall be held under the same ownership and not sold separately unless otherwise approved by the City. Said agreement shall be recorded with the County as a restriction on the subject property.
20. **"Plat, Acquisition"** means a plat that is prepared for or as the result of a conveyance or condemnation of a parcel of land or other corporal real property by the city; other governmental entity; or other persons having the power of eminent domain.
21. **"Plat, Auditor's"** means a plat that is prepared by order of a County Auditor or Assessor to clarify boundaries and descriptions of existing real property interests for the purposes of assessment and taxation, and that does not create any new parcels of land or other divisions of real property, except for conveyance to the city or other public jurisdiction.
22. **"Plat-of-Survey"** means a graphical representation of a survey of not more than two parcels of land, together with a complete and accurate description, that is prepared and sealed by an Iowa licensed professional land surveyor.
23. **"Plat, Subdivision"** means a division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use, that is prepared and sealed by an Iowa licensed professional land surveyor, provided, however, this definition of a subdivision shall not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes.
24. **"Plat, Vacation"** means a plat this is prepared for or as the result of a conveyance of public street right-of-way that has been vacated by the City or County.
25. **"Private Street"** means a street, which is constructed, maintained, and owned by a private organization such as a homeowners association.
26. **"Roadway"** means that portion of the street available for vehicular traffic, and where the curbs are laid, the portion from back to back of curbs.

27. **"Surveyor"** means a licensed surveyor authorized to practice surveying, as defined by the licensing act of the State.

184.5 PROCEDURES.

1. Preliminary Plat Application Required.

- A. Pre-Application Meeting. Prior to the submission of any preliminary plat application, the applicant shall request a pre-application meeting with the Zoning Administrator to review the plat proposal and confirm the appropriate process and application requirements. For preliminary plats within two miles of the corporate limits of the City, a plat application should first be submitted to the County and then to the City. The applicant may request a joint pre-application meeting be held with the City and Polk County to coordinate platting requirements, conditions, and timing of the review and approval process.
- B. Application and Review. Whenever the owner or their designee of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same into two (2) or more lots, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit to the Zoning Administrator a completed preliminary plat application form, required number of copies of the preliminary plat, preliminary plat application fee, and any other information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements. The preliminary plat shall contain such information and data as is outlined in herein this chapter.

The Zoning Administrator or their designee shall examine said preliminary plat application as to its completeness. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items. If determined complete by the Zoning Administrator or their designee, the Zoning Administrator shall be distributed to applicable City departments and utility companies for review and comment to its completeness. The Zoning Administrator or their designee shall compile all City and utility comments and complete a review of the plat as to its compliance with these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan and the Future Land Use Map and Futures Streets Map, and other local, state and federal requirements and shall provide the findings to the subdivider. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items.

At the request of the owner or designee, the preliminary plat shall be forwarded to the Commission for its review, regardless of the Zoning Administrators determination that the preliminary plat is complete.

- C. Review by Planning Commission. Once the preliminary plat has been deemed complete by the Zoning Administrator or their designee, or if the owner or their designee has requested the preliminary plat be forwarded to the Commission, the Zoning Administrator or their designee shall provide a written report to the Commission within thirty (30) days.

After receiving the Zoning Administrator's report, the Commission shall review the preliminary plat and other material for conformity to regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

- D. Review by City Council. The Commission shall submit a report to the City Council with recommendations for approval, approval with conditions, or rejection of such preliminary plat within thirty (30) days after the date of review of said plat to the Commission. Upon receiving recommendations from the Commission, the Council shall consider the same and if the plat is found to conform to the provisions of this chapter, the Council may then approve or deny the preliminary plat.

If the preliminary plat is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Upon making such changes, the developer may resubmit the preliminary plat for approval by the Commission and the Council.

Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

- E. Preliminary Plat Expiration. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within two (2) years after the date of said preliminary plat approval by the Council, unless an extension is approved by resolution of the City Council. In the case of a subdivision that is proposed to be platted and developed in multiple phases, final plat applications for all phases must be presented to the Council within four (4) years of the date of approval of the final plat for the first phase. The preliminary plat for phases not submitted within this time frame shall become null and void, unless an extension is approved by resolution of the City Council.

The preliminary plat application, if not presented to the Commission for review within one (1) year from the date of its initial submittal due to a lack of response by the applicant, shall be deemed withdrawn by the applicant and the application fees forfeited.

- F. Modifications to an Approved Preliminary Plat. Any significant modifications to an approved preliminary plat as determined by the Zoning Administrator, including an increase in number of lots, shall require the application and approval of a revised preliminary plat following the preliminary plat application process as detailed herein above. Minor changes to the preliminary plat may be administratively approved by the Zoning Administrator at their sole discretion.

2. **Final Plat Application Required.**

- A. Application and Review. Upon receipt of a final plat application form, required number of copies of the final plat, final plat application fee, and any other information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements. The Zoning Administrator or their designee shall examine said final plat application as to its completeness. If determined incomplete,

the application shall be returned to the owner or their designee with a list of missing information and items. If determined complete by the Zoning Administrator or their designee, the Zoning Administrator shall be distributed to applicable City departments and utility companies for review and comment to its completeness. The Zoning Administrator or their designee shall compile all City and utility comments and complete a review of the plat as to its compliance with these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan and **Future Transportation Network map**, and other local, state and federal requirements and shall provide the findings to the subdivider. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items.

