

NOTICE OF PUBLIC MEETING

Governmental Body: Van Meter Planning and Zoning Commission Workshop

Date of Meeting: Wednesday, October 30, 2024

Time/Location of Meeting: 5:30pm – 310 Mill Street (City Hall)

Agenda:

1. Call to Order/Roll Call
2. Approval of Agenda
3. Approval of Minutes – 10/09/2024
4. Discussion and Possible Action: Short-Term Vacation Rentals
5. Discussion and Possible Action: Solar Arrays
6. Discussion and Possible Action: Peterson Estates Sub-Division Preliminary Plat Review
7. Discussion and Possible Action: Parcel 24-101 Plat of Survey Review
8. Discussion and Possible Action: Lot 2 Valley View Acres Plat of Survey Review
9. Discussion and Possible Action: 415 Wilson Street Non-Permitted Use for Current Zoning
10. Discussion and Possible Action: 325 Grand Street – Site Plan Review
11. Adjournment

Posted Tuesday, October 29, 2024

Agenda Item #1

Call to Order

Roll Call:

Wahlert _____

Feldman _____

Hulse _____

Miller _____

DeVore _____

Cook _____

Staff:

Guests:

Agenda Item #2

Approval of the Agenda

Chairperson: *Do I hear a motion to approve the agenda?*

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: All in favor? _____ Not in favor? _____

City of Van Meter, Iowa

Planning & Zoning Commission Workshop, Wednesday, October 9, 2024

- 1) The Van Meter Planning & Zoning Commission had a scheduled meeting on September 25, 2024 that was cancelled due to lack of quorum. The Van Meter Planning & Zoning Commission met on Wednesday, October 9, 2024 for a workshop. The workshop started at 5:35pm.
Commissioners Wahlert, Feldman & Miller were present in addition to City Clerk Drake.
Commissioners Hulse, Cook & DeVore were not in attendance.
- 2) The commissioners & City Clerk reviewed proposed amendments to Chapter 161 Rental Housing Code and Chapter 165 Zoning Regulations relating to Short-Term Rental Housing.
- 3) The commissioners & City Clerk reviewed a sample ordinance relating to solar energy systems.
- 4) City Clerk Drake reviewed the upcoming meeting dates for the remainder of the calendar year: October 30 as scheduled, November 27 has been moved to December 2 and December 25 has been moved to January 8, 2025.
- 5) The workshop ended at 6:30pm.

Agenda Item #3

Approval of Minutes

Chairperson: *Any discussion needed on the minutes from the 10/9 workshop?*

Do I hear a motion to approve the minutes from the P&Z Workshop on 10/9/2024?

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: All in favor? _____ Not in favor? _____

Agenda Item #4

Discussion and Possible Action: Short-Term Vacation Rentals

Submitted for: **Discussion and Possible Action**

Legislation was passed in 2020 that essentially prohibits City government from regulating short term rentals (AirB&B, VRBO, etc) or requiring a condition use permit to operate. This was discussed at the Planning & Zoning workshop on 10/9 upon staff & zoning administrator recommendation. Recommendations included adding a definition to our zoning code for Short Term Vacation Rentals (Chapter 165) and adding language in our Rental Housing Code (Chapter 161) that specifically states that Short Term Vacation Rentals are subject to registration & rental inspections just like any other rental. Both of these are permitted under the current legislation. This enables the City to have a tracking mechanism as well a lever for action if there is a failure to comply. In addition, Short Term Vacation Rentals are required to collect hotel motel tax – which can be passed through to the City as a tax revenue if the Council decides to enable the Local Hotel Motel tax through a ballot vote during a general election. This has been discussed with the Finance committee. More to come at a later date on the Hotel/Motel Tax.

Council set the date for public hearing to adopt the changes, but with the understanding that if, upon discussion with the entire P&Z commission, the desire is not to make the proposed changes, the hearing will be cancelled. If the P&Z commission recommends adoption of the changes, the public hearing will be held on 11/11/24 at 7:00pm.

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert_____ Feldman _____Hulse _____ Miller_____ DeVore_____ Cook_____

CHAPTER 165
ZONING REGULATIONS

165.01 Title	165.15 C-2 CBD Central Business District
165.02 Purpose and Goals	165.16 C-3 Commercial District
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165.06 Boundaries	165.20 I-2 Heavy Industry District
165.07 A Agricultural District	165.21 MU Major Utility District
165.08 R-1 Single-Family Residence District	165.22 Exceptions and Modifications
165.09 R-2 Two-Family Residence District	165.23 Parking and Loading Areas
165.10 R-3 Multiple-Family Residence District	165.24 Amendments to the Zoning Ordinance
165.11 R-4 Reserved	165.25 Board of Adjustment
165.12 Planned Unit Development District	165.26 Certificate of Zoning Compliance
165.13 C-0 Commercial-Residential District	165.27 Administration
165.14 C-1 Downtown Commercial District	165.28 Enforcement, Violation and Penalties

165.01 TITLE.

1. Long Title. An Ordinance titled, "The Zoning Ordinance of the City of Van Meter, Iowa, to Repeal All Ordinances in Conflict Herewith; and Establishing Comprehensive Zoning Regulations for the City of Van Meter, Iowa, and Providing for the Administration, Enforcement, and Amendment Thereof," has been adopted by the City, in accordance with the provisions of Chapter 414, of the Code of Iowa.

2. Short Title. Such Ordinance, which is codified in this chapter, shall be known and may be referred and cited as the "Van Meter Zoning Ordinance," to the same effect as if the full title were stated. The map herein referred to and identified as "The Zoning District Map, Van Meter, Iowa," and attendant explanatory matter thereon is hereby adopted and made a part of this Ordinance. (See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)

165.02 PURPOSE AND GOALS.

1. Purpose. The zoning regulations and boundaries herein set forth are made in accordance with a comprehensive plan for the general welfare of the community, for the purpose of promoting a wholesome, serviceable, and attractive municipality, to protect both urban and rural development of the community, to promote aesthetics and natural beauty in the landscape, to preserve and create a more favorable environment in which to rear children and develop permanent good citizenship; and to conserve the value and encourage the most appropriate use of land throughout the community.

2. Goals. The specific goals of this chapter shall be, through the application of its regulations and boundaries to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health, morals, and the general welfare; provide adequate light and air; prevent the overcrowding of land or buildings; avoid undue concentration of population.

165.03 INTERPRETATION AND DEFINITIONS.

In their interpretation and application the provisions of this chapter shall be held to be the minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this chapter shall control. For the purposes of this chapter, the words "used or occupied" shall be deemed also to include "designed, intended or arranged to be used or occupied." The word "lot" includes the words "plot or parcel." Additional words, phrases, and terms used herein are defined and interpreted as follows:

1. "Accessory use, building or structure" means a building, use, or structure subordinate to another building, use, or structure on the same lot which is of a nature customarily incidental to the principal use, building, or structure; and does not alter or change the character of the premises; and which is not used for human occupancy.

2. "Adult entertainment establishment" means a retail or service establishment which is characterized by an emphasis on specialized sexual activity and/or specified anatomical areas, including, but not limited to:

A. Any book store, video store, or other establishment in which a substantial portion of its stock and trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas.

B. Any movie theater offering movies or other displays, or any establishments offering coin operated devices, which emphasize specified sexual activities or specified anatomical areas.

C. Any cabaret, club, tavern, theater, or other establishment which offers any entertainment emphasizing specified sexual activities or specified anatomical areas, including (but not limited to) topless and/or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

D. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional licensed by the State. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa, or similar establishments.

3. "Alley" means a public way, other than a street, 20 feet or less in width providing a secondary means of access to abutting property.

4. "Agriculture" means the use of land and/or buildings for agricultural purposes, including farming, dairying, pasturage, and animal and poultry husbandry; and the necessary accessory uses for packing, treating, or storing the produce provided, the operation of such accessory uses shall be secondary to the normal agricultural activities.

5. "Animal hospital" means any building, or portion thereof, and attached fenced-in kennel area, designed or used for the care, observation, or treatment of domestic animals.

6. "Automobile repair" means the general repair, rebuilding, reconditioning of engines, motor vehicles, or trailers.

7. "Automobile or trailer sales area" means any area of land, building, or structure, where two or more motor vehicles, in running condition; or trailers fully capable of attachment to a motor vehicle are stored for display and sale.

8. "Automobile wrecking yard" means any area of land where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof.

9. "Basement" means a story having more than one-half of its floor-to-ceiling height below grade level. A basement shall not be counted as a story for the purpose of height regulations.

10. "Billboard" means any structure or portion thereof, situated on private property, used or intended for use for advertising purposes, or for public display of posters, painted signs, wall signs, or pictures which advertise a business, attraction, or manufacturing which is not carried on, in, or upon the premises upon which said illustration is located.

11. "Board" means the Board of Adjustment.

12. "Boarding house" means a building other than a hotel, and not open to transients, where, for compensation, meals and lodging are provided for three or more persons.

13. "Building" means any enclosed structure which is built for the support or shelter of human use activities, whether stationary or movable.

14. "Building, height of" means the vertical distance from the average natural grade at the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

15. "Building line": A line parallel to the front lot line over which no portion of the building may extend, and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.

16. "Building, main or principal" means a building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

17. "Bulk stations" means buildings, structures, and tanks used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.

18. "Business" means the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or amusement and recreational enterprises for profit.

19. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to the principal building shall be considered as part of the principal building, and subject to all yard requirements therein.

20. "Clinic, medical or dental" means a building or buildings in which a group of physicians and/or dentists and their professional assistants are associated for the purpose of carrying on their professions.

21. "Club or lodge, private" means a non-profit association of persons who are bona-fide members paying dues; which owns, leases, or hires land, a building or portion thereof, the use of such premises being restricted to members and their guests.

22. "Commission" means the Van Meter, Iowa, Planning and Zoning Commission.

23. "Condominium" means a multiple dwelling consisting of at least three units with a fee title to each dwelling unit which is held independently of the others and each unit having its own separate utilities and the remainder of the real estate is designed for common ownership solely by the owners of the separate dwelling units.

24. "Court" means an open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

25. "Curb level, grade" means the average elevation, where curb and gutter exists, of the highest point of the curb along the front line of the lot. Where no curbing exists, it is to be taken as the average elevation of the centerline of the paving along the front of the lot.

26. "Dwelling" means a building or portion thereof, used primarily as a place of abode for one or more human beings, but not including a tent, trailer, or mobile home, or hotels, motels, boarding houses, and tourist homes.

27. "Dwelling, single-family" means a building designed or used exclusively for occupancy by one family.

28. "Dwelling, two-family" means a building designed or used exclusively for occupancy by two families.

29. "Dwelling, multiple family" means a building, or portion thereof, containing three or more dwelling units.

30. "Dwelling unit" means a dwelling or a portion thereof, used for one family for living, and sleeping purposes, containing bathroom and cooking facilities. One or more persons occupy a single housekeeping unit and using common cooking facilities. Unless related by blood or marriage, no such family shall contain over three persons. Every additional group of three or fewer persons not related by blood or marriage living in said housekeeping unit shall be considered a separate family for the purpose of this chapter.

31. "Floodplain" means that continuous area, adjacent to a stream bed or other natural drainage channels or areas, that is low-lying and subject to periodic inundation by water.

32. "Floor area of building" means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot; except that in residential buildings, basement, and attic floor area not devoted to active use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.

33. "Garage, private" means any building or structure enclosed on more than two sides intended and used for the parking of the private motor vehicles of the families resident upon the premises.

34. "Garage, public" means any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

35. "Home occupation" means any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except those produced thereon. In no event shall a barber shop, salon, gift shop, or animal hospital be construed as a home occupation unless the individual has applied for and received a special use permit pursuant to Section 165.22(7)(A)(7) of this chapter for a special use permit to operate a barbershop or salon. Commodities incidental to the practice of cosmetology or barbering may be sold in the event a special use permit is granted.

36. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to boarding or lodging houses.

37. "Junk yard" means an open area or fenced-in enclosure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including (but not limited to) scrap iron and other metals, paper, rags, rubber tires, and bottles, but not including areas where such uses are conducted entirely within a completely enclosed building, or the processing of used, discarded, or salvaged materials are part of a manufacturing operation.

38. "Kennel" means any premises on which four or more dogs, six months or older, are kept for board, breeding or sale.

39. "Land use plan" means the comprehensive long-range plan for the desirable use of land within the community, as officially adopted and as amended from time to time by the Council; the purpose of the plan being, among other things, to serve as a guide to the zoning and progressive changes in zoning of land to meet changing needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings and uses.

40. "Lot" means a parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, structure, and/or accessory buildings, is sufficient to provide the yards required by the regulations herein given.

41. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

42. "Lot double-frontage" means a lot having a frontage on two or more non-intersecting streets, as distinguished from a corner lot.

43. "Lot interior" means a lot other than a corner lot.

44. "Lot area" means the horizontal area within the lot lines of the lot.

45. "Lot lines" means the lines bounding a lot.

46. "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 legal description of which has been duly recorded.

47. "Lot depth" means the mean horizontal distance between the front and rear lot lines.

48. "Lot width" means the width of a lot measured at the building line and at right angles at its depth.

49. "Mobile home" means any vehicle used or maintained for use as a conveyance upon highways or public streets or waterways; so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.

50. "Mobile home park" means any lot or portion of a lot upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

51. "Nonconforming use" means a building, structure, or premises lawfully occupied or under construction at the time of the enactment of the zoning regulations for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

52. "Nursing or convalescent home" means a building or structure having accommodations and where care and room and board is provided for invalid, infirm, aged,

convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate or contagious cases.

53. "Parking area, public" means an open area, other than a street or alley, designed for use or used for the temporary parking of four or more motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients, or customers, paved with a dust preventative or hard surface.

54. "Parking space" means a permanently surfaced area of not less than 200 square feet either within a structure or in the open, inclusive of driveway or access drives, for the parking of a motor vehicle.

55. "Primary building face" means the side or sides of the building fronting on a street right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

56. "Plat" means a map or chart indicating the subdivision or re-subdivision of land, intended to be duly filed for record.

57. "Row dwelling" means any one of at least three but no more than six attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls and each unit having its own separate utilities. (Also referred to as a "townhouse.")

58. "Satellite receiving antenna" means an accessory structure often called a "dish" or "earth station antenna" the purpose of which is to receive communication, including (but not limited to) radio and television or other signals from satellite and other extra-terrestrial sources whether affixed to the ground as a permanent structure, to the building, or a mobile unit such as a trailer or vehicle.

59. "Short-Term Rental" means any residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests, who pay a fee or other compensation, for a period of less than thirty-one (31) consecutive days. "Vacation rentals" or "Short-Term Rental" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "Vacation Rental" or "Short-Term Rental" do not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families, nor do they include any hotel, motel, or bed and breakfast facility.

6059. "Sign" means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. Any non-illuminated or illuminated sign with non-moving, non-flashing, and non-rotating light conforming to the applicable standards set forth in the categories below is exempt from the general sign requirements of each zoning district. However, such sign must meet all other requirements described for its category:

A. Directional/Informational Signs. Up to four free-standing on-premises signs per nonresidential lot with a maximum height of three feet and a total maximum sign area per lot not to exceed 32 square feet. One off-premises sign for an institutional use may be allowed by special permit from the Zoning Administrator.

B. Flags. Any official governmental flag, or flag displaying the recognized symbol of a non-profit organization.

C. Historical Marker. A marker, monument, plaque, or other type sign or notice located on public or private property which identifies documents or records an historical event pertaining to the structure on which it is located. One sign per building no larger than 12 square feet is permitted.

D. Incidental Signs. A sign pertaining to specific products services, or facilities available on the premise. A maximum of five signs per nonresidential lot with a total maximum of 32 square feet.

E. Institutional Signs. An on-premises sign pertaining to a medical, charitable, religious, educational, or civic institution with a maximum size of 40 square feet.

619. "Specified anatomical areas" means:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

621. "Specified sexual activities" means:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

632. "Story" means that portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it the space between such floor and the ceiling next above it.

643. "Street" means a public or private thoroughfare, being a right-of-way of a required width, which affords a primary means of access to abutting property.

654. "Structure" means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including satellite receiving antenna.

665. "Structural alteration" means any change in the supporting members of a building, including (but not limited to) bearing walls, load bearing partitions, columns, beams, or girders, or any substantial change in the exterior walls or roof, beyond ordinary repairs and maintenance.

676. "Yard" means an open space on the same lot with a building or structure open, unoccupied, and unobstructed by structures, except as otherwise provided in this chapter.

687. "Yard, front" means an open space extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building, other than the usual projection of steps.

698. "Yard, rear" means an open space extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building, other than the usual projection of steps.

7069. "Yard, side" means an open space extending from the front yard to the rear yard between a building and the side lot line.

165.04 GENERAL REGULATIONS.

1. Conformance. The regulations herein set forth shall be minimum regulations, applying uniformly to each class or kind of structure or land.

A. No land, building, or structure shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered which does not conform to the regulations of the district in which it is located.

B. No building or structure shall hereafter be erected or altered: (i) to exceed the height; (ii) to accommodate or house a greater number of families or persons; (iii) to occupy a greater percentage of lot area; (iv) to have less than minimum, in area or dimension, front yards, side yards, rear yards, or other open spaces; or (v) in any manner contrary to the provisions of this chapter.

C. No yard or lot existing at the time of passage of this chapter shall be changed in dimension or area to the extent that it no longer meets the requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements set forth herein.

D. Modular homes, manufactured homes, and mobile homes converted to real property and taxed as real estate, when placed on private property, shall have permanent frost depth footings of a perimeter foundation type or columns/piers and permanently anchored to prevent wind uplift and turnover, as specified in the Building Codes. The vertical space between the perimeter of the first floor and grade level shall be infilled with like material as utilized in site built construction with permanent frost depth footings and foundations.

E. A residence shall contain at least one entry on the street from which the property's address is determined. Such entry is not required to be the primary entry.