At the request of the owner or designee, the final plat shall be forwarded to the Council for its review, regardless of the Zoning Administrator determination that the final plat is complete.

- B. **Review by City Council.** Once the final plat has been deemed complete by the Zoning Administrator or their designee, or if the owner or their designee has requested the final plat be forwarded to the Council, the Zoning Administrator or their designee shall provide a written report to the Council within thirty (30) days. Upon receiving a report and recommendations from the Zoning Administrator or their designee for approval or rejection of the final plat, the City Council shall review and consider the final plat. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined herein this chapter.
3. **Recordation of Final Plat.** Within thirty (30) days of approval of the final plat by the Council, the Zoning Administrator shall schedule a time with the owner or designee to record the original copies of the final plat, attachments to subdivision plats required by Section 354.11 of the Code of Iowa, deeds, easements and covenants in the Office of the Recorder of Polk County, Iowa. An approved final plat shall be recorded with the County within sixty (60) days of the date of its approval by the City Council or it shall become null and void.
4. **Expiration of Final Plats.** Final plats shall be recorded with the Register of Deeds within sixty (60) days following City Council approval of land dedicated to public purposes or Planning Commission approval if no land dedication or public improvements are required. Final plats which are not recorded within that time period shall be deemed null and void.
5. **Plats Not Recognized.** The City shall not recognize any plat recorded after the effective date of this chapter that is within the jurisdiction of City of Bondurant but for which City approval as required herein this chapter has not been obtained. No permits shall be issued or approved for any property within said plat.
6. **Acceptance of Public Improvements.**
 - A. **Construction of Improvements or Posting of Bond.** Before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City

- Engineer or their designee shall report that said improvements meet all City specifications and ordinances or other requirements. The requirement for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.
- B. Performance Bonds. Performance bond or certified check shall be for an amount equal to one and one-half times the cost estimated to complete the improvements as certified by the subdivider's engineer or as otherwise may be estimated by the Zoning Administrator or their designee.
- C. Maintenance Bonds. The developer shall warrant the design, material, workmanship, installation and construction of all of the public improvements for the minimum period of time, as provided herein Section 184.8 of this Chapter, after satisfactory completion and City Council acceptance of roadway payment, sanitary sewers, storm sewers and other improvements that are related to drainage, and park infrastructure, and shall cause the warranty to be ensured by independent bond or by other collateral that is found to be acceptable by City Legal Counsel (herein "bond"). The bond shall specifically ensure the expedient repair or replacement of any and all improvements that the City finds to be defective following completion and acceptance and shall indemnify and hold the city harmless from any and all costs or losses resulting from, attributed to or otherwise arising from the defective improvements.
7. **Exceptions**. The following exceptions to the Preliminary Plat and Final Plat procedures shall apply.
- A. Acquisition and vacation plats required by the City or County for the acquisition or disposal of land or right-of-way.
- B. Auditor's plats required by the County Auditor.
- C. Replats, the replatting of an existing subdivision plat, may be approved provided there are no new lots being created, no public improvements are required, and all other zoning and subdivision requirements are met. The review and approval process shall be the same as for a Final Plat.
- D. The division of a single lot, parcel, or tract into no more than two (2) lots or the minor adjustment of lot lines between adjoining parcels may be done by a plat-of-survey, and may be administratively approved by the Zoning Administrator, provided there are no public improvements required and all other zoning and subdivision requirements are met. The Zoning Administrator, at their discretion, may forward any plat-of-survey to the Planning and Zoning Commission and City Council for review and approval.

- E. Merging or combining existing parcels or lots may be approved, subject to execution of a recorded lot tie agreement with the City. The Zoning Administrator shall forward any such request to the City Council for review and approval.
 - F. A Preliminary Plat application can be waived by the Zoning Administrator for a subdivision plat containing five (5) or fewer lots provided there are no required public improvements and all other subdivision requirements are met.
 - G. The subdivider may appeal the determination or decision of the Zoning Administrator related to any of the aforementioned exceptions and related administrative approvals to the City Council.
8. **Plats Outside Corporate Limits.** The procedure for approval of plats-of-survey, preliminary plats, and final plats of land within two miles of the corporate limits shall be the same as set out in Section 184.5 above, except the Zoning Administrator may, after receipt of a request by the applicant, waive the City's review of any plat not located within the planning boundary of the adopted Comprehensive Plan.

184.6 PRELIMINARY PLAT REQUIREMENTS. A preliminary plat is not intended to serve as a record plat and shall be submitted for review separately and prior to the submission of the final plat. Its purpose is to show on a map all facts needed to enable the Planning and Zoning Commission and the City Council to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall comply with the requirements of state law and the following:

1. **Scale and Map Size.** The preliminary plat of the subdivision shall be drawn to the scale of 50-feet to 1-inch. The page sizes shall be 11-inch by 17-inch, if legible, or 24-inches by 36-inches. Multiple pages shall be used, with match lines clearly shown, as necessary to maintain legibility.
2. **Contents of the Plat.**
 - A. Name of subdivision.
 - B. Date.
 - C. Point of compass.
 - D. Legal description of the property being platted.
 - E. Name and address of recorded owner and of developer.
 - F. Name and address of Engineer and/or Land Surveyor.
 - G. Existing buildings, railroads, underground utilities, and other right-of-way.

- H. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
- I. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
- J. Building setback lines.
- K. Areas dedicated for public use, such as schools, parks and playgrounds.
- L. Contour lines at intervals of not more than two (2) feet.
- M. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
- N. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- O. Zoning classification of the area.
- P. Proposed utility service:
 - (1) Source of water supply.
 - (2) Provision for storm water drainage, including calculations of storm water runoff from the site.
- Q. Provision for sewage disposal. All sanitary sewers shall be designed by a registered professional engineer and sized with capacity to permit ultimate development of the area. All areas being platted shall connect to public sanitary sewer service, as required by City Code. However, should the City Council at their full discretion, decide to approve a plat that cannot reasonably be served by public sanitary sewer, the subdivider shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the Polk County. Where applicable, provisions for a Homeowners Association within the subdivision which, pursuant to covenant satisfactory to the City, will be bound to provide for the maintenance of the proposed common structures and uses. Any plat so desired to be approved by the City Council that can reasonably be served by public sanitary sewer at some point in the future, may be required by the City to either construct dry-sewers for future connection or provide a plan and agreements for future sanitary sewer service. The subdivider shall provide easements and agreements for future sewer design, installation, and connection and an agreement to annex, as required by the City.
- R. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- S. Lot numbers.
- T. Proposed street widths.

- U. Stormwater Management Plan. Detailed report setting forth the design parameters for any water detention facility required to reduce the release rate to a five (5) year release rate. The report must include the initial analysis of the storm sewer system and overland flow has to ensure the stormwater drainage plan is adequate to accommodate the runoff from a 5-year storm in storm sewers with overland flow paths to accommodate the runoff from a 100-year storm without adverse ponding.
 - (1) A minimum six (6) foot wide buffer strip shall be located around every stormwater drainage basin directly abutting the overflow water level. The buffer strip should be at least 5:1 or flatter.
- V. Preliminary stream buffer details and plans in accordance with Chapter 167 of City Code, if applicable.
- W. Location, character, and dimension of all existing and proposed easements to be used for utility purposes.
- X. Name, certification and seal of registered land surveyor who prepared the plat.
- Y. Provide bench mark information indicating city datum is being used Y. Show all existing site features and proposed water courses.
- Z. Accompanying Material.
 - (1) Zoning Change Agreement. Where a zoning change is requested in conjunction with or prior to the subdivision process, the city may require the subdivider to provide a Zoning Change Agreement which relegates authority to the City to revert the property back to the original zoning classification if the schedule or requirements set forth by the City are not fully in compliance by a date mutually agreed to by the subdivider and City.
 - (2) Narrative demonstrating how the proposed project is consistent with the land use plan, infrastructure system plans, park plans, and the general goals and policies of the comprehensive plan and any approved infrastructure system or area master plans.
 - (3) Stormwater pollution prevention plan.
 - (4) NPDES Permit application, if required.
 - (5) A master plan of any undeveloped areas surrounding a proposed plat may be required to plan future street, sewer, watermain, trail, stormwater drainage extensions and corridors.
 - (6) An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land.
 - (7) Letter of consent from all persons having an interest in the land to be subdivided, that they consent to the subdivision of the land.

- AA. Any other pertinent information, including, but not limited to, traffic reports, or more detailed soils reports, as specified by the Zoning Administrator.

184.7 FINAL PLAT REQUIREMENTS. Following approval of a preliminary plat, and prior to its expiration, a final plat shall be submitted that includes all or a portion of the preliminary plat area. The final plat shall comply with state code and the following:

1. **Scale and Map Size.** The final plat of the subdivision shall be drawn to the scale of 50-feet to 1-inch for small subdivisions and 100-feet to 1-inch for large subdivisions. The page sizes shall be 11-inch by 17-inch, if legible, or 24-inches by 36-inches. Multiple pages shall be used as necessary to maintain legibility.
2. **Contents of the Plat.**
 - A. Name of subdivision.
 - B. Scale.
 - C. Compass point.
 - D. Curve data including delta angle, length of arc, degree of curve, tangent.
 - E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles; and a table showing mathematical closure of the subdivision boundaries, and also coordinate points of all interior lot corners with reference to one corner of the subdivision if the subdivision contains curve linear lot lines.
 - F. Exact name, location, width, lot designation, and centerline of all streets within the subdivision.
 - G. Easements for public utilities showing width and use intended.
 - H. Stream buffers.
 - I. Building setback lines with dimensions.
 - J. Official legal description of the property being subdivided.
 - K. Lot numbers and addresses.
 - L. Certification of Registered Engineer and/or Land Surveyor.
 - M. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.
 - N. Area for onsite detention for five (5) year release on 100 year storm frequency.
 - O. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's office.