2. Nonconformance. Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land structures, or buildings exist that are made no longer permissible under the terms of such Ordinance as enacted or amended, such use, structure,

or building may continue so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance; nor may any building or structure be enlarged or altered in a way which increases or substitutes its nonconformity.

B. No such nonconforming use, structure or building 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 adoption or amendment of the Zoning Ordinance.

C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No such nonconforming structure, if destroyed by an act of God to an extent of more than 85 percent of its replacement cost at time of destruction, shall be reconstructed except in conformity with the provisions of this chapter.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Any building or structure devoted to a nonconforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued to a period not to exceed three years after the enactment of the regulations, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

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.

3. **Street Frontage.** No lot shall contain any building used in whole or part for residence purposes unless such lot abuts on at least one street for at least the minimum width at the minimum front yard depth from the street.

4. **Accessory Buildings.** No accessory building structure or garage that exceeds six feet in height shall be erected, except as provided hereinafter:

A. Accessory buildings, including roof overhangs, shall be at least three feet from lot lines of adjoining lots in any R District. An accessory building within 60 feet of the front yard line shall have a full side yard between it and the side lot line. On a corner lot the accessory building shall conform with the setback regulations of the principal building.

B. Accessory buildings may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure. Such connected accessory buildings shall be considered as part of the principal building for all yard requirements.

C. Accessory buildings shall be at least five feet from any other separate building or structure on the same lot.

D. Any accessory building, including a garage, located in any R District shall comply with the applicable front yard setback for the principal building.

E. Accessory buildings and structures which are constructed above the normal ground surface in any required yard area shall not occupy more than 30 percent of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a garage not to exceed 625 square feet of gross building area.

F. A garage accessory building in any R District shall not exceed 20 feet in height to the highest measured point of the garage accessory building. All other accessory buildings in a residential use in any R District shall not exceed 12 feet in height to the highest measured point of the accessory building, and no accessory building shall exceed the highest measured point of the main residential building or dwelling. Materials used for the roofing and siding of the accessory building must be the same material as that used for the main residential building or dwelling. If the siding of the main residential building or dwelling is brick, stucco, or a materials not available, not longer produced, the accessory building siding may be hard wood panel, lap siding, or simulated vinyl or steel lap siding with the same, blending or matching color to the main residential building or dwelling.

5. Corner Lots. For corner lots, platted or of record after the effective date of the Zoning Ordinance, the front yard regulation shall apply to both yards abutting a street right-of-way. The side yard setback on a reversed corner lot shall not be less than the front yard setback of the interior lot to the rear of said reversed corner lot.

6. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place or any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

7. Division of Property by District Boundaries. When one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification, and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

8. Number of Uses on One Lot. No lot shall contain more than one principal use.

9. Conversion of Dwelling. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be only within a district in which a new building for similar occupancy would be permitted under the zoning regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to

minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking.

10. Minimum Floor Area. Excluding porches, garages, steps, or exterior walls, no dwelling shall contain less in square feet floor area than provided by the following schedules:

A. Single-family detached structures (floor area on ground level):

Number of Floors	Square Feet
1	800
2 or more	600

B. All other dwelling structures (square feet excluding all common areas and common walls):

Number of Bedrooms	Square Feet
0	420
1	520
2	600
3	730
4	870

11. Essential Services. Essential services, including (but not limited to) telephone or other communications, electric power, gas, water, and sewer lines or facilities, including attendant poles, tower, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other distributing equipment, shall be permitted as authorized and regulated by law and other regulations of the City, it being the intent hereof to exempt such essential services from the application of the regulations.

12. Architectural Design and Treatment of Buildings. In order to maintain character, continuity and enhance physical appearance, the following standards shall apply to zoning districts C-0 (nonresidential uses), C-1, C-2, I-1 and 1-2 unless noted otherwise in this chapter. In the event that any of the standards below conflict with other standards, regulations, or requirements of federal, State, County laws or regulations, or as outlined elsewhere within this City Code, the more restrictive regulation shall apply.

A. Façades. All principal and accessory buildings must be constructed so that the primary building face has as its covering natural materials, rather than simulated or synthetic materials. Natural materials include, but are not limited to, stone, stone facing, brick, wood, stucco, clay tile, ceramic tile, quarry tile, terra cotta, and cut stone. Rough-

faced concrete block may be used for an exterior surface where concrete block is the only option because of existing structural conditions or requirements. Materials to be excluded include, but are not limited to, plain concrete block, plain precast, fiberglass, simulated brick and stone, vinyl siding, metal siding and Masonite panels. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the external primary building face must be completely covered with natural materials.

B. Exclusions. This chapter excludes that portion of the primary building face that contains manufactured window frames, window glass, door frames and doors.

C. Awnings. Awnings are allowed on any building consistent with other City codes and requirements. Any awning extending over a public sidewalk or passageway shall require a building permit with a condition of issuance being the Zoning Administrator's determination that the proposed awning complies with the appropriate snow loading standard determined to be appropriate by said administrator.

D. Waiver of Requirements. Any one or more of the requirements set forth herein may be waived by the Planning and Zoning Commission for reasons of safety or engineering, as the Commission may determine. No waiver shall be authorized or permitted for relief from any of the requirements for reasons related primarily to the costs of compliance or aesthetic preferences. Any person seeking a waiver under this section shall submit a written application to the Commission which shall include a detailed description of the safety or engineering need for a waiver.

E. Exception. The provisions of this section shall be applicable in the BP-1 District, except the building façade materials allowed are those set forth in this paragraph. The exterior walls of each building shall be constructed of permanent durable architectural materials. The front façade and each façade facing a street shall incorporate brick, stone, architectural block, architectural concrete panels, architectural wood, architectural steel, glass, or similar materials in the design. Façade materials required for the front façade and street side façades shall be continued for not less than 20 feet on each side adjoining a front façade or street side façade. All other sides of the building shall be constructed and finished in an attractive manner in keeping with the generally accepted standards for a high quality commercial/industrial development. Unfaced concrete block and non-architectural steel shall not be permitted.

F. Exception. The provisions of this section shall not be applicable to any buildings located in an MU District.

13. Visibility at Intersection in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and 10 feet above the centerline grades of the intersection streets in the area bounded by the street lines 40 feet from the point of intersection.

165.05 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

For the purpose of this chapter, the City is hereby divided into the following districts:

- A Agricultural
- C-0 Commercial-Residential
- C-1 General Commercial
- C-2 CBD Commercial
- CF Community Facility District
- I-1 Light Industrial
- I-2 Heavy Industrial
- R-1 Single-Family
- R-2 Two-Family
- R-3 Multiple Family
- R-4 (Reserved)
- R-5 Planned Unit Development District
- BP-1 Business Park District
- MU Major Utility District

165.06 BOUNDARIES.

The boundaries of said districts are indicated upon the Official Zoning Map of the City, and said map and all notations, references, and other information shown thereon, shall be as much a part of this chapter as if the notations, references, and other matters set forth by said map were all fully described herein. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way 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 City limits shall be construed as following such limit lines.
4. Boundaries indicated as following shore or bank lines of a river or body of water, shall be construed to follow such lines, and in the event of change in the shore line shall be construed as moving with the actual shore or bank line; boundaries indicated as following

the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.

5. Boundaries that are indicated approximately as dividing a parcel or lot of property shall be determined by the use of the scale appearing on the map.

6. Boundaries indicated as following railroad lines shall be construed to follow the right-of-way line on that side bordering against the more restrictive use.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.

165.07 A AGRICULTURAL DISTRICT.

1. Intent. The agricultural district is intended and designed to preserve agricultural land from encroachment of urban land uses. Its further purposes are:

A. Facilitating adequate police, fire, and sanitary protection for residential uses.

B. Discouraging the scattering of commercial or industrial uses into outlying areas, resulting in excessive requirements and costs for public services.

2. Principal Permitted Uses.

A. Public parks, playgrounds, and recreation areas.

B. Publicly operated golf clubs, swimming pools, country clubs, or other similar recreation uses, provided that any principal or accessory building in connection therewith shall be located not less than 200 feet from any lot in an R District.

C. Public schools and educational facilities.

D. Cemeteries.

E. Farming, dairying, poultry husbandry and other allied agricultural operations.

F. Nursery and greenhouse, and buildings and structures necessary for the sale of their products, provided said buildings are located not less than 20 feet from any lot line.

G. Non-farm, single-family detached dwellings.

H. Farm dwellings, with all accessory buildings necessary to continue farming operation, provided that no building or confined feed lot, etc., other than a dwelling is located closer than 200 feet to any R District.

3. Accessory Uses.

A. Essential service facilities, including but not limited to poles, towers, pipes, vaults, and valves.

B. Picnic shelters, playground equipment, storage sheds, clubhouses, bath houses which shall not be used as dwellings.

C. Buildings, structures, and uses accessory to agricultural uses such as roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.

D. Private garages or parking areas.

E. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back 10 feet from the right-of-way of a street or highway.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be five acres.

B. Lot Width. The minimum lot width shall be 150 feet.

C. Yard Widths:

(1) The minimum front yard shall be 50 feet.

(2) The minimum rear yard shall be 50 feet.

(3) The minimum side yard being 50 feet; minimum on one side being 25 feet for residential and 50 feet on each side for other uses.

D. Building Height. The maximum building height shall be two and one-half stories, with a maximum height of 35 feet.

165.08 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

1. Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings, to which purpose the specific intent of this section is:

A. To encourage the continued construction and use of the area for single-family dwellings.

B. To prohibit commercial and industrial use of the land, and of any other use which would inhibit single-family development of the area.

C. To discourage any use which would generate heavier than normal traffic on minor residential streets.

2. Principal Permitted Uses.

A. Single-family dwellings.

B. Churches, temples, and accessory buildings.

- C. Public libraries, museums, or similar community facilities.
- D. Public parks, playgrounds, golf course and recreation areas, provided that no such use be operated primarily for gain.
- E. Public and private schools.

3. Accessory Uses.

- A. Private garage or carport.
- B. Temporary buildings erected during the construction of a permitted use.
- C. One sign not exceeding 10 square feet in area referring to the construction, lease, hire, or sale of a building, premises or subdivision lots, which sign shall refer to the property on which it is located, and shall be removed as soon as the premises area sold, leased or construction completed.
- D. Church and school bulletin boards, not to exceed 40 square feet in area. Such bulletin boards shall be non-illuminated or indirectly lighted with non-moving, non-flashing, non-rotating white light.
- E. One sign, non-illuminated, appurtenant to a home occupation or permitted use, not exceeding six square feet on any one side thereof and not more than two sides of such sign shall be used for advertising purposes; the bottom of the surface area of such sign shall not be more than 42 inches above the ground surface upon which is erect.
- F. Professional office of a member of a recognized profession, provided that it is such person's primary residence, not more than one assistant shall be regularly employed therein, and no colleagues or associates shall use such office, and not more than one-half the area of one floor shall be used for such office.

4. Area Regulations.

- A. Lot Area. The minimum lot area shall be 10,000 square feet. Where public sewer and water facilities are not available, the minimum area shall be 20,000 square feet.
- B. Lot Width. The minimum lot width shall be 80 feet.
- C. Yard Width. The minimum yard widths shall be as follows:

Use	Front Yard	Rear Yard	Side Yard
Single-family dwelling	35 feet	35 feet	10% of overall lot width for each side; 8 feet minimum

Single-family dwelling in single subdivision of more than 150 lots with approval of Council	30 feet	25 feet	7 feet per side; minimum 15 feet total
Other buildings	35 feet	45 feet	10% of overall lot width for each side; 8 feet minimum

D. Building Height. The maximum building height shall be two and one-half stories, with a principal building height maximum of 35 feet. Accessory buildings shall be a maximum 12 feet in height.

E. Minimum Single-Family Dwelling Dimensions. Neither the minimum overall width dimensions nor the overall depth dimension of a single-family dwelling shall be less than 20 feet.

165.09 R-2 TWO-FAMILY RESIDENCE DISTRICT.

1. The One- and Two-Family Residence District is established as one designed to provide for a medium density residential development. The specific intent of this section is:

- A. To encourage construction and use of the area for single- and two-family dwellings.
- B. To provide for medium density housing and the attendant rise in traffic on specific collector streets.
- C. To prohibit commercial and industrial use of the land, and of any other use which would inhibit residential orientation of the area.

2. Principal Permitted Uses.

- A. Any and all uses permitted under the R-1 classification.
- B. Single-family dwellings.
- C. Two-family dwellings.
- D. Conversion of one-family dwellings into two dwellings in accordance with all lot area, frontage and yard requirements set forth in this section.

3. Accessory Uses.

- A. Accessory uses permitted under the R-1 classification.
- B. Customary home occupations, conducted entirely and solely by resident occupants in their place of abode; and provided that not more than one-half of the area of one floor be utilized for such purpose; further providing that said occupations require no external or

internal structural alterations, or the use of mechanical equipment not customarily used in dwellings. Customary home occupations to be determined by Board of Adjustment.

C. Nursery schools, or child nurseries provided that the building be located not less than 20 feet from any other lot in any R district classification; provided that 30 square feet of usable interior floor space and 100 square feet of usable outdoor play space is provided for each child. The outdoor play space must be completely enclosed by a fence not less than four feet, nor more than six feet in height.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be 8,400 square feet for single-family dwellings and 12,500 square feet for a two-family dwelling.

B. Lot Width. The minimum lot width shall be 66 feet for single-family dwellings and 90 feet for two-family dwellings.

C. Yard Width. The minimum front yard shall be 35 feet, the minimum rear yard shall be 30 feet for a dwelling and 45 feet for any other building. For two-family dwellings the total side yard requirement shall be not less than 20 feet, with the least side minimum being eight feet. For all other buildings other than two-family dwellings, lots 80 feet or more for each side yard and lots greater than 80 feet wide shall have a side yard equal to or greater than 10 percent of the overall lot width, for each side yard.

D. Building Height. The maximum building height shall be two and one-half stories, with the principal building height maximum of 35 feet. Accessory building height maximum shall be 12 feet.

E. Minimum Dwelling Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single-family dwelling shall be less than 20 feet.

165.10 R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT.

1. The multiple-family residence district is intended to be basically residential in character, designed to:

- A. Stabilize and protect the essential characteristics of the district.
- B. Promote a suitable environment for family life.

C. Permit certain commercial uses of a character unlikely to develop general concentration of traffic.

2. Permitted Uses.

- A. Any and all uses permitted under the R-2 classification.
- B. Multi-family dwellings including row dwellings consisting of at least three and not more than six dwelling units in an attached, continuous row, and condominium dwellings

consisting of at least three but not more than 12 dwelling units in one building or attached structure. Further, for row dwelling units (RDU) and condominium dwelling units (CDU) to qualify as a permitted use under the terms and provisions of this classification, each dwelling unit shall have separate facilities for gas, electricity, sewerage and water.

- C. Private clubs, lodges, or veterans organizations, excepting those holding beer permits or liquor licenses.
- D. Boarding houses.
- E. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
- F. Office of a doctor, dentist, osteopath, chiropractor, optometrist or similar profession.
- G. Professional offices including but not limited to the following: law, engineering, architecture, accounting, bookkeeping, and similar uses.

3. Accessory Uses.

- A. Accessory uses permitted under the R-2 classification.
- B. Storage garages, where the lot is occupied by a multi-family dwelling.
- C. Beauty parlor and barber shop when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one-quarter of the area of one floor shall be used for that purpose. An indirectly lighted sign of not over one square foot in area and attached flat against the building shall be permitted.
- D. One sign not exceeding 32 square feet in area which identifies and describes the property on which it is located. Moving, flashing, or rotating illuminated signs shall not be permitted.

4. Area Regulations.

- A. Lot Area. The minimum lot area shall be as follows:

Use	Minimum Lot Area
Single-family dwelling	8,400 square feet
Two-family dwelling	10,000 square feet, plus 2,500 square feet in excess of the 10,000 square foot minimum for each dwelling unit in excess of two dwelling units
Row dwelling; condominium	15,000 square feet; 20,000 square feet
Bi-attached Townhome	5,000 square feet for each townhome lot

B. Lot Width. The minimum lot width shall be as follows:

Use	Minimum Lot Width
Single-family dwelling	75 feet
Two-family dwelling	90 feet
Row dwelling; condominium	20 feet per unit ; 75 feet
Bi-attached Townhome	40 feet per unit
All other buildings	100 feet

C. Yard Width. The minimum yard widths shall be as follows

Use	Front Yard	Rear Yard	Side Yard
Row dwelling; condominium	30 feet	30 feet	10 feet each side
Bi-attached townhome	30 feet	25 feet	0 feet; 15 foot building separation required
Single-family dwelling	35 feet	30 feet	10 feet each side
Single-family dwellings in single subdivision of more than 150 lot with approval of Council	30 feet	25 feet	7 feet per side; minimum 15 feet total
All other uses	35 feet	30 feet	10 feet each side

D. Building Height. The maximum building height shall be three stories, with the principal building height maximum of 35 feet.

E. Emergency Access. There shall be at least a 10-foot width of unobstructed access to all sides of the structure from the nearest street in order to permit police, fire, and ambulance emergency access.

F. Minimum Dwelling – Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single family dwelling shall be less than 20 feet.

165.11 R-4 RESERVED.

165.12 PLANNED UNIT DEVELOPMENT DISTRICT.

1. Intent. The Planned Unit Development District (P.U.D.) is intended and designed to promote and encourage development or redevelopment of tracts of lands on a planned, unified basis by allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth, in this ordinance and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Although Planned Unit Development Districts may appear to deviate in certain respects from a literal interpretation of the Comprehensive Plan, regulations adapted to such unified planning and development are intended both to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety, creative design and a better living environment.

2. Procedure.

A. The owner or owners of any tract of land comprising not less than ten (10) acres to permit construction of at least thirty-two (32) dwelling units, may submit to the City Council a petition requesting a change to the Planned Unit Development District zoning classification. Each petition shall be accompanied by five (5) copies of a development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development of the entire tract of land. The development plan shall be referred to the Planning and Zoning Commission for study and report, including recommendation, to the City Council. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of architectural design, land use planning and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may approve or disapprove said plan, after a public hearing, as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this ordinance.

B. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or longer period as may be allowed by the Council, five (5) copies of a final development plan for the entire tract of land shall be submitted to the Commission. The final development plan shall then be reviewed by the Commission, for compliance with the Planned Unit Development District standards and substantial

compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. 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 preliminary development plan. The final development plan and final plat shall be approved by the Council and the final plat recorded with the County Auditor and Recorder before any building permit is issued.

C. The Council may make the approval of the development 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 project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

3. Plan Requirements. The development plan shall include, but is not limited to, the following required items:

A. If the proposed development includes common land which will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed by-laws of an owner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:

(1) Requiring membership in the association by all owners of property within the development;

(2) Limiting the uses of the common property to those permitted by the final development;

(3) Granting to each owner of property within the development the right to the use and enjoyment of the common property;

(4) Placing the responsibility for operation and maintenance of the common property in the association;

(5) Giving every owner of property within the development voting rights in the association;

(6) If the development will combine rental and for sale units, stating the relationship between the renters and the owner's associations and the rights renters shall have to the use of the common land; and

(7) The association must be established before properties are sold.

B. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.

C. Any additional agreements required by the Council at the time of preliminary plat approval.

D. Height and exterior design of typical proposed dwellings and the number of dwelling units in each.

E. A plat which shall show building lines; lots and/or blocks; common land, recreation areas, and parks, streets within or abutting the proposed development, existing and proposed easements; parking areas; walks, landscaping and planting areas; development stages and timing of each; and other applicable items required by the subdivision ordinance.

F. Proposed mitigation along the perimeter of the project for protection of adjoining properties, such as larger setbacks, buffer yards, landscaping, walls, fences or other screening, height limitations, architectural or site design, or other provisions.

G. Proposed phasing and timetable.

4. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set forth below, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance.

A. Residential properties shall be used only for residential purposes and the accessory uses as permitted by this section. Uses along project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

B. The following accessory uses shall be permitted on residential properties:

(1) Private garage or carport.

(2) Occupant storage and similar accessory uses.

(3) Non-commercial recreational facilities.

(4) Community facilities including municipal facilities, churches and schools.

C. Commercial uses, including business and professional offices, and retail convenience facilities designed to serve primarily occupants of the planned development may be permitted provided the following conditions are met:

(1) The planned unit development shall provide for a total of at least one hundred and fifty (150) residential dwelling units.

(2) Gross leasable floor area for commercial uses shall not exceed fifteen percent (15%) of the total development area.

D. The Council may require open space or screening be located along all or a portion of the development boundaries. The maximum height of any building located within the development shall be thirty-five (35) feet when adjacent to an "R-1" district.

E. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.

F. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public. The minimum requirement for any P.U.D shall comply with Van Meter Code of Ordinances 170.32 Park and Recreational Areas.

G. Spaces for off-street parking and loading shall be provided in accordance with the zoning requirements of the zoning district in which the P.U.D is constructed. Where a P.U.D is proposed and is contained within two or more zoning districts, parking requirements shall be determined by the City Council, but shall not be any less restrictive than the existing requirements of the zones in which the P.U.D is constructed. Parking lot design considerations shall be as follows:

(1) Parking shall be treated as an integral part of the development in scale, location and character.

(2) Parking shall be arranged to discourage through traffic.

(3) As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade, and/or similar buffers.

(4) Parking areas shall be designed to allow for drainage of surface water without erosion, flooding, and other inconveniences.

H. Signs on-site shall be subject to the provisions of the "C-1" classification.

I. No stage of a development shall contain less than thirty (30) dwelling units.

J. Developments or portions thereof which are being developed for sale or resale shall contain common land in area totaling not less than the minimum requirements of Van Meter Code of Ordinances 170.32 Park and Recreational Areas.

K. Existing trees shall be preserved whenever possible. The location of trees is to be considered in designing building location, underground services, and paved areas.

5. Development Controls. Although P.U.D.s are intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards,

certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this Code.

A. Surety may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.

B. Except where the City agrees to other arrangements, a P.U.D shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.

C. Only those uses that are approved and made a part of the plan, and subject to any conditions attached thereto, shall be permitted.

D. Height, setback, bulk and other requirements set out in the plan shall constitute the basic for and become the zoning requirements, provided that refinements may be made through the final plan approval if not defined as a substantial modification; in lack of any special provisions set out in the plan, the requirements of the most proximate zoning district, as defined by use, shall be applied.

E. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional element and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this the most feasible means of developing the property in terms of access, sewer service or similar physical constraints, or will permit earlier development of common amenities.

F. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility. It is the intent of this Code to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and bulk, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls and berms will channel access and control visual, sound and light pollution; proper architectural use of color, bulk, materials and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrianways, streets and points of access and proper location of parking areas, will reduce congestion and safety hazards, and

help prevent introduction of noise, pollutants and other conflicts into areas with less intensive land use. Other techniques may also be used.

G. There shall be a minimum setback of 20 feet for any garage whose vehicular access faces the street.

H. Permanent care and maintenance of open space, recreation amenities and other common elements shall be provided in a legally binding form. If the common elements are to be maintained by a owners' association, the applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed.

(1) Membership shall be mandatory for each buyer of successive buyer of property within the development.

(2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate, except by approval of both the owners' association and the City of Van Meter.

(3) The owners' association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

(4) Property owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.

(5) The association shall be able to adjust the assessment to meet changes needed.

(6) No change in open space use or dissolution of owners' association shall occur without approval by the City of Van Meter.

6. Validity.

A. In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City. The City Administrator shall review circumstances and prepare a report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning Commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than the applied immediately prior to the rezoning to P.U.D., except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

B. Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan

approval, and a final plat approved within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the P.U.D. subject to review as provided above.

C. The developer shall be responsible for compliance with all prescribed time limits without notice from the City.

(Section 165.12 – Ord. 2020-06 – Mar. 21 Supp.)

165.13 C-0 COMMERCIAL-RESIDENTIAL DISTRICT.

1. Intent. The commercial-residential district is intended to provide for the convenience shopping of persons living in neighboring residential areas and for general uses and activities of a retail and personal service character. Only those uses are permitted which are necessary to satisfy the local needs which occur so frequently as to require commercial facilities in proximity to residential areas. In addition, low-intensity business and professional offices are permitted.

2. Principal Permitted Uses.

- A. Any and all uses permitted under the R-3 Classification.
- B. Retail business or service establishments such as the following:
 - (1) Confectionery stores
 - (2) Delicatessens
 - (3) Drug stores
 - (4) Convenience grocery stores
 - (5) Variety stores
- C. Combinations of the above uses.
- D. Business and professional offices supplying commodities or performing services primarily for residents of the neighborhood.

3. Permitted Accessory Uses.

- A. Any and all accessory uses permitted under the R-3 Classification.
- B. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area used for such use.
- C. On-site exterior signs, which shall be integral or attached to the building. No sign may project over any street line or extend more than six feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more

than four feet above the roof line or 18 inches from the building wall and must be at least seven feet above grade. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than 15 percent of the wall area on which they are located. If the sign is indirectly lighted, it shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way. Moving, flashing, or rotating illuminated signs shall not be permitted. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district; however, this does not apply to the side of the building which is opposite that side adjoining the R district.

D. All exterior signs shall be attached flat against the building.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the R-3 classification for dwelling units. No minimum requirements for any other permitted uses.

B. Lot Width. For a dwelling and any building containing any dwelling units, the minimum requirement shall be the same as that under the R-3 classification. There is no minimum requirement for other permitted uses.

C. Yard Width.

(1) The minimum front yard depth shall be 25 feet, the minimum rear yard depth that the front yard is increased over the 25 feet.

(2) The rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an R district, there shall be a minimum rear yard of 15 feet adjacent to said lot line.

(3) The side yard required for residential uses shall be the same as that for the R-3 classification. There shall be no minimum requirement for any other permitted uses, except when adjoining any R-1, R-2, R-3 district, or street right-of-way, in which case the side yard requirement shall be 15 feet.

D. Building Height. The maximum height shall be two and one-half stories, or 35 feet.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.23(2) of this chapter.

165.14 C-1 DOWNTOWN COMMERCIAL DISTRICT.

1. Intent. The Downtown Commercial District is intended for the conduct of general business to which the public requires direct and frequent access. The regulations set forth in this section are meant to achieve the following purposes:

A. To protect commercial development against the establishment of uses which would create hazards, dust, odors, smoke or other objectionable influences or heavy trucking traffic.

B. To provide appropriate space for strengthening the economic base of the community.

C. To conserve the value of existing commercial buildings.

D. To encourage pedestrian movement in a developed downtown.

E. To encourage minimum development standards that will aid to unify the appearance of the district.

2. Applicability. The standards identified in this chapter shall apply in the following circumstances, and are subject to the site plan submittal and review procedure as identified in Chapter 167.04 of the Municipal Code:

A. New construction of a building(s);

B. Reconstruction of a building(s);

C. Addition and/or expansion to an existing building by 20% or more of the gross area of the existing building;

D. Remodeling of a building when the building permit value is \$25,000 or more. The value is for collective value of improvements and/or development and shall not be circumvented by applying for multiple permits under the established value.

E. The change of surface material type of an off-street parking area, including a material overlay process(es) and/or the expansion of a parking area, of any surface type, by more than 20% of the existing surface lot area.

3. Permitted Uses.

A. Private clubs, lodges, or veterans' organizations.

B. Hospitals, clinics, nursing, and convalescent homes.

C. Any retail business or service establishment, including but not limited to the following:

(1) Animal hospitals, veterinary clinics.

(2) Bank, savings, and loan associations.

(3) Barber shop or beauty parlor.

(4) Clothing, sporting goods store.

(5) Drugstore.

(6) Florist shop.

(7) Furniture, appliance store and repair. Grocery store or supermarket.

(8) Hardware store, plumbing and heating.

- (9) Jewelry store.
- (10) Laundries and laundrettes.
- (11) Office building, business and professional.
- (12) Photographic studio, camera shop.
- (13) Printing shop.
- (14) Restaurant, drive-in restaurant.

(15) Tavern and night club, provided that it is not within three hundred (300) feet of an "R" district; church, school, or convalescent home.

D. Mixed use structure, commercial and residential where the residential use is secondary to the commercial use and where the residential use that is located on the ground floor is less than 40% of the ground floor area and is not located on the primary street façade of the ground floor. No residential occupancy shall be permitted until the commercial use of a lot within this district is complete and a certificate of occupancy is issued.

E. Any and all uses permitted under "C-0" classification.

F. An exception is allowed in this district to Section 165.04(8) of the Municipal Code, Number of Uses on One Lot. More than one principal use is allowable on one lot.

4. Accessory Uses.

A. Any and all accessory uses permitted under the "R-3" classification.

5. Signs.

A. No exterior attached sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade.

B. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located.

C. Indirectly illuminated signs shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way.

D. Internally illuminated signs shall not be moving, rotating, flashing or strobe.

E. Message center signs can display a message in a stop position for a minimum of 5 seconds and then display then next message. The message cannot rotate, flash, strobe or scroll. The message center component shall not exceed 20% of the total sign area.

F. Where the lot adjoins an “R” district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the “R” district; however, this does not apply to the side of the building which is opposite that side adjoining the “R” district.

G. A sign, free-standing, or ground (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of fifteen (15) feet from the property line.

H. Signs Types – Prohibited.

(1) The following sign types shall not be permitted:

- a. Pole signs
- b. Above peak roof signs
- c. Off-premise signs

6. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the “R-3” classification for dwelling units; there is no minimum requirement for any other building. There shall be no minimum lot area for a mixed use, commercial and residential development.

B. Lot Width. There shall be no minimum lot width required.

C. Yard Width.

(1) The minimum front yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the front yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(2) The minimum rear yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the rear yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(3) For each one (1) foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins

the side lot line of a lot in an “R” district, there shall be a minimum rear yard of ten (10) feet adjacent to said side lot line.

(4) The side yard required for residential uses shall be the same as that for the “R-3” classification. There shall be no minimum requirement for any permitted uses, except when adjoining any “R-1,” “R-2,” “R3” district, or street right-of-way, in which case it shall be fifteen (15) feet.

D. Building Height. The maximum height shall be three (3) stories, or forty-five (45) feet.

7. Off-Street Parking and Loading Requirements.

A. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

B. The parking space requirements listed in Section 165.34 and 165.35 Off-Street Loading and Off-Street Parking regulation in the City of Van Meter Zoning Ordinance shall be incorporated except for as follows:

(1) Properties south of Grant Street with frontage on Wilson, West, or Grant shall have no off-street parking minimum standards.

(2) Properties north of Grant Street with frontage on Wilson, West or Grant shall provide off-street parking at the minimum standard required to provide sufficient staff parking for the proposed business use as recommended by the City Engineer through a review of the proposed site plan.

(3) All mixed-use structures containing residential uses shall provide a minimum of one (1) off-street parking stall for each residential unit.

(4) Off-street parking requirements can be satisfied via shared parking agreements should off-street parking requirements be impossible to meet on the proposed lot. In such instances, shared parking agreements must be included with site plan submittals and shall be drafted in such a way that they run with the land.

C. Required parking spaces shall have a minimum size of nine (9) feet wide by eighteen (18) feet long exclusive of access drives, aisles, or ramps. The length of parking stalls may be reduced to sixteen and one-half (16 ½) feet including wheel stops if an additional one and one-half (1 ½) feet is provided for the overhang of wheels.

D. Parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.

E. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project. Parking areas shall be designed to minimize headlights shining into residential properties.

F. Uses which predominately occur during different times may share parking if it can be demonstrated that collectively the minimum number of parking spaces is provided at all times.

G. Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:

(1) The parking must not extend into the required front yard setback.

(2) A single parking aisle with parking on one side, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable.

H. Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and or turf. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

8. General Provisions.

A. Chain link fences shall not be allowed. Fences shall not exceed 4-feet in height when located in the front yard setback and may not exceed 6-feet in height when located in the side or rear side yard.

B. Paving shall not be allowed over or through the City-owned right-of-way in front of any commercial use, except for driveways providing access to an approved parking lot.

C. Minimum off-street parking requirements must be contained entirely outside of the public right-of-way.

D. All regular business must take place inside a structure, except for authorized outdoor dining or an authorized special/seasonal event permit.

E. Multiple buildings are allowed on one zoning lot.

F. Exterior storage of goods and equipment is not permitted.

G. Only one driveway approach shall be permitted on each street frontage, of each premise. At locations where driveways are not shared with an adjoining property each driveway shall be placed in such a way as to not impede the visual clearance to access the public street.

H. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private street.

I. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

9. Design Guidelines.

A. All attached or detached garages shall be placed towards the rear of a building except on a corner, where the side may also be allowed. These can be accessed via privately controlled lanes and alleyways.

B. One story commercial buildings shall be constructed to appear of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.

C. Driveway locations shall be spaced such that they are at least 5 feet from any adjacent driveway.

D. Shared driveways are allowed.

E. Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.

10. Architectural Standards.

A. The front façade, or any façade that directly abuts a public right-of-way including a street side yard of any building shall be at least fifty (50) percent brick or masonry stone.

B. All sides of buildings visible from the public right-of-way shall be architecturally treated to produce an aesthetically pleasing façade that is compatible with surrounding buildings and cohesive as development block. Exterior materials of commercial quality shall include brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints.

C. Exterior building walls may also be constructed of wood, fiber cement board, architectural concrete masonry units that contain variances in texture and/or integral color, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street façade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations. Smooth face concrete masonry units shall not be allowed.

D. All rooftop mechanicals must be placed or screened in such a way that they are not visible from any public street, alleyway, or park. Rooflines should have the appearance of a flat structure. In instances where a peaked or gable roof is existing and will not be modified structurally, design elements shall be designed such that the roof appears to be flat and screened in such a way that the peak of the structure is not visible. This regulation shall apply to property as follows:

(1) Properties with frontage on Grant Street, Wilson Street and West Street.

E. The front façade and street side façade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.

F. Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be compromised of at least twenty-five (25) percent windows and doors at the ground level.

G. Accessory structures that are not open for business to the public are exempt from the window and door requirements of Subparagraph E above provided they are placed between the rear of the primary building and rear yard setback and are not visible from the public street. The structure is subject to compliance with Subparagraph B above.

H. All structures must be constructed on permanent foundations and may not be placed in a temporary manner.

11. Curbs and Curb Cuts. The number of curb cuts for any development shall be minimized to the greatest extent possible to provide for controlled ingress and egress.

A. All curbs shall be vertical curbs. No curb cut shall be greater than twenty-five (25) feet at the property line and thirty-five (35) feet at the curb line in accordance with the established City standards.

B. No curb cut for freight lanes shall be greater than thirty-five (35) feet at the property line and forty-five (45) feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

12. General Landscaping and Buffering Requirements.

A. No certificate of use shall be authorized unless all landscaping requirements are met. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.

B. Landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic.

C. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

D. Landscape vegetation shall consist of species compatible with conditions in central Iowa.

E. Minimum requirements, trees:

(1) Two (2) trees or two (2) trees per three thousand (3,000) square feet of required open space, or

(2) Fifty (50) percent of the required trees may be two (2) inch caliper and the remaining required trees may be eight (8) feet to ten (10) feet in height and one and one-half (1.5') inch caliper.

(3) The trees shall be balled or burlap stock.

(4) The minimum height for evergreens shall be six (6) feet and may be counted as 2-inch caliper for requirements.

(5) The trees must live for at least twelve (12) months after planting or be replaced by the landowner.

F. Minimum requirements, shrubs:

(1) One shrub shall be planted for every one-thousand (1,000) square feet of open space, but no less than three shrubs per lot.

G. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred-twenty (120) square feet.

(1) The use of ornamental shrubs and coniferous trees shall be encouraged.

(2) The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

H. A landscape barrier shall be located between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area. The barrier shall be a minimum of six (6) feet in height consisting of a natural material such as ornamental fence, an earth berm or an opaque hedge or any combination thereof.

I. At a minimum, one tree shall be provided every twenty-five (25) linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area.