P. Accompanying Material.

- (1) *Plans and Profiles.* Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the South end of the profile shall be at the left side of the drawing.
- (2) Erosion and sediment control plan.
- (3) Final stream buffer details, easements, and agreements in accordance with Chapter 167 of City Code, if applicable.
- (4) Opinion of estimated costs of construction of public improvements.
- (5) A subsidiary drainage plat.
- (6) *Deeds to the City.* A warranty deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use shall be submitted with the final plat.
- (7) *Certificates to accompany the Final Plat.*
 - a. A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be 1120 signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.
 - b. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.
 - c. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
 - d. From the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in said office.
 - e. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
 - f. Performance bond, if any.
- (8) *Record Drawings.* Upon the completion of all public improvements constructed and installed, and prior to requesting the City for a final inspection of any completed site

that is required for final plat approval, the City shall be provided, at no charge, with PDF and CAD file record drawings. These record drawings should show detailed as-built locations and elevations of all public infrastructure improvements and must be certified by a licensed professional engineer and/or licensed surveyor registered in the State of Iowa, who shall stamp and sign the information. A letter from the owner's engineer designing the public improvement stating that all public improvements completed have been made or installed in accordance with City Specifications as shown on the as-built plans.

- (9) Final stormwater management plan signed by a engineer licensed to complete such a plan within the State of Iowa.
- (10) A signed original of any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- (11) A warranty deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
- (12) Executed easement(s), including, but not limited to, Overland Drainage and/or Public Storm Sewer, Public Sanitary Sewer, and Public Water is required by and shall be in a form approved by the City.
- (13) Payment of any platting fees and utility connection fees.
- (14) Other submittal requirements as defined by the Zoning Administrator.

184.8 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

1. **Streets.** The subdivider shall be responsible for the design and construction of all streets within and necessary to serve the proposed development. The City may further require the subdivider upgrade or reconstruct any existing streets connecting to and/or adjoining the proposed development as may be deemed necessary as a result of the propped development and for which the City determines there is a rational nexus to require such. All streets shall be designed, platted, and constructed to the standards contained herein this Chapter.
 - A. Paved Access Required. All subdivisions shall be connected to a paved street. The City Council may require a subdivider to pave or reconstruct all or part of any unimproved or gravel streets adjoining the proposed subdivision.
 - B. Street Access and Frontage Required. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - C. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets

which are a part of an approved preliminary subdivision plat, in adjoining property, at equal or greater width, and in similar alignment, unless variations are recommended by the Commission and approved by the Council.

- D. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, trailways, thoroughfares, or unsubdivided land as may be required by the Council. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads and conform to the proposed streets and provided in the **Future Streets Plan** of the adopted Comprehensive Plan.
- E. Cul-de-sacs. Cul-de-sacs and other roadways with a single point of access should be avoided. Cul-de-sacs will be considered where it can be clearly demonstrated that environmental constraints, existing development, access limitations along arterial streets, or other unusual features prevent the extension of the street to the property line or to interconnect with other streets within or abutting the subdivision or to create lots in conformance this chapter and the Zoning Code regulations. In such situations cul-de-sacs should not exceed 600 feet in length and additional public sidewalks or trail connections may be required to ensure adequate pedestrian and bike circulation.
- F. Temporary Dead-Ends. In a case where a street will eventually be extended beyond the plat but is temporarily dead-ended for no more than a 24-month time period, a temporary turnaround with a 45-ft radius and designed and constructed to support 75,000 lbs. gross vehicle weight may be permitted. If the length of the dead-end segment of street is less than 150-ft and contains no driveways, this temporary turnaround requirement may be waived by the City Council. Temporary dead-end lengths shall not exceed 500 feet.
- G. Street Intersections. Street intersections shall intersect at ninety degrees or as closely thereto as possible, and in no case shall streets intersect at less than seventy-five degrees. Intersection of more than two streets at a point shall not be permitted. Street jogs of less than 300 feet shall be avoided.
- H. Block lengths. Intersecting streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not be less than 300 feet or more than 1,320 feet in length, except where topography or other conditions justify a departure from this minimum/maximum. In blocks longer than 1,320 feet, pedestrian ways and/or easements through the block may be required by the planning commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten feet. Blocks for commercial uses should not exceed 600 feet in length.
- I. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet, unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

- J. Alleys. Alleys shall be platted as public right-of-way and shall not exceed the maximum grades identified for local service street standards as defined in this Chapter. Alleys shall be allowed based on the following:
- (1) In business areas and industrial districts, alleys may be required for adequate access to block interiors and for off-street loading and parking purposes.
 - (2) In residential districts, alleys shall meet the following standards:
 - a. Alleys shall be platted as right-of-way sixteen (16) feet in width. No privately owned alleys shall be allowed.
 - b. Alleys shall be constructed either entirely of concrete or with a twelve (12) foot asphalt drive lane with a two (2) foot concrete band on each side.
 - c. Utilities shall be allowed to be installed in alleys.
 - d. Garages accessing alleys shall be placed a minimum distance from the alley right-of-way based on its orientation. Garages with doors facing the alley shall be located a minimum of twenty-two (22) feet from the alley so as to allow the parking of guest vehicles. Garages with door facing the rear yard shall be placed at least five (5) feet from the alley right-of-way.
 - e. Fences shall not be placed with four (4) feet of the alley right-of-way to provide sufficient sight lines and snow storage.
 - f. Garages shall be placed on lots to maximize visual sight lines into and out of alleys and at any intersections.
 - g. Alley intersections shall be designed to accommodate service vehicle turning such as garbage collection and snow plowing.
 - h. Alleys shall be designed so drainage flows either to the adjacent primary streets or to infiltration basins within the subdivision.
 - i. No parking signs shall be installed at regular intervals throughout.
 - j. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- K. Minimum Street Widths. Streets shall be classified as arterial, collector, or local according to the Comprehensive Plan or as determined by the Zoning Administrator based on the intended function of the street and anticipated level of traffic. Street widths for arterials and collectors must conform to the Statewide Urban Design and Specifications (SUDAS) according to classification.
- L. Minimum Street Rights-of-Way. The minimum standards for street rights-of-way are provided in the following table. Streets shall be classified as arterial, collector, or local according to the Comprehensive Plan or as determined by the Zoning Administrator based

on the intended function of the street and anticipated level of traffic. The right-of-way and paving widths of state owned and maintained highways shall be determined by the State of Iowa. The subdivider shall dedicate to the City all street rights-of-way as herein required and as determined by the City as necessary as a result of the propped development and for which the City determines there is a rational nexus to require such dedication.

Street Functional Classification	Minimum Street Right-of-Way Width
Arterial	100 ft
Collector	70 ft
Local	60 ft
Alley	20 ft

M. Street Grades. Street grades shall be conforming with the requirements set forth in the Statewide Urban Design and Specifications (SUDAS) **and as approved by the City Engineer**.

N. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the trafficway.
- (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the trafficway.

O. Railroads. If a railroad is involved, the subdivision plan should:

- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use.
- (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.

2. **Private Streets**. Private streets may be permitted for single-family attached, multi-family residential, commercial and office developments subject to the following requirements:

- A. Minimum street width of 26-feet from back of curb to back of curb is required.
 - B. A private street which is closed at one end shall be no longer than 600-feet and shall be provided at the closed end with a cul-de-sac or hammerhead turnaround.
 - C. When considering the permitting of private streets, the City will take into account whether the development area can and should be connected to adjacent property. If such is the case, public streets should be required.
 - D. Public infrastructure construction specifications for street pavement thickness, grades, alignment, geometry, maximum cross-slopes, sidewalks, and drainage shall be required for all private street improvements and such improvements shall be subject to the same inspection process as public streets.
 - E. Private street signage including all street signs shall be different than that of public street signage so residents can identify that they have entered a private street. Signage design shall be approved by the Zoning Administrator or their designee.
 - F. Ingress/Egress easements or outlots owned by the association will be required at a design size allowing for the installation of sidewalks, and utilities. All private infrastructure is the sole responsibility of the association.
3. **Street Names.** All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
4. **Lots.**
- A. Corner Lots - Widths. Corner lots shall have a minimum width of eighty (80) feet in order to permit adequate building setbacks on both front and side streets.
 - B. Double Frontage Lots - Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots.
 - C. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
 - D. Lot Size. All lots shall conform to the lot dimensions and area minimum as set forth in the applicable Zoning section of this Ordinance. Where public sewer is not available and for the purpose of complying with minimum health standards, lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

- E. Flag Lots. Flag lots shall not be created, except where approved by Site Plan. Existing Flag Lots shall be re-subdivided prior to issuance of a Building Permit.
- F. Street Access. Each lot shall have satisfactory access to an existing, paved public street, by means of frontage or easement.
- G. Lots in a subdivision over ten (10) lots shall not access directly onto an existing public street or road, but shall face onto and be accessed by a new street designed for that purpose, ~~except that this subsection shall not apply to a subdivision adjoining a home built prior to March 01, 2006, which has direct access to an existing public road or street.~~

5. **Easements.**

- A. **Easements shall be provided as needed for all public sanitary sewers, water mains, storm sewers, and stormwater overland flowage in accordance with good engineering design.**
- B. **Public Utility Easements (PUE's) shall be provided along each side of the front yard lot lines of all lots, and in the case of corner lots, the side street yard, and along such other lot liens as may be required by public and private utility companies.**
- C. **The minimum width for storm and sanitary sewer easements shall not be less than 30 feet and shall be wide enough to allow for the safe excavation of the underground improvement.**
- D. **Easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.**

6. **Improvements.**

- A. General. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the "Iowa Statewide Urban Design and Specifications" on file in the office of the Clerk, under the supervision of the Council and to its satisfaction. **In accordance with the provisions of Section 184.11 herein this Chapter,** inspection shall be provided by the City, at the subdivider's expense, as deemed necessary to assure quality workmanship on all portions of the construction to be dedicated to the City. Said inspection costs shall be paid by the subdivider before final approval will be given.
- B. Grades. All streets, alleys, and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