J. The provisions of the subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this ordinance.

K. The perimeter(s) of the lot adjacent to public rights-of-way, shall include a strip of land of at least ten (10) feet in depth located between the right-of-way and the off-street parking or other vehicular use area(s), and shall be landscaped as follows:

(1) One (1) tree for every twenty-five (25) feet, or fraction thereof of lineal frontage. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area.

(2) The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the planting strip.

(3) A hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier.

(4) The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

(5) Ground cover plants shall form a solid mat or cover over the ground within a twelve (12) month period. Sod shall be employed when grass is used as a ground cover in Zone 1. Non-living material shall not be used as the primary ground cover device but may be used in conjunction with living plant material to develop an ornamental landscaping effect.

(6) Non-living materials such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum depth of three (3) inches and shall be used in conjunction with an appropriate landscape weed control fabric.

(Section 165.14 – Ord. 2021-07 – Mar. 21 Supp.)

165.15 C-2 CBD CENTRAL BUSINESS DISTRICT.

1. Intent. The C-2 District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the business district. No property shall be zoned C-2 unless it lies adjacent to property zoned C-2 commercial.

2. Principal Permitted Uses. Any and all uses permitted under the C-1 commercial classifications.

3. Accessory Uses. Any and all accessory uses permitted under the C-1 commercial classification.

4. Area Requirements.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless the side yard is adjacent to an R district, in which case the side yard shall be at least 15 feet.

D. Building Height. The maximum height shall be three stories or 45 feet.

165.16 C-3 COMMERCIAL DISTRICT.

1. Intent. The C-3 Commercial District is intended for the conduct of general business.

2. Principal Permitted Uses. Any and all uses permitted under the commercial classifications except that no residential use may be used in C-3 even if otherwise allowed under C-0, C-1, or C-2.

3. Accessory Uses. Any and all accessory uses permitted under the C-2 commercial classification.

4. Area Requirements.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless the side yard is adjacent to an R district, in which case the side yard shall be at least 15 feet.

D. Building Height. The maximum height shall be three stories or 45 feet.

165.17 CF COMMUNITY FACILITY DISTRICT.

1. Intent. The Community Facility District is intended to accommodate buildings used for general community based activities.

2. Permitted Uses.

A. Veterans organizations.

B. Recreation and community meeting space within a common facility.

3. Permitted Accessory Uses.

A. Exterior signs located along access drive adjacent to street right-of-way shall be a monument type sign.

B. All other exterior signs shall be attached against the building.

C. Pole-mounted wind energy conversion system with a maximum density of one system for each five acres, or fraction thereof.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be four acres.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless a yard is adjacent to an R District, in which case the side yard shall be at least 25 feet; however, such minimum lot requirement shall not apply to any part of the property less than 50 feet in width.

D. Building Height. The maximum height shall be three stories, or 45 feet.

E. Off-Street Parking. Spaces for off-street parking shall be provided based on the projected use and occupancy of the building. The provisions of Section 165.23(2) of this chapter shall not be applicable for the CF District.

F. Wind Energy Conversion Systems. Maximum pole height: 80 feet; minimum distance from pole to property line: 30 feet except minimum distance to a property line adjoining a residential zoning district: 75 feet.

165.18 BP-1 BUSINESS PARK DISTRICT.

1. Intent. The Business Park District is intended for the conduct of business that is appropriately located within a large identified business area and for business that is generally in the service sector or intellectual property sector and does not require frequent access by the public. The regulations set forth in this section are meant to achieve the following:

A. To provide appropriate space for strengthening the economic base of the community.

B. To locate non-retail businesses not requiring direct public access in areas where suitable utilities and other resources are available.

C. To provide an area within the community where businesses desiring a large business park setting can develop without conflicting residential or commercial uses.

2. Permitted Uses. The permitted uses within the district encompass a wide range of non-retail and non-manufacturing commercial enterprises with said uses focusing on the service sector including businesses providing services associated with data and intellectual property. Permitted uses shall include the following and businesses of a similar nature:

A. Data processing centers.

B. Transaction processing centers.

C. Services sector office buildings.

D. Banking support services.

E. Non-retail support for retail business or service businesses.

F. Professional office buildings.

3. Accessory Uses.

A. On-site wells used for backup water supply.

B. Standby power generators used for emergency power, provided such generators are equipped with appropriate sound dampening enclosures and mufflers.

C. Wind generators at a density of no more than one for every three acres; provided, no wind generator can be located within 200 feet of the exterior boundary of a parcel except no wind generated can be located within 300 feet of a residential zoning district. The height of the mounting pole for a wind generator may not exceed 120 feet, except with approval by the City Council.

D. Fuel storage for standby generators.

E. Electric substations used to support business operations.

F. Exterior building security measures.

G. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than eight feet or length of more than 35 feet, or ground monument signs not exceeding six feet in height or 15 feet in length.

4. Area Regulations.

A. Lot Area. The minimum area shall be 10 acres.

B. Lot Width. There shall be no minimum required lot width, except no lot may have a width less than 25 percent of its longest dimension.

C. Yard Width.

(1) The minimum front yard depth shall be 50 feet.

(2) The minimum rear yard depth shall be 50 feet.

(3) The minimum side yard depth shall be 25 feet on all sides other than the front and rear.

165.19 I-1 LIGHT INDUSTRIAL DISTRICT.

1. Intent. The Light Industrial District is established as a district permitting only those commercial uses as specified in the principal permitted uses under this section. It shall be the declared purpose of this classification to promote industrial enterprises and to discourage residential building and subdivisions in the light industrial zone. It is intended to provide for light manufacturing uses which are conducted primarily within an enclosed building, and of a non-nuisance character.

2. Principal Permitted Uses. The following commercial uses:

A. Adult entertainment.

B. Automobile, truck, trailer, motorcycle, bicycle, boat and farm implement, including sales, service, repair and accessory stores but not including wrecking, rebuilding or used parts yards.

- C. Locker plant for storage and retail only.
- D. Lumber yard - retail only.
- E. Printing shop.
- F. Restaurant, drive-in restaurant.
- G. Automobile, tractor, and farm machinery assembly and repair.
- H. Concrete mixing, concrete products manufacture.
- I. Contractors' equipment or storage yard.
- J. Creamery, dairy, ice cream manufacture, or bottling works.
- K. Custom shop for making articles or products sold at retail on the premises.
- L. Freight storage or warehouse, packing and crating, express, carting or hauling stations, trucking yard or terminal.
- M. Laboratories.
- N. Manufacture, assembling, compounding, processing, packaging or comparable treatment of the following: small electrical equipment such as instruments, radios, phonographs, television, electronic tubes, coils, condensers, photographic equipment and other similar types of products.

3. Accessory Uses.

A. On-site exterior signs, which shall be integral or attached to the building. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than 15 percent of the building frontage per side of building. Such signs shall be non-illuminated or may be illuminated with non-moving, non-flashing and non-rotating light from a source not visible from the public right-of-way. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district. A sign, pole (a sign wholly supported by a sign structure in the ground), shall have at least eight feet clearance between the bottom of the sign and the ground and shall not exceed 20 feet in height with a maximum of 50 square feet of sign area per side and shall have a setback of no less than two feet from the street right-of-way and may not extend over the public right-of-way. A sign, ground or free-standing (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall), shall not exceed 32 square feet in area on each side and shall have a setback of at least 20 feet from the street right-of-way.

- B. Accessory uses and structures customarily incidental to any principal permitted use.
- C. Accessory uses permitted in the C-2 District.

4. Required Conditions.

A. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or water-carried waste.

B. Each adult entertainment establishment shall be located a minimum of 1,000 feet from any existing adult entertainment establishment.

C. Each adult entertainment establishment shall be located a minimum of 500 feet from any residentially-zoned area, church, school or park. Such measurements shall be a horizontal distance between the property line of the proposed adult entertainment establishment and the nearest residential zoning line or property line of any church, school or park.

5. Area Regulations.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Widths. The minimum front yard width is 30 feet. The minimum rear yard width shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required. There shall be no minimum side yard, except adjacent to an R District, in which case, not less than 50 feet.

D. Building Height. The maximum building height shall be three stories but not more than 50 feet.

165.20 I-2 HEAVY INDUSTRY DISTRICT.

1. Intent. The Heavy Industry District is established as a district in which the principal use of land is for heavy commercial and industrial establishments, which may create some nuisance and which are not properly associated with or compatible with residential, institutional, and commercial-service establishments. The intent of this section is to:

A. Encourage the construction of and continued use of the land for heavy commercial and industrial purposes.

B. Prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district.

C. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section.

2. Principal Permitted Uses.

A. Uses permitted in the I-1 District, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises

requiring them to live on said premises, including such families of such employees when living with them.

B. Any other use not otherwise prohibited by law; provided, however, the following uses shall be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Commission:

- (1) Acid manufacture.
- (2) Cement, lime, gypsum, or plaster of Paris manufacture.
- (3) Distillation of bones, coal tar, petroleum, refuse, grain, or wood.
- (4) Dump.
- (5) Drilling for or removal of oil, gas or other hydrocarbon substance.
- (6) Explosives manufacture or storage.
- (7) Fat rendering.
- (8) Fertilizer manufacture.
- (9) Garbage: offal or dead animal or fish reduction or dumping.
- (10) Gas manufacture.
- (11) Glue manufacture.
- (12) Grain elevators, grain drying or fee manufacture, provided that provisions are made for the recovery of the dust.
- (13) Foundry casting, lightweight non-ferrous metals.
- (14) Commercial swine and/or cattle feeding stations.
- (15) Junk yard, including automobile and truck wrecking.
- (16) Mineral extraction, including sand and gravel.
- (17) Petroleum or petroleum products refining.
- (18) Rubber goods manufacture.
- (19) Smelting of ores.
- (20) Stockyard or slaughter of animals, except poultry or rabbits.
- (21) Tannery.
- (22) Junk yard, provided all activities are conducted within a solid fenced enclosure.
- (23) Mining, sand and gravel pits.

(24) Salvage yard, automobile, tractor or machinery wrecking and used parts yards, provided all activities are conducted in a closed building. The salvage yard shall be completely closed with a solid fence.

3. Accessory Uses.

- A. Signs used and permitted under the C-1 classification.
- B. Accessory uses incidental to a principal permitted use.

4. Required Conditions.

- A. All principal or accessory structures housing a use permitted under the I-2 classification shall be located a minimum 200 feet from any R district.
- B. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.

5. Area Requirements.

- A. Lot Area. No minimum.
- B. Lot Width. No minimum.
- C. Yard Widths.

(1) The minimum front yard shall be 30 feet.

(2) The minimum rear yard width shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case none is required.

(3) There is no minimum required side yard, except adjacent to an R District, in which case not less than 200 feet as specified above.

D. Building Height. The maximum building height shall be 75 feet. For all building heights greater than 45 feet, the minimum yard width shall be increased one horizontal foot for each vertical foot in excess of 45 feet to the maximum allowed building height.

165.21 MU MAJOR UTILITY DISTRICT.

1. Intent. The Major Utility District is intended to provide suitable locations for major utilities facilities necessary for the providing of public or privately owned utility services to support business and residential uses in and adjacent to the City. The regulations set forth in this section are meant to achieve the following:

A. To provide appropriate space for municipal utility infrastructure facilities, including water treatment plants and wastewater treatment plants.

B. To provide appropriate space for major electrical substations.

C. To provide space for similar major utility facilities.

2. Permitted Uses. The permitted uses within the district encompass a range of major utility facilities necessary to provide services for business and residential development within and adjacent to the City. Permitted uses shall include the following and uses of a similar nature:

- A. Water treatment plants.
- B. Wastewater treatment plants.
- C. Electrical substations.

3. Accessory Uses.

A. Standby power generators used for emergency power, provided such generators are equipped with appropriate sound dampening enclosures and mufflers.

B. Fuel storage for standby generators.

C. Security fencing and other means of providing site security.

D. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than two feet or a length of more than 20 feet, or ground or monument signs not exceeding four feet in height or eight feet in length.

E. The required, or advisable, warning signs attached to an exterior security fence or installed in a manner to provide the required notification.

4. Area Regulations.

A. Lot Area. The minimum area for a water treatment plant shall be one-half acre. The minimum area for all other uses shall be three acres.

B. Lot Width. There shall be no minimum required lot width.

C. Yard Depth.

(1) The minimum front yard depth for a water treatment plant shall be 30 feet. The minimum front yard depth for all other uses shall be 50 feet.

(2) The minimum rear yard depth for a water treatment plant shall be 30 feet. The minimum rear yard depth for all other uses shall be 50 feet.

(3) The minimum side yard depth shall be 10 feet on all sides other than the front and rear for a water treatment plant. The minimum side yard depth shall be 25 feet on all sides other than the front and rear for all other uses.

D. Building Height. The maximum building height shall be 45 feet.

E. Ancillary Systems Height. The maximum height for any ancillary system, not incorporated in a building shall be 80 feet.

165.22 EXCEPTIONS AND MODIFICATIONS.

1. Use of Existing Lots of Record. In any district where dwellings are permitted under the provisions of this chapter, a single-family dwelling may be located on any lot or plot of official record, recorded prior to the effective date of the Zoning Ordinance, irrespective of its area or width, provided, however:

A. The sum of the side yard widths of any such lot or plot shall not be less than 30 percent of the width of the lot, with the least side width being a minimum 10 percent of the lot width.

B. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than 20 feet.

C. When two or more lots or plots have continuous frontage under single ownership, such lots shall be considered buildable only in combinations which meet the area requirements of the district in which they are located.

2. Structures Permitted Above the Height Limit. The building height limitations set forth in prior sections of this chapter shall be modified as follows:

A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers, spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereinafter adopted ordinances of the City.

B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, where permitted in a district, may be erected to a height not exceeding 45 feet. Churches and temples when permitted in a district may be erected to a height not exceeding 60 feet if the building is set back from each property line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

3. Existing Double Frontage Lots. Buildings on through lots and extending from street to street shall provide the required front yard on both streets.

4. Computation of Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens onto an alley, one-half of such alley may be assumed to be a portion of the yard.

5. Additional Yard Exceptions. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches, including roof overhang. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed

with a front yard greater than required by this chapter, the following rule shall apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

- A. Building located entirely on the rear half of a lot shall not be counted.
- B. No building shall be required to have a front yard greater than 50 feet.
- C. If no building exists on one side of the lot within 200 feet, the minimum front yard shall be the same as that for the building on the other side.

6. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the Zoning Ordinance shall be zoned an A District until the Commission and Council shall have studied the area and adopted a final zoning plan for the area in accordance with procedures set forth in this chapter. The final zoning plan shall be adopted within three months of date of annexation.

7. Special Use Permits.

A. The Council may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all persons owning and/or occupying property within 200 feet, excluding public right-of-way, of the proposed location at least 15 days in advance of hearing by special delivery letter, and to the remaining affected property owners at least 15 days prior to the hearing by placing notices in a paper of general circulation in the City.

(1) Any public building erected and used by any department of the City, Township, County, State or federal government.

(2) Airport or landing field.

(3) Community building or recreation field.

(4) Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an education, religious, philanthropic, or eleemosynary character, provided that the building shall be set back from all yard lines such distance as may be required by the City Council in said special use permit.

(5) Pre-schools.

(6) Public cemetery.

(7) Barber shop or salon.

(8) Bed and Breakfast or Recreation Lodge. "Bed and breakfast" means a single- or two-family residential dwelling which is owner occupied and operated and provides lodging with meals for compensation for a period not to exceed two weeks and which rents out no more than three guest rooms, with no more than two beds in each room. "Recreation lodge" means a building or establishment containing no more than three guest rooms

where short term sleeping accommodation (not to exceed two weeks), or day use for indoor recreation events, with or without meals, are provided for compensation.

B. In the case of a barber shop or salon, the permit shall not be considered in the event the barber shop or salon employs or retains as an independent contractor, or shareholder any person other than the owner, joint-tenant, or tenant-in-common of the dwelling. In the case of a salon, the use permit shall be renewed on an annual basis at an annual cost of \$45.00. The special use permit is renewable only upon proof of the salon's license renewal on an annual basis. The special use permit is renewable for a barber shop on a biennial basis upon proof of the barber shop's license renewal at a cost of \$90.00 per biennium.

C. Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Commission, which shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed, provided, however, that if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the said Commission. Prior to the issuance of the special use permit by the City Clerk, the applicant shall pay the actual costs of publication and postage expenses incurred for the notices required by this section.

D. The special permit shall not be transferable to any subsequent or substitute owner. Further, the special permit issued may include time limits, and other conditions or safeguards deemed necessary or appropriate by the City Council. Violations of any of the conditions or safeguards herein shall be deemed a violation of this chapter and punishable under the provisions of this chapter. In addition, the special permit in connection with such violation shall be subject to revocation by the City Council.

8. Area Requirements. In any R district, where public water supply and public sanitary sewer is not accessible, the minimum lot area and frontage requirements shall be determined by the Council, in keeping with the general objectives of this chapter. In no case shall the minimum lot area be less than 20,000 square feet.

165.23 PARKING AND LOADING AREAS.

1. Off-Street Loading Space. In any district, every building or part hereafter erected, having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 4,000 square feet. Each loading space shall be a minimum of 10 feet in width, 35 feet in length.

2. Off-Street Parking Area.

A. In all districts, except C-2 Commercial, space for off-street parking and storage of vehicles shall be provided in accordance with the following minimum schedules:

- (1) Automobile sales and service garage: 100 percent of gross floor area.
- (2) Bowling alleys: five spaces for each alley.
- (3) Churches and schools, funeral home, mortuary: one space for each five seats in the principal auditorium.
- (4) Dwelling: one and one-half spaces for each dwelling unit.
- (5) Hospitals and nursing homes: one space for each four beds.
- (6) Hotels, apartment hotels - one and one-half spaces for each unit.
- (7) Manufacturing plant: one space for each three employees.
- (8) Motels: one space for each unit.
- (9) Retail markets, supermarkets, etc. - 250 percent of gross floor area.
- (10) Any development in the BP-1 Zoning District - not less than one parking space for each employee based on the maximum number of employees projected to be present at any time, plus 20 percent, rounded to the nearest whole number; except for less than 25 employees the minimum number of parking stalls shall be five more than the maximum number of employees projected to be present at any time.
- (11) Any development in the MU Zoning District.
 - a. Any development where one or more vehicles are regularly present at the facility for more than one hour per day the development must provide four designated parking stalls, except if the maximum number of vehicles projected to be present at any time on the site is greater than three the minimum number of parking stalls shall be based on the maximum number of vehicles projected to be present at any time plus two stalls.
 - b. For any development where vehicles are not present on a regular basis for more than one hour per day, designated parking stalls are not required provided the maximum number of vehicles can be accommodated on a paved or granular surface with all vehicles being located a minimum of 10 feet from any property line.