- C. Paving. All paving of roadways constructed for public use will be installed in accordance with the "Urban Design Standards for Public Improvements" and the "Urban Standard Specifications for Public Improvements" and at grades approved by the City Engineer. Pavement type may be based on characteristics of the roadway.
- D. Streetlights. The proposed development shall provide a streetlight plan for review and approval by the electrical utility with jurisdiction. The subdivider shall coordinate with and pay said utility for the cost of the installation of public streetlights.
- E. Sidewalks. Public sidewalks are required along both sides of new streets. The City Council may, at its sole discretion, waive or defer the construction of sidewalks on one side or both sides of a new street when determined as unnecessary to provide safe pedestrian circulation and access. Public sidewalks, where required, shall be constructed one (1) foot inside with street right-of-way line and a minimum five (5) feet from the street curb. All sidewalks and there ramp intersections for street crossings shall be designed and constructed in accordance with ADA standards. Sidewalks shall be a minimum five (5) feet in width and constructed with PCC a minimum four (4) inches thick with subbase as appropriate for the soil conditions.
- F. Underground Utilities. Improvements such as cable TV, telephone and electric lines, streetlights, gas mains, and similar facilities in any subdivision shall be installed where necessary in any subdivision addition to the City and all utility lines except electric lines of nominal voltage in excess of 15,000 volts, shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in accordance with the "Urban Design Standards for Public Improvements" and the "Urban Standard Specifications for Public Improvements" and in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the 1110 subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the City Engineer.
- G. Soil Erosion and Sedimentation Control. A subdivider shall grade any portion of the area to be subdivided only in conformity with an approved grading plan, including an approved erosion and sedimentation plan, in accordance with the Urban Design Standards for Public Improvements, for the entire area. The subdivider shall provide assurances, satisfactory to the City Engineer, that the grading improvements have been completed in accordance with the approved grading plan. No building or structure shall be constructed that is not in general conformance with the approved grading plan or with an amended plan that has been approved by the City. The subdivider shall provide the City with a copy of the NPDES Discharge Permit Authorization from the Iowa Department of Natural Resources for coverage of the subdivision. A copy of the notification of the IDNR shall also be submitted as development continues into the next addition of the subdivision.

- H. Stormwater Management Facilities. The subdivider shall, at the subdivider's expense, provide the subdivision with a storm sewer system to adequately handle a five-year rain storm. The system shall include basins, culverts, ditches, intakes, manholes, or any structure deemed necessary. All such structures shall meet the City of Bondurant Standard Specifications. In addition, the subdivider shall, at the subdivider's expense, provide the subdivision with overland drainage courses and easements to adequately handle stormwater in excess of a five-year rainstorm and up to a 100-year rainstorm, in accordance with the provisions of Iowa Code Section 364.3(18). For any subdivision containing new streets, the system shall be designed by a licensed engineer registered to practice in the State of Iowa.
- (1) Each lot shall be provided with minimum six-inch diameter storm sewer service line that is a minimum of four feet below ground level, stubbed to the property line, unless the Zoning Administrator determines that sump lines can be taken to an existing overland drainage area. The sump pump line shall be a minimum of one and one-half inches in diameter.
 - (2) The storm sewer system line shall be made of reinforced concrete pipe or polyvinyl chloride (PVC) pipe. The sump pump lines shall be made of PVC, PVC Truss, or PVC corrugated pipe. All structures shall be built in accordance with City of Bondurant Standard Construction Specifications for Subdivisions.
 - (3) The storm sewer system shall be large enough to provide for anticipated extension of use to serve additional areas, as set out in the adopted Comprehensive Plan.
 - (4) Storm sewer service lines shall be connected to the City storm sewer system at intakes, manholes, or directly into the City storm sewer pipe.
 - (5) Tapping storm sewer service lines into the City storm sewers shall be by using approved methods. Should it not be possible to install a storm sewer service, as described above, alternative plans may be submitted for review by the City. No stormwater, surface water, ground water, roof runoff, swimming pool, subsurface drainage, cooling water or unpolluted water shall be discharged into the City sanitary sewer system. Any such discharge into the City sanitary sewer system shall be deemed a public nuisance and a municipal infraction.
- I. Water and Sewers. Shall meet the following:
- (1) Water mains, sanitary sewer lines and storm sewers and their appurtenances shall be constructed and installed in accordance with Iowa Statewide Urban Design and Specifications (SUDAS) and the plans and specifications adopted by the Council.
 - (2) Water and sewer lines shall be made accessible to each lot and to the subdivision's outermost boundaries and extending across the adjacent arterial/collector road at the maximum depth possible, as deemed necessary by the City Engineer, to facilitate the service and development of adjoining and nearby properties within the city.

- (3) At a minimum, water mains shall be eight (8) inches in size, sanitary sewers shall be eight (8) inches in size but may be required to be twelve (12) inches if deemed necessary by the City Engineer, hydrants shall not be farther apart than 350 feet, and storm sewer shall be designed for 5-year storms.
- J. Stream Buffers. Whenever a stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course and shall otherwise comply with the provisions of the City's Stream Buffer Protection and Management ordinance as provided in Chapter 167 of the City Code.
- K. Traffic Control Signs and Street Name Signs. The proposed development shall be responsible for the installation and cost of traffic control signs and street name signs as required by the City.
- L. US Postal Service Cluster Mailboxes. The proposed development shall install cluster mailboxes as required by the US Postal Service.
- M. Homeowners Association. A Homeowners Association shall be created for any development with privately owned streets, utilities, open space, **buffers, stormwater management facilities, drain tiles, sewers**, or other private service which is utilized by more than one homeowner. Any changes in the responsibilities of the Homeowners Association shall require approval of City Council.
7. **Timing of Installation**. All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines, and sanitary sewers from approved parcels shall be laid to sufficient lengths, as determined by the city engineer, to avoid the need for disturbing the street improvements when service connections are made.
8. **Construction Plans**. Detailed construction plans showing the grading plan and all required public and private improvements including streets, stormwater detention facilities, stormwater detention buffer strips, storm sewers, water main, sanitary sewer, and other applicable improvements. The construction plans must show all areas designated as overland flow swales or drainage courses. The construction plan shall include spot design elevations along the flow line of all drainage swales at each property line and mid-lot location exceed 50 feet. The City may require spot elevations to be added at additional locations deems critical to the proper performance of drainage path. Construction of improvements within a subdivision shall not commence prior to the approval of the construction plans unless the City authorizes the start of construction prior to the approval of the construction plans. A minimum six (6) foot wide buffer strip shall be located around every stormwater drainage basin directly abutting the overflow water level. The buffer strip should be at least 5:1 or flatter.

The approval of plans and specifications relative to improvements required by this Chapter shall be effective for a period of one year after the approval. This time period may be extended by the Zoning Administrator, at their sole discretion. If the required improvements are not in place and accepted by the City within the times specified, the approval shall lapse and

construction shall not be started and construction under way shall cease until resubmitted plans and specifications have been approved. The City shall have the right, at the time of the new request for approval, to require the subdivider to use the type of construction, the materials, the methods and standard of subdivision improvements equal to the specifications of the City for like work which are in effect at that time. The City may also require that the subdivider comply with any amended ordinance or ordinances relative to improvements under this chapter or any successor chapter relative to subdivision improvements which have been adopted between the time of initial approval and the renewed approval as herein required. The reapproval as required by this section specifically applies only to the plans and specifications relative to subdivision improvements and has no application as to lot sizes, set backs, lot boundaries, street location or other platting requirements which shall be final on Council approval unless changed by some other method permitted by law.

184.9 PUBLIC PARKLAND DEDICATION. The dedication of public park land is being required to insure that land is properly located and preserved for park and recreational purposes to serve future community growth.

1. **Requirement.** The development of any property for residential purposes shall be required to dedicate public parkland. No new plats or site plans for residential development shall be approved unless the provisions of this section are complied with.
2. **Definitions.** As used **herein this section**, the following terms have the following definitions:
 - A. **"Developer"** means any person, individual, firm, partnership, association, corporation, estate, trust, or other entity proposing to subdivide or build on land to construct residential dwellings.
 - B. **"Minor Subdivision"** means a subdivision with no proposed streets and fewer than four lots.
 - C. **"Multi-Family"** means a dwelling designed for or occupied by three (3) or more families with separate cooking facilities for each. Multi-family for the purposes of park dedication regulations 1113 excludes triplexes and townhomes.
 - D. **"Park"** means an area of land set aside for public use and maintained for recreational purposes.
3. **Exemptions.** The following shall be exempted from the public parkland dedication requirements as long as a claim for exemption is made no later than the time of preliminary plat or site plan application.
 - A. Developments that do not include residential units.
 - B. Minor subdivisions.
 - C. Alterations or expansions of an existing building where no residential units are created and where the use is not changed. This includes the replacement of a destroyed or

partially destroyed building or structure with a new building or structure of the same size and use.

- D. The construction of accessory buildings or structures.
 - E. Developments with existing plats, site plans, or building permits that have received approval prior to the enactment of **this section**.
 - F. Any non-residential uses that are part of a plat or site plan with mixed uses.
4. **Change of Use.** In the case of a change of use, redevelopment, or expansion which requires the approval of an amended plat or site plan, the park dedication requirements shall be based on the new lots or new units being proposed.
5. **Amount to be Dedicated.** This subsection shall prescribe the minimum amount of space to be provided for public park purposes in each proposed development. The amount of parkland dedication is identified by multiplying the amount of park dedication per resident by the development population.
- A. Park Dedication Per Resident. The City seeks to provide 5 acres of public parkland per 1,000 residents. This is equivalent to 0.005 acres of parkland per resident.
 - B. Development Population. The City has determined that the average number of people per dwelling unit varies based on the dwelling unit type. Thus, in order to calculate how many people will be residing in a proposed development the developer must multiply the number of planned dwelling units of each type by the average number of people per unit as identified in the following table:

Dwelling Unit Type	Population/Unit
Single-Family Detached, Single Family Attached, Duplex, Triplex, Townhome or Mobile Home	3.0
Multi-Family	2.0

- C. Calculation. To determine the required parkland for each development, the developer shall take the park dedication per resident identified in A above and multiply it by the proposed development population calculated in B above. For illustration purposes only:

0.005 acres/individual X 225 people (75 lots x 3.0 people/unit) = 1.125 acres.
6. **Acceptable Land Defined.** When a developer is dedicating parkland, the slope, topography, and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose. While wetlands, floodplains, floodways, stormwater detention areas/ponds, and steep slopes may be accepted for City ownership and maintenance, such areas shall not serve as a credit toward parkland dedication. At a minimum, 75% of the area to be dedicated shall be capable of development as active recreation area as determined by it being sufficiently level and uninterrupted by public or private utilities, streams, and drainage ditches.
7. **Payment in Lieu of Parkland.** In lieu of dedicating parkland, the developer may request the ability to make a cash payment. The City Council shall evaluate this request giving due

consideration to all of the factors listed in Section 8A. The donation shall be no less than the minimum number of acres required. A mutually appointed Appraiser will determine parkland Fair Market Value. The Developer shall pay any expenses accrued in the determination of the payment amount.

8. General Regulations.

A. The determination of what land shall be dedicated shall be based on the following:

- (1) The Bondurant Comprehensive Plan and Bondurant Park, Trail and Greenway Master Plan.
- (2) Area master plans.
- (3) The topography and geology of the land within the subdivision.
- (4) The location of existing and proposed parks, trails and greenways.
- (5) The size and shape of the property and the land available for dedication.
- (6) The presence of undeveloped lands adjacent to the development boundary where a dedication may be favorable so as to allow the public parkland to be increased in size when the adjacent property develops.