B. All public or private parking areas shall be developed or maintained in accordance with the following requirements:

- (1) No part, except entrance and exit, or any parking lot, shall be closer than five feet from any street right-of-way, alley line, or residential lot line.
- (2) Any off-street parking area for five or more vehicles shall be hard surfaced with asphalt concrete or Portland cement concrete or other similar material of a permanent nature.

165.24 AMENDMENTS TO THE ZONING ORDINANCE.

1. Procedure. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed, upon initial action by the Council, or upon application by the owner of the land involved, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least seven days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City, and in at least three conspicuous places within the City, one of which shall be the City Hall, one of which shall be upon the property in question, in the form of a sign approximately two feet square, posted in at least one location on each officially recorded lot or plot, along the front lot line of said lot or lots; and one of which shall be on a public bulletin board. When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those lots or parcels of land within a 200 foot radius of the boundary lines of the proposed change, then such amendments shall not become effective except by the favorable vote of three-fourths of the City Council. No provision of this subsection should be construed to impact a change in requirements with regard to an existing zoning classification. In the case of additional or different requirements for an existing use, the only notice provided will be publication as required by Code of Iowa Section 414.4 as amended from time to time.

2. Filing Fees. Before any action shall be taken as provided in this part, the party or parties proposing a change in district regulations or boundaries shall have deposited with the City Clerk the sum of \$75.00 to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

3. Rejection of Amendments. In the event any application seeking amendment of the Zoning Ordinance is submitted by the owner of the land involved and such application for amendment to the Zoning Ordinance is rejected by the Council, no application seeking amendment to the Zoning Ordinance as it affects the same real estate shall be considered by the Commission for 60 days from the date the Council rejects the previous application.

165.25 BOARD OF ADJUSTMENT.

1. Procedure.

A. Board Created. A Board of Adjustment is hereby established, which shall consist of five members. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by Statute.

B. Meetings. The meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson or, in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All

meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the inspector of buildings. Such appeal shall be taken within 10 days by filing with the inspector of buildings and with the Board a notice of appeal specifying the grounds thereof. The inspector of buildings shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the inspector of buildings certifies to the Board, after notice of appeal should have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the inspector of buildings, and on due cause shown. The Board shall fix a reasonable time not to exceed 60 days for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of \$15.00 to be credited to the general fund of the City.

2. Powers and Duties of the Board. The Board shall have the following powers, and it shall be its duty:

A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the inspector of buildings in the enforcement of this chapter.

B. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other strict application of the terms of this chapter actually prohibits the use of this property in a manner reasonably similar to that of other property in the District, or where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly demonstrable hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this chapter.

C. To permit the following exceptions to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

(1) To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

(2) To permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of the Zoning Ordinance, but in no case shall such extensions of the district boundary line exceed 40 feet in any direction.

165.26 CERTIFICATE OF ZONING COMPLIANCE.

1. No land shall be occupied or used, and no building hereafter 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 Zoning Administrator, stating that the building and use comply with the provisions of this chapter.

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 Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this chapter.

3. Nothing in this part shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

4. Certificates for zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within 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 Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

5. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of zoning compliance, and no building or premises shall be occupied until that certificate and permit is issued.

165.27 ADMINISTRATION.

1. Zoning Administrator. The City Council shall appoint a Zoning Administrator, who shall be charged with the responsibility of enforcement of this chapter. The Zoning Administrator shall have the following powers and duties:

A. To inspect and approve the zoning compliance application for conformance to the Zoning Ordinance, before the building permit is issued by the Building Department.

B. To report all zoning violations to the City Council, including a written report of the facts pertaining to such violation.

C. To attend all meetings of the Commission.

D. To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations by such Board.

2. Plats. Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this chapter. The Zoning Enforcement Officer must approve such building permit applications for conformance to the Zoning Ordinance before a building permit can be issued.

165.28 ENFORCEMENT, VIOLATION AND PENALTIES.

1. Enforcement. The City Council shall enforce the provisions of this chapter through the proper legal channels, but may delegate the duty of administering it to such officials of the City as it may deem proper. Any person objecting to the ruling of any official on the administering of the provisions of this law shall have the right to appeal to the Board of Adjustment.

2. Violation and Penalties. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, the City or adjacent or neighboring property owners who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, is guilty of a misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.01 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

Ordinance No.

Date Adopted

Ordinance No.

Date Adopted

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.01 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

Ordinance No.

Date Adopted

Ordinance No.

Date Adopted

206

October 26, 2009

208

January 11, 2010

212

June 14, 2010

214

August 11, 2010

220

April 12, 2011

227

July 9, 2012

233

March 11, 2013

240

September 9, 2013

243

March 10, 2014

244

March 10, 2014

242



March 10, 2014

252

June 2, 2016

2018-01

July 23, 2018

2018-02

October 8, 2018

2018-03

October 8, 2018

2019-01

July 8, 2019

2019-02

September 9, 2019

2020-03

May 28, 2020

2020-04

June 8, 2020

2020-07

July 13, 202

2023

January 23, 2023

PROPOSED

Agenda Item #5

Discussion and Possible Action: Solar Energy Systems

Submitted for: **Discussion and Possible Action**

The City doesn't have specific language that applies to solar array placement (requiring roof only or allowing ground) but ground mounted solar arrays are becoming more and more contested and cities are rapidly moving away from allowing ground mounted solar. This was discussed at the Planning & Zoning workshop on 10/9 upon staff & zoning administrator recommendation. Recommendations included added specific language pertaining to solar energy systems, language allowing roof mounted solar, and language prohibiting ground mounted solar arrays.

Council set the date for public hearing to adopt the changes, but with the understanding that if, upon discussion with the entire P&Z commission, the desire is not to make the proposed changes, the hearing will be cancelled. There was discussion at the Council level about possibly allowing ground mounted solar arrays in Business Park zoning.

If the P&Z commission recommends adoption of the changes, the public hearing will be held on 11/11/24 at 7:00pm.

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert_____ Feldman _____ Hulse _____ Miller _____ DeVore_____ Cook_____

~~165D.09~~165.22 (9) SOLAR ENERGY SYSTEMS/SOLAR PANELS.

1. Purpose. The purpose of the regulations of this Section is to balance the need for clean, renewable energy sources with the need to protect the public health, safety, and welfare. The regulations of this Section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited, and installed in the corporate limits of the City.

2. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Solar Energy System (SES)" means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters, and accessory equipment such as utility interconnection and battery banks, in such configurations as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. "Large Solar Energy System (LSES)" means a solar energy system that has a nameplate rated capacity of over twenty-five (25) kilowatts in electrical energy for non-single-family residential uses and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy 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 in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

C. "Small Solar Energy System (SSES)" means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty kBtu of thermal energy for residential uses and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy 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 in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

D. "Solar Energy System, Building Integrated" means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building's vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.

E. "Solar Energy System, Building Mounted" means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

F. "Total System Height for Building Mounted System" means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

G. "Off Grid" means an electrical system that is not connected to a utility distribution grid.

H. "Solar Access" means a property owner's right to have sunlight shine on his land.

I. "Solar Energy" means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

J. "Utility Scale Solar Energy System" means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.

K. "Kilowatt (kW)" is equal to 1,000 watts.

L. "Watt (W)" is the International System of Units' standard unit of power, the equivalent of one (1) joule per second.

M. "(kBtu)" means kilo (thousand) British thermal units, a common unit of energy management.

3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts with the corporate limits of the City, subject to the stated limitations:

A. A building integrated system is allowed in any zone.

B. A building mounted system attached to a roof of a principal or accessory building is allowed in any zone.

C. Large solar energy systems (LSES) are not allowed in residential zones.

D. Utility scale solar energy systems are not allowed unless approved and authorized by the City Council.

E. Off grid solar energy systems are not allowed.

4. Requirements for Construction or Installation.

A. Interconnection Agreement. In order to install and construct any SES, the owner or operator is required to complete the Interconnection Agreement and submit to the City of Sergeant Bluff.

B. Building Permit Required. It shall be unlawful to construct, erect, install, alter, or locate any SES within the corporate limits of the City, unless approved with a building permit. The application for a building permit shall include:

(1) A site plan drawn to scale showing the following:

- a. Existing structures on the lot;
- b. Proposed system location;
- c. Property lines;
- d. Setbacks of existing and proposed structures;
- e. Right-of-ways and easements; and
- f. Utility diagram applicable to proposed system.

(2) Elevation views and dimensions.

(3) Manufacturer's photographs.

(4) Manufacturer's spec sheet including capacity.

(5) Standard drawings, specifications of system components, and dimensional representations of the system and all its parts, including the supporting frame and footings.

(6) A single line drawing in accordance with the Interconnection Agreement diagram in sufficient detail to allow for determination that the manner of installation conforms to the National Electric Code and the requirement of the utility provider.

(7) Systems to be mounted on existing buildings, an engineered analysis showing sufficient structural capacity of the receiving structure to support the SES per applicable code regulations, certified by an Iowa licensed professional engineer.

C. Compliance with all Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other federal, state, and local agencies/departments prior to erecting the system.

D. Installation and Inspections. Installation shall be subject to inspections by the City building inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire, and electrical codes. All electrical components must meet code recognized test standards.

E. Color. The color of the support base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement, or orientation of the system, and if necessary, adding screening to block glare.

F. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.

G. Signage. No advertising or signage other than the manufacturer's identification logo and signage as required by applicable building codes and electrical codes.

H. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such a dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.

I. Displacement of parking prohibited. The location of the SES shall not result in the net loss of minimum required parking.

J. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator.

K. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.

L. Restriction on Use of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for onsite use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code.

M. Shutoff. A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Building Inspector.

N. Electromagnetic Interference. The SES shall be designed and constructed so as not to cause radio or television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocating or removal of the facilities, subject to the approval of the appropriate city authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.

O. Solar Access Easements. The enactment of this Section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided on site. Such covenants, easements, or similar documentation are the sole responsibility of the owner/operator to obtain and maintain. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined, and the easement document executed in compliance with the regulation contained in Iowa Code chapter 564A (access to solar energy).

P. Removal. If the SES remains nonfunctional or inoperative for a continuous period of 180 days, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure; collector panels and related equipment form the property excluding foundations. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.

Q. Nonconforming Systems. An SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all of the provisions of this Section shall be considered a legal nonconforming structure under the provisions of the Zoning Code sections 165A.26 through 165A.28.

R. Unsafe Condition. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.

S. Bulk Regulations.

(1) Location.

a. No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the Zoning Administrator.

b. No SES shall be constructed within twenty (20) feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.

i. No part of the SES shall be located within or over drainage, utility, or other established easements, or on or over property lines.

ii. The SES shall be located in accordance with the regulations for accessory use in the Zoning Code section 165A.22 and meet the accessory setbacks as required for the zoned district in which the SES is being placed.

iii. The SES shall not be located with the front yard setback, side yard setback, or street side setback for the zoned area it is being installed.

iv. No portion of the SES shall be located closer than five (5) feet from the principal building or to any other building or structure on the lot or location. In addition, the SES shall not occupy more than 30% of the rear yard.

v. The setback from underground electrical distribution lines shall be a minimum of five (5) feet.

vi. No SES shall be located which may obstruct vision between a height of thirty (30) inches and ten (10) feet on any corner lot with a vision triangle of twenty-five (25) feet formed by intersecting street right-of-way lines.

d. Building Mounted SES.

i. The SES shall be set back not less than one (1) foot from the exterior perimeter of the roof for every one (1) foot the system extends above the parapet wall or roof surface.

ii. Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.

iii. The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the

proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights, or equipment.

iv. Access pathways for the SES shall be provided in accordance with all applicable building, fire and safety codes.

v. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

e. Building Integrated SES.

i. No setback required.

ii. Access pathways for the SES shall be provided in accordance with all applicable building, fire, and safety codes.

iii. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(2) Height.

a. Building Mounted SES.

i. The collector panel surface and mounting system shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof.

ii. The collector panel surface and mounting system shall not extend higher than seven (7) feet above the roof surface of a flat roof.

b. Building Integrated SES. The collector panel shall maintain a uniform profile of surface with the building's vertical walls, window openings, and roofing.

(3) Size.

a. Unless otherwise defined in this subsection, the size of the SES is calculated by measuring the total surface area of the collector panels for the system.

b. For a Building Mounted SES, the system size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.

c. For a Building Integrated SES, the system size will be determined by the available building surface area subject to the installation, minus the required access pathways.

5. PROHIBITED.

A. Ground-Mounted Solar Panels and Ground-Mounted Solar Arrays are prohibited in all zoning districts.

Agenda Item #6

Discussion and Possible Action:

Peterson Estates Sub-Division Review

Submitted for: **Discussion and Possible Action**

The City received the enclosed plat for a subdivision located within 2 miles of city limits. The City's review is to determine if the plat must comply with the City's subdivision ordinance.

Factor 1 (Location) - The plat is located to the southwest of the City and that area has not been identified as an area of future growth for the City.

Factor 2 (# of additional, build-able lots) - The plat only creates 2 new lots.

Factor 3 (Required Public Improvements) -

Roads - Located on gravel, plat would only encompass 1/2 the ROW on Prarieview Ave

Stormwater Drainage - Rural acreage typically do not require stormwater drainage improvements

Sewer - The City does not have and does not anticipate sewer service to this area.

The City Engineer recommends approval of the plat & waiving of compliance with the subdivision ordinance.

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert _____ Feldman _____ Hulse _____ Miller _____ DeVore _____ Cook _____

LAW OFFICES

JORDAN, OLIVER, WALTERS & SMITH, P.C.

FARMERS & MERCHANTS STATE BANK BUILDING
POST OFFICE BOX 230
WINTERSET, IOWA 50273-0230

TELEPHONE (515)462-3731
FAX (515)462-3734

MARK L. SMITH

JERROLD B. OLIVER
Of Counsel

G. STEPHEN WALTERS
Of Counsel

KYLE A. WEBER
Associate

September 23, 2024

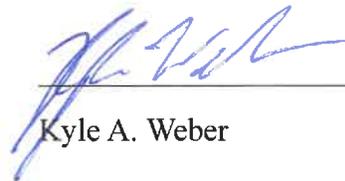
Van Meter City Hall
310 Mill St
Van Meter, IA 50261

RE: Peterson Estates Subdivision – Lauterbach Family Farm Limited Partnership a Proprietor

To whom it may concern:

Please find the enclosed Resolution Approving the Final Plat of Peterson Estates Subdivision in Madison County, Iowa. This Resolution is required as the proposed subdivision is within two miles of the City of Van Meter. Also included is a Plat of Survey for the Subdivision. After completion, please mail the signed Resolution back to our office at Jordan, Oliver, Walters & Smith, PC, Attn: Kyle Weber, PO Box 230, Winterset, IA 50273. Please call me with any questions at (515) 462-3731.

Sincerely,



Kyle A. Weber

**RESOLUTION APPROVING FINAL PLAT
OF THAT PETERSON ESTATES SUBDIVISION
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the City Clerk of the City of Van Meter, Dallas County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Peterson Estates Subdivision; and

WHEREAS, the real estate comprising said plat is described as follows:

The Northeast Quarter (¼) of Section Nine (9), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of said Section Nine (9), containing 3.500 acres, as shown in Plat of Survey filed in Book 2024, Page 964 on May 3, 2024, in the Office of the Recorder of Madison County, Iowa

WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the proprietor, Lauterbach Family Farm Limited Partnership.

WHEREAS, said plat was accompanied by a complete abstract of title and an opinion from an attorney at law showing that title in fee simple is in said proprietor and that the platted land is free from encumbrance and a Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

WHEREAS, the City Council of the City of Van Meter, Dallas County, Iowa, finds that said plat conforms to the provisions of the Ordinances of the City of Van Meter, Dallas County, Iowa, and that the plat, papers and documents presented therewith should be approved by the City of Council of the City of Van Meter, Dallas County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City of Council of the City of Van Meter, Dallas County, Iowa:

1. That said plat, known as Peterson Estates Subdivision, prepared in connection with said plat and subdivision is hereby approved.

DATED at Van Meter, Iowa, this ____ day of _____, 2024.

CITY OF VAN METER, IOWA

By _____
_____, **Mayor**

ATTEST:

City Clerk

INDEX LEGEND

COUNTY: MADISON
 LOCATION: NE 1/4 SEC 9-77N-27W
 REQUESTOR: LANCE LAUTERBACH
 PROPRIETOR: IPE1031 REYS13, LLC
 SURVEYOR: CHAD R ASBERRY, L.S.
 SURVEYOR COMPANY: COOPER CRAWFORD & ASSOCIATES, LLC
 475 S 50th STREET, SUITE 800
 WEST DES MOINES, IOWA 50265
 RETURN TO: COOPER CRAWFORD & ASSOCIATES, LLC

PETERSON ESTATES PRELIMINARY PLAT

SITE ADDRESS:
 1115 PRAIRIEVIEW AVE
 VAN METER, IA 50261

BASIS OF BEARINGS:
 IOWA STATE PLANE SOUTH ZONE #1402
 I.D.O.T. REAL-TIME NETWORK

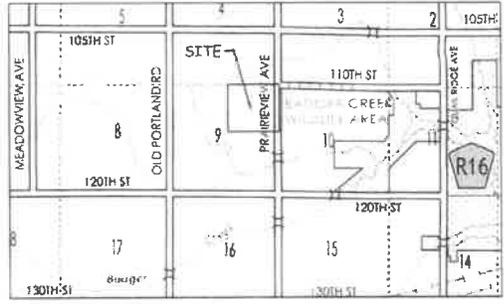
FIELD WORK:
 12-19-2023

RECORDER'S USE ONLY

LEGAL DESCRIPTION:

THE NORTHEAST QUARTER (NE 1/4) OF SECTION NINE (9), IN TOWNSHIP SEVENTY-SEVEN (77) NORTH, OF RANGE TWENTY-SEVEN (27) WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, EXCEPT PARCEL 'C' AS SHOWN ON A PLAT OF SURVEY IN BOOK 2024 PAGE 964 IN THE COUNTY RECORDER'S OFFICE
 CONTAINING 195.295 ACRES, WHICH INCLUDES 1.960 ACRES OF COUNTY ROAD RIGHT OF WAY EASEMENT

VICINITY MAP



ZONING:

A-AGRICULTURAL

TOTAL AREA SUMMARY:

195.295 ACRES (GROSS)
 1.960 ACRES (R.O.W.)
 193.335 ACRES (NET)

OWNER/DEVELOPER:

IPE1031 REYS13, LLC
 35448 OLD PORTLAND ROAD
 VAN METER, IA 50261
 TEL: 515-280-9800

CERTIFICATION



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE REAL-TIME SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

CHAD R. ASBERRY, L.S., LICENSE NO. 24820
 MY LICENSE EXPIRES ON 12/31/2024
 THESE SHEETS COVERED BY THIS SEAL
 SHEETS 1 AND 2

SURVEY NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
2. THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, APPARENT OR OF RECORD.
3. THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 10,000 FEET AND EACH LOT WITHIN THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 5,000 FEET.
4. THE ENTIRE PROPERTY LIES OUTSIDE THE LIMITS OF THE FEMA FLOOD PLAIN.
5. BUILDING SETBACKS:
 -FRONT YARD: 50 FEET
 -REAR YARD: 50 FEET
 -SIDE YARD: 25 FEET
6. PROPOSED WATER TO BE RURAL WATER.
7. PROPOSED SEWER TO BE INDIVIDUAL SEPTIC SYSTEM.
8. DRIVEWAY ENTRANCES SHALL BE CONSTRUCTED AT A MINIMUM OF 24 FEET WIDE AT THE LOCATIONS DEPICTED ON THIS SURVEY. LOCATIONS ARE MEASURED TO THE CENTERLINE OF THE ENTRANCE FROM THE NEAREST NORTH OR SOUTH LOT LINE.
9. ALL MONUMENTS TO BE PLACED WITHIN ONE YEAR OF THE RECORDING DATE OF THIS PLAT.

LEGEND

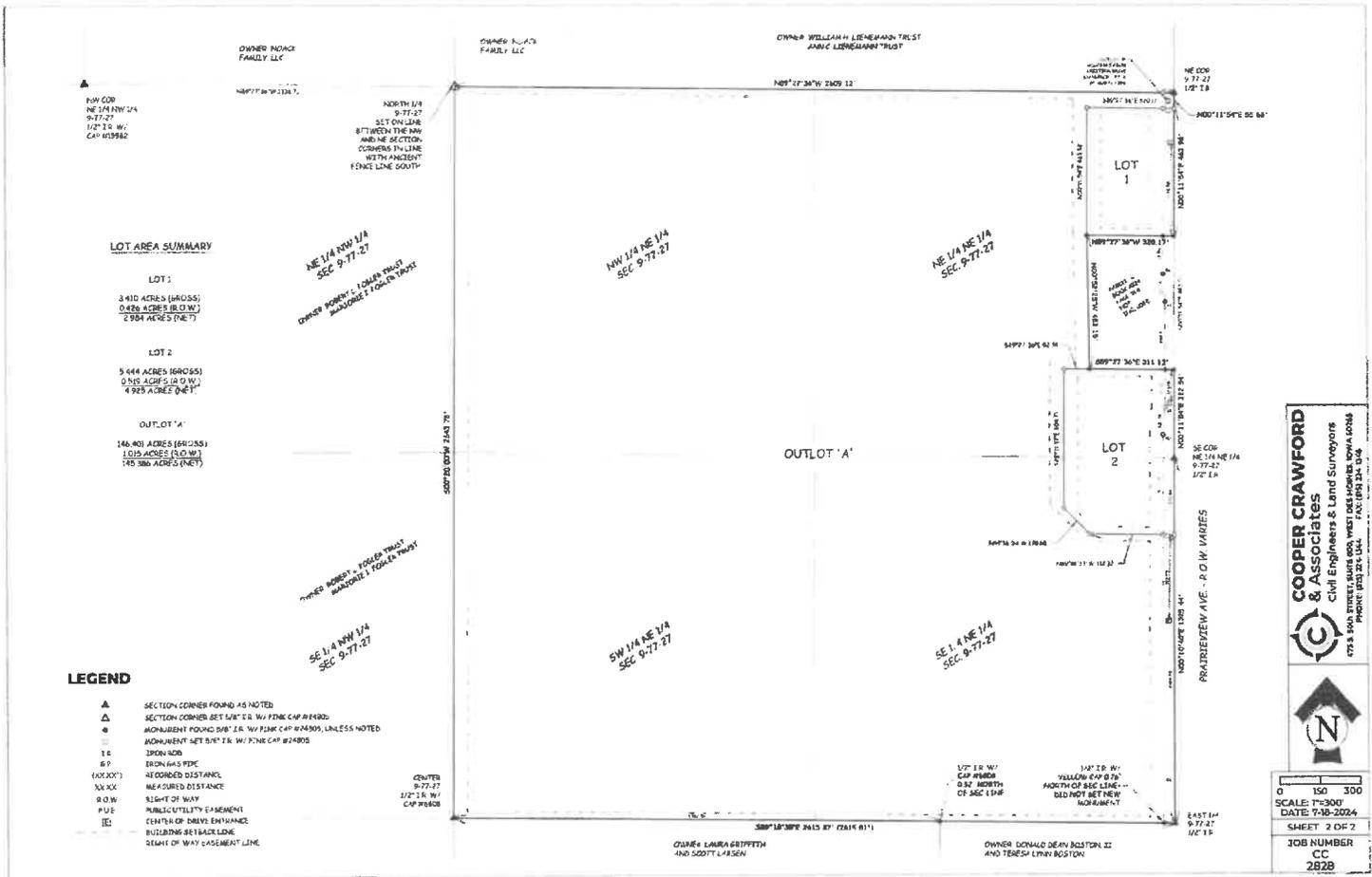
- ▲ SECTION CORNER FOUND AS NOTED
- △ SECTION CORNER SET 5/17/10 BY PDN/CAP #24805
- MONUMENT FOUND 5/17/10 BY PDN/CAP #24805 UNLESS NOTED
- MONUMENT SET 5/17/10 BY PDN/CAP #24805
- ▬ CONDUIT
- BP 1/8" CONCRETE PIPE
- (XXXX) RECORDED DISTANCE
- XXX RECORDED DISTANCE
- R.O.W. RIGHT OF WAY
- PU PUBLIC UTILITY EASEMENT
- ⊠ CENTER OF DRIVE ENTRANCE
- BUILDING SETBACK LINE
- RIGHT OF WAY EASEMENT LINE



COOPER CRAWFORD & Associates
 Civil Engineers & Land Surveyors
 475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
 PHONE: (515) 284-4344 FAX: (515) 284-1542

REVISION #3 : 2/19/2024
 REVISION #2 : 3/13/2024
 REVISION #1 : 3/19/2024

SCALE: 1"=300'
 DATE: 7-15-2024
 SHEET 1 OF 2
 JOB NUMBER
 CC
 2828



NW COR
NE 1/4 NW 1/4
9-77-27
1/2" I.S. W.
CAP #15982

LOT AREA SUMMARY

LOT 1
3.410 ACRES (GROSS)
0.426 ACRES (B.O.W.)
2.984 ACRES (NET)

LOT 2
5.444 ACRES (GROSS)
0.785 ACRES (B.O.W.)
4.659 ACRES (NET)

OUTLOT 'A'
146.401 ACRES (GROSS)
1.015 ACRES (B.O.W.)
145.386 ACRES (NET)

LEGEND

- ▲ SECTION CORNER FOUND AS NOTED
- ◆ SECTION CORNER SET 1/4" I.S. W. PINK CAP #14902
- MONUMENT FOUND 5/8" I.S. W. PINK CAP #24305, UNLESS NOTED
- MONUMENT SET 5/8" I.S. W. PINK CAP #24305
- 1" IR 3/8" DIA
- 6" P IRON WAS USED
- (XXXX) RECORDED DISTANCE
- XXXX MEASURED DISTANCE
- R.O.W. RIGHT OF WAY
- P.U.S. PUBLIC UTILITY EASEMENT
- ||| CENTER OF DRIVE ENHANCEMENT
- BUILDING SETBACK LINE
- - - - - DEPTH OF WAY EASEMENT LINE

COOPER CRAWFORD & Associates
Civil Engineers & Land Surveyors

4715 34th STREET, SUITE 200, WEST DES MOINES, IOWA 50348
PHONE: 563-283-1344 FAX: 563-283-1346

0 150 300
SCALE: 1"=300'
DATE: 12-10-2024
SHEET 2 OF 2
JOB NUMBER
CC
2828



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

September 26, 2024

Liz Faust
City Administrator
City of Van Meter
310 Mill Street
P.O. Box 160
Van Meter, Iowa 50261-0160

VAN METER, IOWA
PETERSON ESTATES PRELIMINARY PLAT
PLAT REVIEW

The writer has completed a review of the Preliminary Plat of Peterson Estates. The Preliminary Plat is located in the northeast quarter of Section 9 Township 77 North Range 27 west. The Preliminary Plat is located on the west side of Prairieview Avenue just southwest of the intersection of Prairieview Avenue and 110th Street. The Preliminary Plat is located approximately 1.5 miles southwest of the corporate limits of the City.

The City's review is under its extraterritorial review jurisdiction. The City's review is to determine whether the Preliminary Plat should comply with some, or all, of the requirements of the subdivision ordinance. In reviewing an extraterritorial plat to determine if it should comply with the provisions of the subdivision ordinance the City considers three factors. The first factor is location. If the Preliminary Plat is located in an area the City anticipates for development within the foreseeable future the City is more likely to require compliance with the subdivision ordinance. If the Preliminary Plat is located in an area that is not within the City's foreseeable growth area the location factor would weigh against requiring compliance with the subdivision ordinance.

The Peterson Estates area is located far enough to the southwest of the City to be outside of any area the City has identified as a growth area within the foreseeable future. The location factor would weigh against requiring compliance with the subdivision ordinance.

The second factor is the nature of the plat. If the plat does not create any additional buildable lots, or creates only a small number of buildable lots, the City is less likely to require compliance with the subdivision ordinance. As the number of new buildable lots increases the likelihood of requiring compliance with the subdivision ordinance increases.

The Peterson Estates Preliminary Plat shows the creation of two new lots located on the west side of Prairieview Avenue. One lot is located north and one lot is located south of, the existing separate parcel located within the quarter section.

Liz Faust
September 26, 2024
Page 2

The Peterson Estates Preliminary Plat creates two additional buildable lots. As such, the City's interest in requiring compliance with the subdivision ordinance based on the number of lots created is generally low unless the other factors weigh in favor of requiring compliance with provision of the subdivision ordinance.

The third factor is whether there are any improvements under the subdivision ordinance that would logically be required for the Preliminary Plat. Typically, the City looks at street, stormwater drainage, sanitary sewer and water.

Prairieview Avenue is a gravel road in Madison County. Under the subdivision ordinance the City could require the Preliminary Plat to pave the street adjoining the Preliminary Plat. However, in this instance the Preliminary Plat only encompasses half of the right-of-way of Prairieview Avenue. Also, paving two short reaches of one half of Prairieview Avenue would not appear to be a prudent approach. Although the City could require paving of half of the street the normal practice is to waive that requirement for paving in areas where the plat only encompasses half of the street and the majority of the street outside of the plat is not paved.

For rural acreage lots stormwater drainage improvements are generally not required. The City does not have sanitary sewer in this area and it is not anticipated the City will provide sanitary sewer service to this area within the foreseeable future. This area is located within the service territory of Warren Water. It is not anticipated the City will provide water to this area within the foreseeable future.

Although the City could require improvements to Prairieview Avenue. It is recommended the City determine there are no improvements under the subdivision ordinance that would logically be required by this Preliminary Plat.

For the Peterson Estates Preliminary Plat all three factors weigh against requiring compliance with the provisions of the subdivision ordinance. For Peterson Estates Preliminary Plat the writer would recommend the City Council waive compliance with the provisions of the subdivision ordinance and consider the Preliminary Plat as approvable.

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or bveenstra@v-k.net.

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

HRVJr:crt
193
Cc: Jessica Drake

Agenda Item #7

Discussion and Possible Action:

Parcel 24-101 Plat of Survey Review

Submitted for: **Discussion and Possible Action**

The City received the enclosed plat to divide an existing parcel within city limits. The City's review is to determine if the plat must comply with the City's subdivision ordinance.

Factor 1 (Location) - The plat is located within the city limits and the City would have interest in requiring compliance with the subdivision ordinance.

Factor 2 (# of additional, build-able lots) - The parcel is located within the flood way of the Raccoon River. While large enough to potentially create a build-able lot, the parcel is considered not build-able due to the location in the flood way.

Factor 3 (Required Public Improvements) - Because this parcel is not develop-able, no public infrastructure improvements are required.

The City Engineer recommends approval of the plat & waiving of compliance with the subdivision ordinance.

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert_____ Feldman _____ Hulse _____ Miller _____ DeVore_____ Cook_____

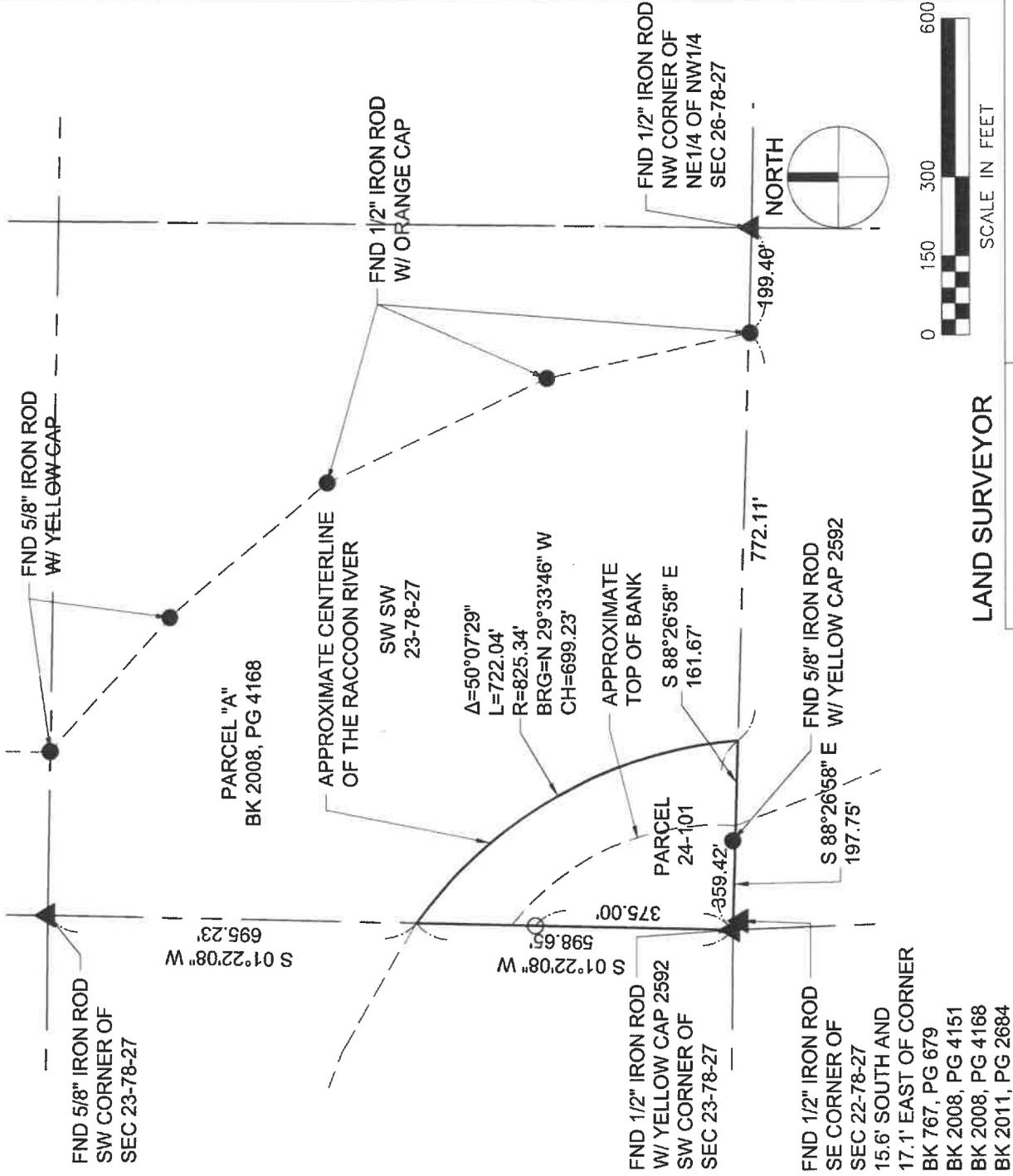
City:	Van Meter
County:	Dallas County
Geoparcels ID:	1523300006
Description:	SW1/4 OF THE SW1/4 OF SECTION 23-78-27
Proprietor:	Lauterbach Family Farm Limited Partnership
Surveyor:	MURRAY B. BERTING
Company:	SHIVE-HATTERY INC
Return To:	4125 WESTOWN PARKWAY, SUITE 100 WEST DES MOINES, IA 50266, 515-223-8104

Index Legend

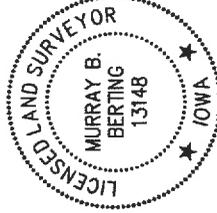
PLAT OF SURVEY

LEGAL DESCRIPTION - PARCEL 24-101:

THAT PART OF THE SW1/4 OF THE SW1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 27 WEST OF THE 5TH P.M., INCLUDED IN AND FORMING A PART OF THE CITY OF VAN METER, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOW:
 BEGINNING AT THE SW CORNER OF SAID SECTION 23; THENCE S.88°26'58"E., A DISTANCE OF 359.42 FEET ALONG THE SOUTH LINE OF SAID SW1/4, TO THE BEGINNING OF A CURVE CONCAVED SOUTHWESTERLY, HAVING A RADIUS OF 825.34 FEET; THENCE ALONG SAID CURVE HAVING A CHORD BEARING OF N.29°33'46"W., AND A CHORD DISTANCE OF 699.23, FOR A DISTANCE OF 722.04 FEET, TO THE WEST LINE OF SAID SW1/4; THENCE S.01°22'08"W., FOR A DISTANCE OF 695.23 FEET, TO THE POINT OF BEGINNING. CONTAINING 144161.17 SQ.FT. OR 3.309 ACRES MORE OR LESS, AND SUBJECT TO ALL EASEMENTS OF RECORD.