B. At the time of filing a preliminary plat or site plan, the developer of the property shall, as part of that filing, indicate whether he or she desires to dedicate parkland or pay a fee in lieu thereof. If the developer desires to dedicate parkland, said person shall designate the area on the preliminary plat or site plan. The proposed parkland dedication will be reviewed as part of the preliminary plat or site plan review process. Dedication of land or payment of a fee in lieu shall be completed prior to development recording or issuance of building permits.

C. The developer shall designate on the plat map or site plan the proposed number of dwelling units by type. Designation shall be for park dedication calculation purposes only and such designation shall not constitute approval of the design or location of units. If a number is not designated on the plat or site plan, the total number of dwelling units shall be the maximum number of such units permitted by the existing zoning district. If the developer wishes to change the density, a new plat map or site plan shall be submitted detailing the changes. If the density is increased, the additional dedication amount shall be calculated and will be due before changes can be approved. Should the density be lowered, arrangements will be made to return dedicated property, at the developer's expense, provided that it has not yet been developed as park space.

D. Land conveyed to the City for park purposes shall be conveyed by warranty deed, free and clear of any and all liens and encumbrances, including judgments, attachments, mechanics, and other liens.

- E. The developer shall be required to prepare the parkland prior to dedication in a manner acceptable to the City. This includes:
- (1) The site shall be located adjacent to an improved street with sidewalks and utilities as required by the City. The site shall have 1116 access to such a fully improved street across at least ten (10) percent of the distance of its perimeter. Any access route shall be at least thirty (30) feet wide for trails and fifty (50) feet for roadway access.
 - (2) On-site drainage patterns shall be designed and constructed by the developer with the approval of the City.
 - (3) Grading shall comply with approved plans.
 - (4) Top soil shall be spread evenly and lightly compacted to an adequate depth for turf growth.
 - (5) Seeding shall occur during the fall or spring in accordance with standard specifications of the City. A maintainable stand of grass shall be established prior to acceptancy by the City.

184.10 CONSTRUCTION OF IMPROVEMENT OR POSTING OF BOND. In accordance with the provisions of Section 184.5 herein this Chapter, before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of contractors who have done the work. Maintenance bonds shall be in effect from passage of resolution of acceptance by the Council, then for the following number of years:

1. Concrete paving: 4 years.
2. Storm sewers and appurtenances: 4 years.
3. Sanitary sewers and appurtenances: 4 years.
4. Water mains and appurtenances: 4 years.

This requirement for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check, in an amount determined by the City Engineer, with the Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

184.11 INSPECTION OF PUBLIC IMPROVEMENTS. All public improvements which at any time shall be deeded to the City, including all streets, alleys, sanitary or storm sewers or water works, shall be subject to inspection and verification prior to acceptance. Such verification shall be performed by an engineering firm, furnished by the City, to ensure that such improvements are in compliance with the approved subdivision plans and specifications and all other applicable city and state regulations. All costs for said inspection and verification shall be paid by the developer, prior to approval of the final plat, including, but not limited to, City contractors and subconsultants, the cost of employee salaries and benefits, administrative costs and laboratory testing fees or charges. The engineer, employed by the engineering firm and furnished by the City, shall certify to the City that the improvement was constructed in accordance with the plans as approved by the City. Said engineer shall furnish all inspection reports and record drawings for the improvements for use in locating sanitary or storm sewers and water lines in the future. Inspection reports and record drawings include, but are not limited to:

1. Laboratory and field tests whenever deemed necessary by the engineer to determine compliance with city specifications and with professional standards.
2. Record Drawings, as provided in Section 184.7 herein this Chapter.

An improvement shall not be accepted or approved for public use if improvement has not been properly inspected and verified, or is otherwise determined by the engineer to potentially not be fully compliant with the approved subdivisions improvement plans and specifications or other required standards and specifications. It shall be the developer's duty to document and demonstrate, by whatever means may be necessary that the improvement in question does in fact fully comply with this Code and all other applicable codes and regulations.

Should improvements be found deficient or defective, Owner of development, prior to acceptance, will correct all said deficiencies or defects in order to be in compliance with approved subdivision plans and specifications and all other applicable city and state regulations. The subdivider will be notified in writing by City staff of the specific deficiencies or defects. Withing 30 calendar days of the City's notice, the subdivider must submit a written plan and schedule outlining steps to correct said deficiencies or defects.

184.12 WAIVERS. Where the strict application of standards or requirements established by this Chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such waivers from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this Chapter.

184.13 AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in accordance with the provisions of the Code of Iowa.

184.14 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this Chapter shall not be violated subject to the following:

1. No plat-of-survey, plat or subdivision in the City or within two miles thereof shall be recorded or filed with the County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this Chapter and has been approved by the Zoning Administrator or City Council as prescribed herein.
2. No more than one building permit for a principal structure shall be issued for each separate tract existing at the effective date of this Chapter unless the tract shall have been platted in accordance with the provisions contained herein except planned multiple-family, commercial or industrial complexes under a common ownership and constructed in accordance with an overall site development plan.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the adoption of the regulations in this Chapter unless such subdivision and streets have been approved in accordance with the provisions of this Chapter and the street accepted by the Council as a public street.