LAND SURVEYOR



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

Murray B. Berting
 SIGNATURE
 DATE 10/16/2024

PRINTED OR TYPED NAME: MURRAY B BERTING
 LICENSE NUMBER: 13148
 MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2024
 PAGES OR SHEETS COVERED BY THIS SEAL: 1 OF 1



LEGEND OF SYMBOLS:

- PROPERTY CORNER FOUND (AS NOTED)
- PROPERTY CORNER SET 5/8" IRON ROD W/CAP #13148 (UNLESS NOTED)
- ▲ SECTION CORNER FOUND (AS NOTED)

SHIVE-HATTERY
 ARCHITECTURE + ENGINEERING

800.798.0313 | SHIVE-HATTERY.COM

PLAT OF SURVEY:	PARCEL 24-101 OF THE SW1/4 SEC 23-78-27	PROJECT NO.:	214230483-0
Lauterbach Family Farm Limited Partnership		PLAT OF SURVEY	
DATE:	10-17-2024	SCALE:	1" = 300'
DRAWN BY:	MBB	FIELD BOOK	
APPROVED BY:	MBB	REVISION	FINAL

PS 1.01



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

October 21, 2024

Liz Faust
City Administrator
City of Van Meter
310 Mill Street
P.O. Box 160
Van Meter, Iowa 50261-0160

VAN METER, IOWA
PLAT OF SURVEY
PARCEL 24-101

Enclosed is a copy of a Plat of Survey Parcel 24-101. The Plat of Survey divides the existing southwest quarter of the southwest quarter of Section 23, Township 78 North, Range 27 West of the 5th Principal Meridian. As indicated in the Plat of Survey Parcel 24-202 encompasses an area of approximately 3.309 acres of which slightly more than half of that area constitutes the southerly half of the Raccoon River.

The area in the quarter quarter section on the north side of the river was recently sold by the Lauterbach Family Farm Limited Partnership. However, the Lauterbach Family Farm Limited Partnership did not sell the small piece of the quarter section on the south side of the river. Under Iowa law a single tax parcel cannot be split by a sale. The purpose of the Plat of Survey of Parcel 24-101 is to create a separate parcel for that portion of the quarter quarter section located on the south side of the river. Once the Plat of Survey of Parcel 24-101 is approved, Dallas County can release the transaction for the sale of that portion of the quarter quarter section located on the northerly side of the river.

The southwest quarter of the southwest quarter of Section 23 is already divided into two parcels by Parcel A recorded in Book 2008, Page 4168. Parcel A includes a strip of land on the north side of the river and extends to the center line of the river. Apparently, the parties involved in the recent sale did not realize there was a small portion of the tax parcel located southwesterly of Parcel A. While Iowa law does not allow a tax parcel to be separated, Iowa law does not require a tax parcel be a contiguous parcel. In this instance the tax parcel of the southwest quarter of the southwest quarter of Section 23 included an area on the north side of the river and an area on the south side of the river completely separated by Parcel A.

Parcel 24-101 is located in the City of Van Meter. The review by the City is to determine whether the Plat of Survey should comply with the subdivision ordinance and any other applicable provisions in the Code of Ordinances. In determining whether a plat of survey should comply with the provisions of the subdivision ordinance the City generally looks at three factors.

The first factor is location. If the Plat of Survey is in an area that is likely to develop, the City is inclined to require compliance with the subdivision ordinance. In this instance the Plat of Survey is located within the area of interest of the City. Based on location the City would have an interest in requiring compliance with the provisions of the subdivision ordinance.

The second factor is the nature of the Plat of Survey. If the Plat of Survey is of the nature that creates new buildable parcel the City is more inclined to require compliance with the provision of the subdivision ordinance. If the Plat of Survey divides a parcel and does not create a buildable parcel the City is less inclined to require compliance with the provisions of the subdivision ordinance. Parcel 24-101 is located within the floodway of the Raccoon River. As such, the parcel is not developable. Although the parcel is large enough to potentially create a buildable parcel, this parcel is considered not buildable due to its location in the floodway. The nature of the Plat of Survey would weight against requiring the provisions of the subdivision ordinance.

The third factor is whether any infrastructure improvements normally associated with the subdivision ordinance would logically be required. Because this parcel is not developable no public infrastructure would be required for this parcel. The public infrastructure factor would weigh against requiring compliance with the subdivision ordinance.

When one factor weighs in favor of compliance with the subdivision ordinance and two factors weigh against requiring compliance, the City uses a weighting test. In this instance the location factor does not outweigh the influence of the other two factors of the nature of the Plat of Survey and the need for any public infrastructure.

Under the Code of Ordinances there do not appear to be any other requirements that would be logically imposed on this Plat of Survey.

Based on review, Veenstra & Kimm, Inc. would recommend the City waive compliance with the provisions of subdivision ordinance and approve the Plat of Survey of Parcel 24-101 to allow the previously completed sale of the property on the north side of the Raccoon River be released by Dallas County.

Liz Faust
October 21, 2024
Page 3

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or bveenstra@v-k.net.

VEENSTRA & KIMM, INC.

A handwritten signature in blue ink, appearing to read "H. R. Veenstra Jr.", with a stylized flourish at the end.

H. R. Veenstra Jr.

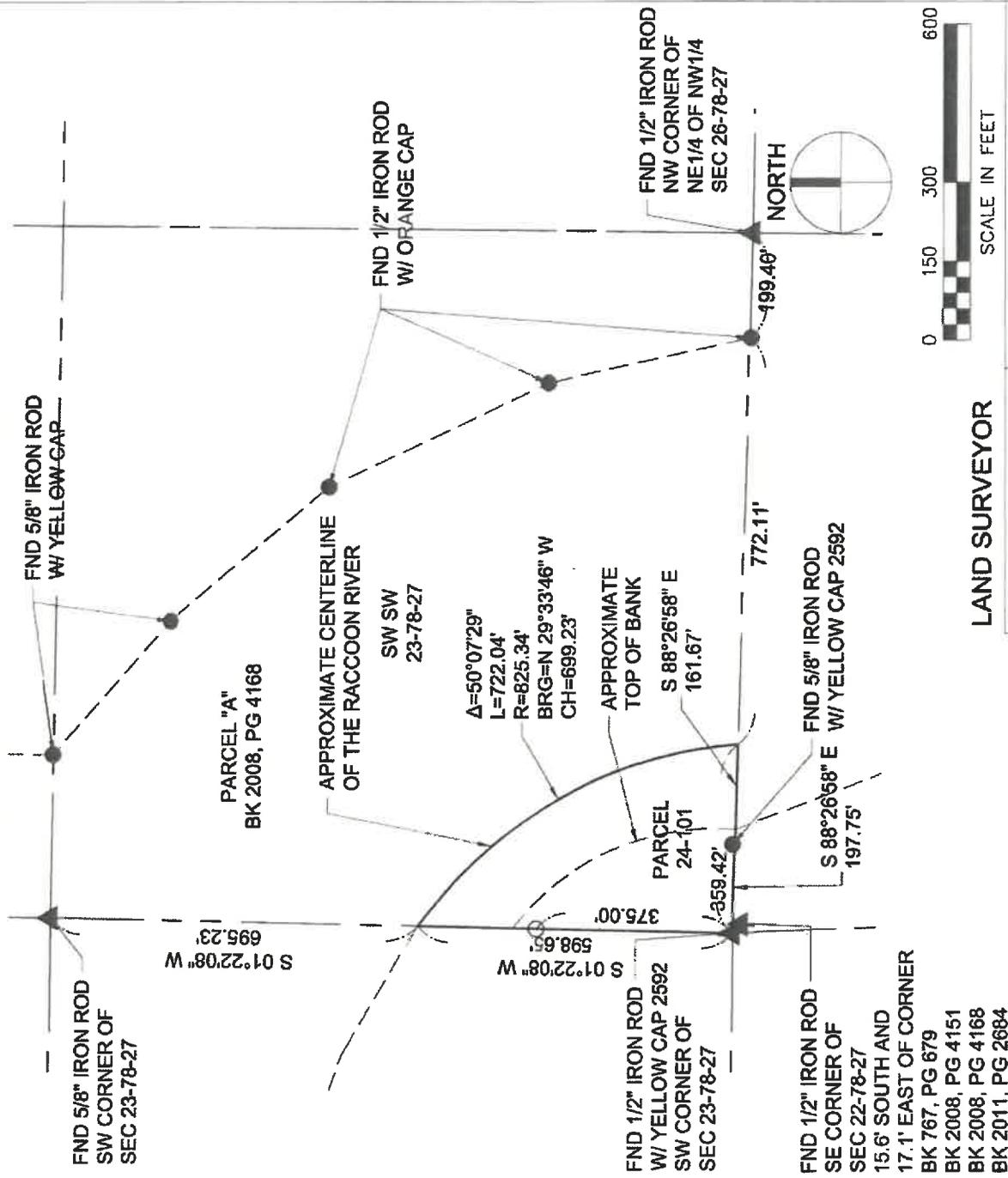
HRVJr:paj
193
Enclosure
Cc: Jessica Drake

Index Legend	
City:	Van Meter
County:	Dallas County
Geoparcels ID:	1523300006
Description:	SW1/4 OF THE SW1/4 OF SECTION 23-78-27
Proprietor:	Lauterbach Family Farm Limited Partnership
Surveyor:	MURRAY B. BERTING
Company:	SHIVE-HATTERY INC
Return To:	4125 WESTOWN PARKWAY, SUITE 100 WEST DES MOINES, IA 50266, 515-223-8104

PLAT OF SURVEY

LEGAL DESCRIPTION - PARCEL 24-101:

THAT PART OF THE SW1/4 OF THE SW1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 27 WEST OF THE 5TH P.M., INCLUDED IN AND FORMING A PART OF THE CITY OF VAN METER, DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SW CORNER OF SAID SECTION 23; THENCE S.88°26'58"E., A DISTANCE OF 359.42 FEET ALONG THE SOUTH LINE OF SAID SW1/4, TO THE BEGINNING OF A CURVE CONCAVED SOUTHWESTERLY, HAVING A RADIUS OF 825.34 FEET; THENCE ALONG SAID CURVE HAVING A CHORD BEARING OF N.29°33'46"W., AND A CHORD DISTANCE OF 699.23, FOR A DISTANCE OF 722.04 FEET, TO THE WEST LINE OF SAID SW1/4; THENCE S.01°22'08"W., FOR A DISTANCE OF 695.23 FEET, TO THE POINT OF BEGINNING. CONTAINING 144161.17 SQ.FT. OR 3.309 ACRES MORE OR LESS, AND SUBJECT TO ALL EASEMENTS OF RECORD.

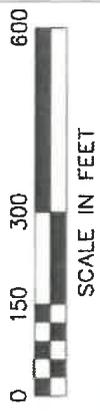


LAND SURVEYOR



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Murray B. Berting SIGNATURE DATE 10/16/2024
 PRINTED OR TYPED NAME: MURRAY B. BERTING
 LICENSE NUMBER: 13148
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024.
 PAGES OR SHEETS COVERED BY THIS SEAL: 1 OF 1



LEGEND OF SYMBOLS:

- PROPERTY CORNER FOUND (AS NOTED)
- PROPERTY CORNER SET 5/8" IRON ROD W/CAP #13148 (UNLESS NOTED)
- ▲ SECTION CORNER FOUND (AS NOTED)

SHIVE-HATTERY
 ARCHITECTURE + ENGINEERING

800.798.0313 | SHIVE-HATTERY.COM

PLAT OF SURVEY:
 PARCEL 24-101 OF THE SW1/4 SEC 23-78-27

PROJECT NO.
 214230483-0

Lauterbach Family Farm Limited Partnership

PLAT OF SURVEY

DATE	10-17-2024	SCALE	1" = 300'
DRAWN BY	MBB	FIELD BOOK	
APPROVED BY	MBB	REVISION	FINAL

PS 1.01

Agenda Item #8

Discussion and Possible Action:

Lot 2 Valley View Acres Plat of Survey Review

Submitted for: **Discussion and Possible Action**

The City received the enclosed plat to divide an existing parcel within city limits. The City's review is to determine if the plat must comply with the City's subdivision ordinance & does the newly created lot conform with zoning ordinance (R-2). The City Engineer initially reviewed the plat and requested additional information. Upon receipt of the requested information, the City Engineer reviewed the plat again and provided a recommendation.

Factor 1 (Location) - The plat is located within the city limits and the City would have interest in requiring compliance with the subdivision ordinance.

Factor 2 (# of additional, build-able lots) - The plat creates 1 additional build-able lot.

Factor 3 (Required Public Improvements) - No additional public improvements are required. However, the creation of the new lot will require installation of water & sewer service if the new lot is developed into a single family residence. The service would have to be completely separate from the existing lot and compliant with all City requirements.

The City is currently in the planning of the Water Main Replacement project. The City will need to determine if the new water main will be installed with or without a service connection for the new lot.

Factor 4 (Zoning Regulations R-2) - The creation of the 2nd lot as designed shows that both the existing lot and newly created lot both adhere to the zoning regulations.

The City Engineer recommends approval of the plat.

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert_____ Feldman _____ Hulse _____ Miller_____ DeVore_____ Cook_____

INDEX LEGEND

Location: Subdivision: Valley View Acres - Lot: 2
 Requestor: Johnson Construction - Attn: Mitchell L. Johnson
 Proprietor: Mitchell L. Johnson and Anna E. Johnson
 Surveyor: Brad M. Beck, P.E., P.L.S. #17765
 Return to: Beck Engineering, Inc.
 2480 Berkshire Parkway, Suite B
 Clive, Iowa 50325
 info@beck-engineering.net (515) 330-1538

PLAT OF SURVEY

Legal Description of Lot 2 Except East 70 feet:

Lot 2 EXCEPT the East 70 feet (as measured at a right angle), Plat of Valley View Acres, City of Van Meter, Dallas County, Iowa containing 17,725 square feet and subject to any and all easements be they of record or not.

Legal Description of East 70 feet of Lot 2:

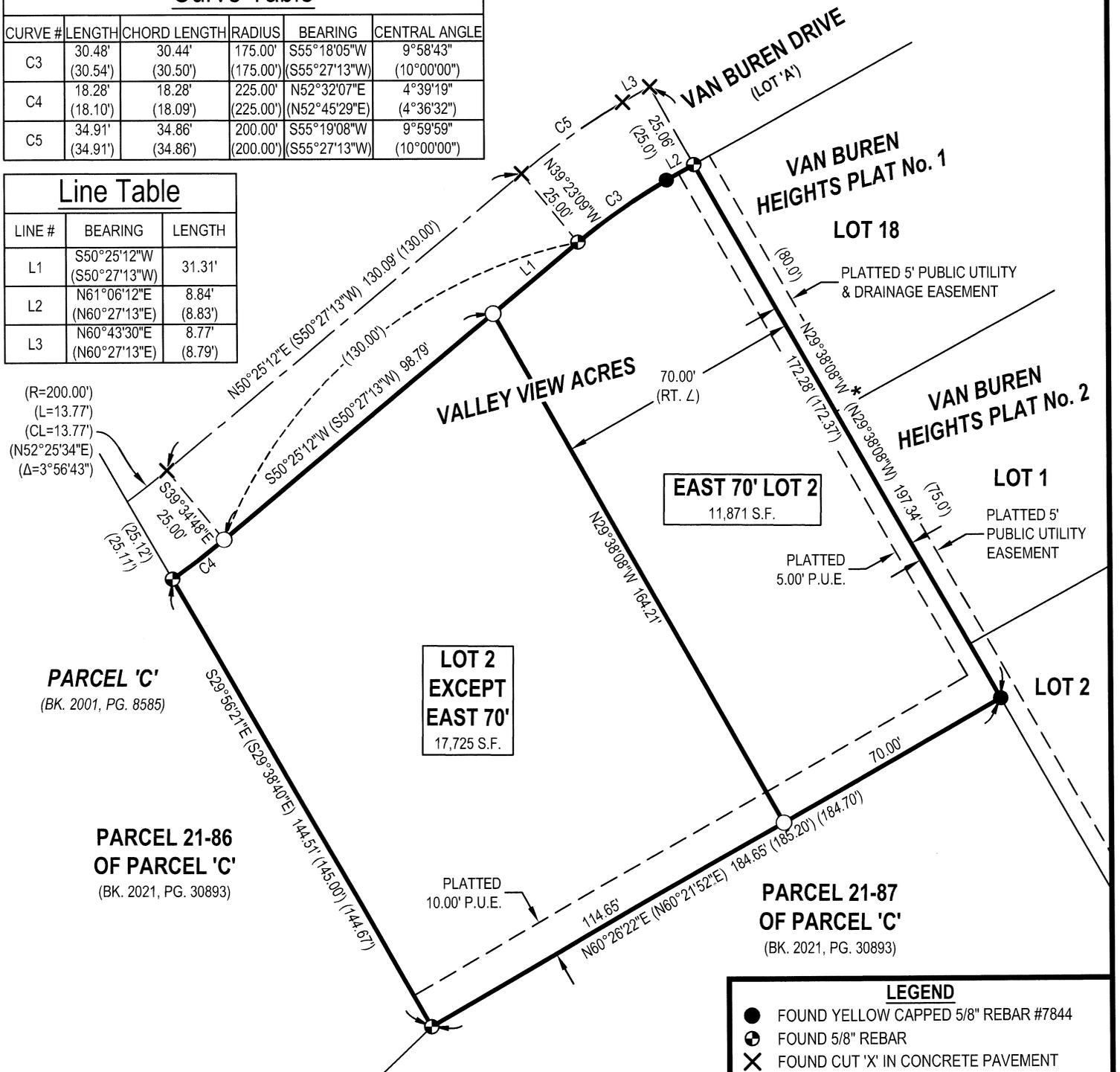
The East 70 feet of Lot 2 (as measured at a right angle), Plat of Valley View Acres, City of Van Meter, Dallas County, Iowa containing 11,871 square feet and subject to any and all easements be they of record or not.

Curve Table

CURVE #	LENGTH	CHORD LENGTH	RADIUS	BEARING	CENTRAL ANGLE
C3	30.48' (30.54')	30.44' (30.50')	175.00' (175.00')	S55°18'05"W (S55°27'13"W)	9°58'43" (10°00'00")
C4	18.28' (18.10')	18.28' (18.09')	225.00' (225.00')	N52°32'07"E (N52°45'29"E)	4°39'19" (4°36'32")
C5	34.91' (34.91')	34.86' (34.86')	200.00' (200.00')	S55°19'08"W (S55°27'13"W)	9°59'59" (10°00'00")

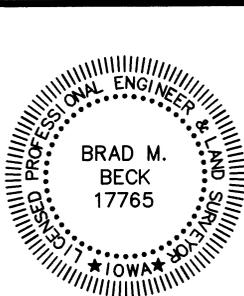
Line Table

LINE #	BEARING	LENGTH
L1	S50°25'12"W (S50°27'13"W)	31.31'
L2	N61°06'12"E (N60°27'13"E)	8.84'
L3	N60°43'30"E (N60°27'13"E)	8.77'



LEGEND

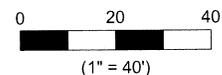
- FOUND YELLOW CAPPED 5/8" REBAR #7844
- ⊙ FOUND 5/8" REBAR
- ✕ FOUND CUT 'X' IN CONCRETE PAVEMENT
- SET YELLOW CAPPED 1/2" REBAR #17765
- () PLATTED DIMENSION
- () RECORD DIMENSION
- * ASSUMED BEARING



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Date: 9/23/24 *Brad M. Beck*
 Brad M. Beck, P.E., P.L.S. #17765
 License renewal date: 12/31/2025
 Pages certified by this seal: 1

GRAPHIC SCALE



BEI PROJECT #: S24228
 DRAFTED BY: KLC
 SURVEYED: SEPT., 2024 BY KLC



Civil Engineering - Land Surveying
 Landscape Architecture - Architecture



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

September 25, 2024

Liz Faust
City Administrator
City of Van Meter
310 Mill Street
P.O. Box 160
Van Meter, Iowa 50261-0160

VAN METER, IOWA
PLAT OF SURVEY
LOT 2 VALLEY VIEW ACRES

The writer has completed a review of the Plat of Survey of Lot 2 of Valley View Acres. The Plat of Survey creates a new parcel constituting the east 70 feet of what is now Lot 2 of Valley View Acres. The Plat of Survey is located within the City of Van Meter. The City's review is to determine if the Plat of Survey is in compliance with the subdivision ordinance and any additional requirements under the City code.

The first review is to determine whether there are any requirements under the subdivision ordinance that would be applicable to this Plat of Survey. The subdivision ordinance requires the installation of public infrastructure as part of the platting process. For this Plat of Survey the street, water and sanitary sewer were installed as part of the original development of Valley View Acres. There is no additional public infrastructure required under the subdivision ordinance.

Although not directly associated with the Subdivision Ordinance the creation of the new lot will likely require the installation of a water service and sewer service if the new lot is to be developed as a single-family residence. The approval of the Plat of Survey should include the requirement that installation of a water service and sewer service would be fully compliant with all City requirements.

The writer would note the first phase of the Water Main Replacement project will likely include the installation of a new water main along Van Buren Drive from Feller Curve southerly to connect to the water main being installed in Hudson Heights Plat 2. As part of the water main replacement project all of the existing water services will need to be transferred to the new water main. If the Plat of Survey is approved the City will need to determine if the water main replacement project will include the installation of any portion of a water service to serve the newly created lot, or if the water main will be installed without a service connection for the new lot.

The second issue for review is whether the new lot is in conformance with the Zoning Ordinance. The existing Lot 2 is located in the R-2 Zoning District. The bulk regulations for the R-2 Zoning District include.

- Minimum lot area – 8400 square feet
- Minimum lot width – 66 feet
- Minimum front yard – 35 feet
- Minimum rear yard – 30 feet

The area regulations for side yards in the R-2 District are not entirely clear. For lots 80 feet and wider the side yard is a minimum of 10% of the lot width on each side. For lots less than 80 feet there does not appear to be an easily definable side yard width. For lots less than 80 feet the intent is for the side yard to be minimum of 8 feet on each side. For a 70-foot lot the minimum of 8 feet would be applicable.

With the Plat of Survey both the existing Lot 2 and the new lot would meet the minimum requirement of 66 feet of frontage. The depth of the lot is such there should not be an issue with a 35-foot front yard and 30-foot rear yard.

With respect to the side yard the Applicant will need to provide additional information documenting the newly created lot line results in more than the minimum required side yard on the existing Lot 2. The lot line must be a minimum of 11.47 feet from the existing dwelling unit. On the new created lot, the minimum side yard on each would be 8 feet under the City's interpretation of the R-2 Zoning District regulations.

Assuming the applicant can document the creation of the new lot results maintains the conforming status of the residence on the existing Lot 2 the Plat of Survey would be considered consistent with the requirements of the zoning ordinance. Any residence to be constructed on the newly created lot would need to conform with the zoning regulations. That compliance is applicable at the time of construction and is not an independent requirement of the approval of the Plat of Survey.

In summary, it appears there are no requirements under the subdivision ordinance. The development of the new lot will likely require the installation of a new water service and sewer service that would need to be compliant with all applicable with all City regulations. The applicant will need to document the residence on the existing Lot 2 remains conforming with respect to the side yard setback. That documentation must be provided before the City should consider approval of the Plat of Survey as the City should not approve a Plat of Survey that would result in the residence on the existing Lot 2 being non conforming with the Zoning Ordinance.

Liz Faust
September 26, 2024
Page 3

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or bveenstra@v-k.net.

VEENSTRA & KIMM, INC.

A handwritten signature in blue ink, appearing to read "H. R. Veenstra Jr.", with a stylized flourish at the end.

H. R. Veenstra Jr.

HRVJr:crt
193

Cc: Jessica Drake
Brad Beck, Beck Engineering, Inc. info@beckengineering.net



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

September 27, 2024

Liz Faust
City Administrator
City of Van Meter
310 Mill Street
P.O. Box 160
Van Meter, Iowa 50261-0160

VAN METER, IOWA
PLAT OF SURVEY
LOT 2 VALLEY VIEW ACRES
SUPPLEMENTAL INFORMATION

The writer has completed a review of the second submittal by Beck Engineering for the creation of a new parcel constituting the east 70 feet of what is now Lot 2 of Valley View Acres. In the writer's review letter of September 25, 2024 it was noted the only outstanding issue was to confirm the creation of the new lot did not result in the residence on the existing Lot 2 becoming a non-conforming residence. The supplemental information indicates the minimum side yard between the existing residence and the west lot line of the new parcel is 37.08 feet. Under the City's zoning ordinance the required minimum side yard is 11.47 feet.

The side yard that will remain after the creation of the new parcel meets the side yard requirement. The residence on the remainder parcel would be conforming under the City's zoning ordinance.

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or bveenstra@v-k.net.

VEENSTRA & KIMM, INC.

H. R. Veenstra Jr.

HRVJr:paj
193
Cc: Jessica Drake

2D SITE MAP

PROPERTY ADDRESS: 308 VAN BUREN DRIVE, VAN METER, IA 50261

Curve Table

CURVE #	LENGTH	CHORD LENGTH	RADIUS	BEARING	CENTRAL ANGLE
C3	30.48' (30.54')	30.44' (30.50')	175.00'	S55°18'05"W (S55°27'13"W)	9°58'43" (10°00'00")
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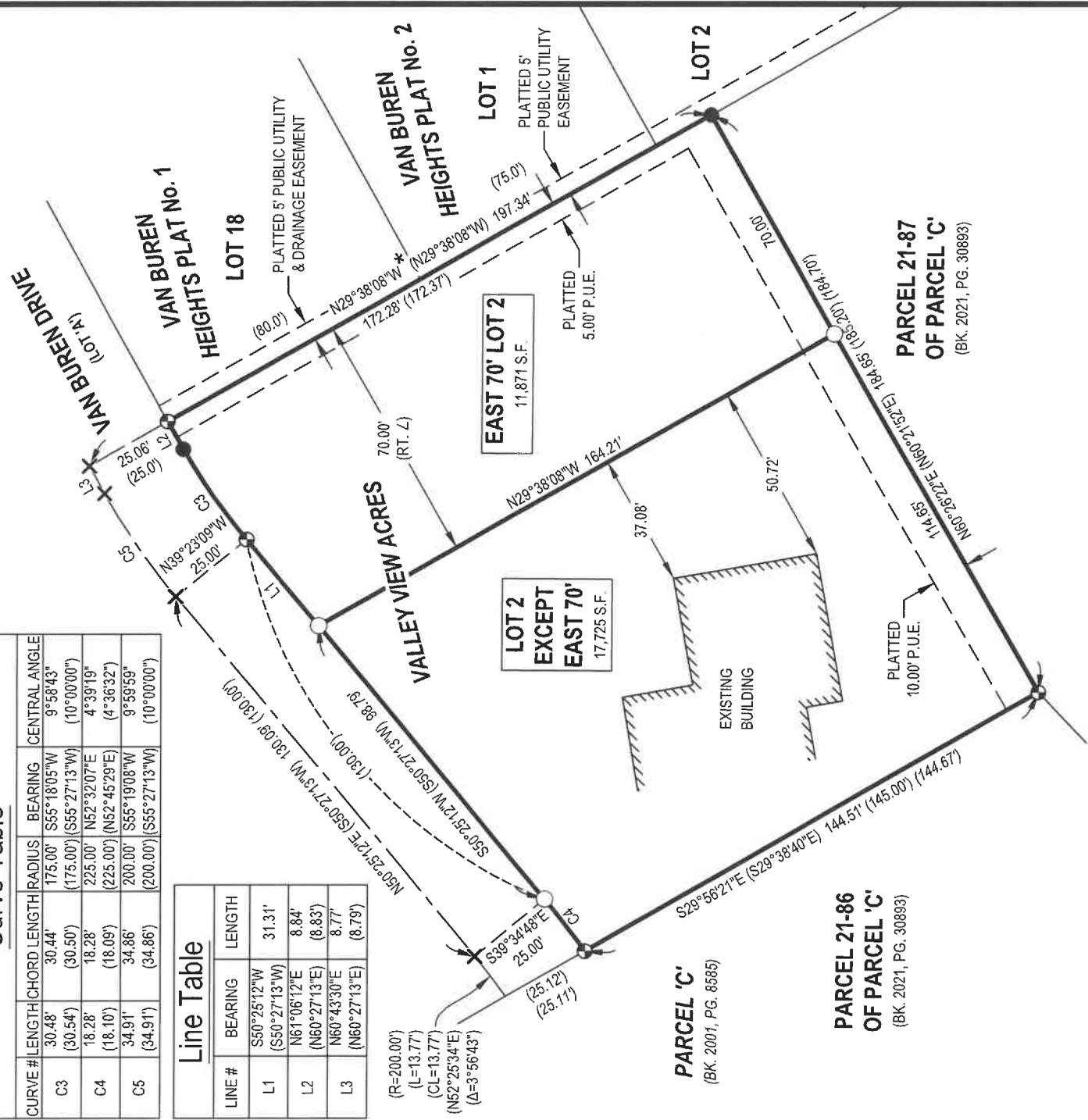
(R=200.00')

(L=13.77')

(CL=13.77')

(N62°25'34"E)

(Δ=3°56'43")



LEGEND

- FOUND YELLOW CAPPED 5/8" REBAR #7844
- ⊙ FOUND 5/8" REBAR
- ⊗ FOUND CUT 'X' IN CONCRETE PAVEMENT
- FOUND YELLOW CAPPED 1/2" REBAR #17765
- () PLATTED DIMENSION
- () RECORD DIMENSION
- * ASSUMED BEARING

GRAPHIC SCALE



BEI PROJECT # : S24228

DRAFTED BY: KLC

SURVEYED: SEPT., 2024 BY KLC

BEI

Civil Engineering - Land Surveying
Landscape Architecture - Architecture

**PARCEL 21-86
OF PARCEL 'C'**
(BK. 2021, PG. 30893)

**PARCEL 21-87
OF PARCEL 'C'**
(BK. 2021, PG. 30893)

PARCEL 'C'
(BK. 2001, PG. 8585)

Agenda Item #9

Discussion and Possible Action:

415 Wilson Street

Submitted for: **Discussion and Possible Action**

Enclosed are several documents pertaining to the commercial property located at 415 Wilson Street.

The matters for consideration by the P&Z commission include the following:

- Current Use (Storage, non-permitted use under C-1)
- Compliance with the facade requirements defined in Section 165.14(10) of the Zoning Code

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert _____ Feldman _____ Hulse _____ Miller _____ DeVore _____ Cook _____

From: [Jess Drake](#)
To: [Elizabeth \(Liz\) Faust](#); [Joe Herman](#); [Travis Brott](#)
Bcc: [Joel Akers](#); [Penny Westfall](#); [Blake Grolmus](#); [Quin Pelz](#)
Subject: RE: 415 Wilson Street
Date: Wednesday, October 2, 2024 1:24:00 PM
Attachments: [vanmeteria-ia-1 \(14\).pdf](#)

All –

Upon review, all of the construction related activities that have been performed to date did not require a building permit with the exception of new approach, which was permitted.

The property owner is currently using the building for storage which is NOT a permitted use in the C-1 zoning. In addition, there are additional façade requirements in the zoning code. If the City is considering the repaint of the exterior as changing the exterior, the white paint is non-compliant with the zoning code.

The zoning administrator recommends referring this to P&Z for review and recommendation. The potential outcomes include the following:

- P&Z reviews and recommends granting a variance to the zoning code to allow for a non-permitted use and waive the requirements as defined in Section 165.14 (10) of the Zoning Code
- P&Z reviews and declines to grant any variances or waivers which would then require the property owner to comply
 - At this point, the property owner could appeal to the Board of Adjustment
- P&Z reviews and grants a variance/wavier to only one of the issues, the other issue could be appealed to the BOA

Unless I hear differently, this will be added to the 10/30 Planning & Zoning agenda.

Jess

Jessica Drake

Office: 515-996-2644 | Cell: 515-478-5047
Jdrake@vanmeteria.gov
www.vanmeteria.gov

From: Jess Drake
Sent: Wednesday, October 2, 2024 9:48 AM
To: Elizabeth (Liz) Faust <lfaust@vanmeteria.gov>; Joe Herman <jherman@vanmeteria.gov>; Travis Brott <tbrott@vanmeteria.gov>
Subject: RE: 415 Wilson Street

There is an on-site inspection today at 10:30.

More to come.

City Clerk
Jessica Drake

Office: 515-996-2644 | Cell: 515-478-5047

Jdrake@vanmeteria.gov

www.vanmeteria.gov

From: Jess Drake

Sent: Tuesday, October 1, 2024 2:02 PM

To: Elizabeth (Liz) Faust <lfaust@vanmeteria.gov>; Joe Herman <jherman@vanmeteria.gov>; Travis Brott <tbrott@vanmeteria.gov>

Subject: 415 Wilson Street

All –

I know that some elected officials & staff have expressed concerns about activity at 415 Wilson Street (what was the orange & white tin sided building). The City Council and Planning & Zoning Commissions of the last few years have expressed a desire to increase the face value of the downtown district and have been intentional in putting certain codes in place to do so. In addition, as commercial prospects inquire about the downtown district, staff has and will continue to provide an overview of the overall vision for the downtown district. Elected & appointed officials as well as staff have a desire to revitalize the downtown district.

Construction type activity started in the beginning of August. Staff observed the activity, confirmed that there was no active building permit and reached out to V&K so that the building inspectors could work with the building owner/contractor to see what was happening. At the time, it appeared that they were replacing a garage door and we were unsure if there were structural improvements as well. In addition, staff sent a letter to the building owner with a copy of the permit and zoning code that spelled out building permits as well as certain design standards, specifically the façade provision requiring that if the building exterior is changing, it must comply with certain standards including but not limited to 50% brick or masonry stone.

Upon discussion with the contractor, it was determined (based on the information the contractor provided) that it was a garage door replacement and that they were going to replace sections of the damaged tin siding. They were also pouring a new driveway approach which did require a permit, was inspected and passed inspection by V&K. The activities described did not require a permit aside from the approach permit and did not trigger the site plan requirements & compliance with the C-1 zoning code (attached).

Staff has continued to keep an eye on the project and it did appear for a while that the only activity at the site did support the information provided by the contractor. In addition, this building was identified as a vacant building per Chapter 164 and was sent the applicable

registration paperwork to complete & return. At that time, the owner of the building reached out questioning the status of vacant. Several emails were exchanged over the course of a few weeks and eventually, we did receive a completed vacant building registration form.

The registration allows for the building to remain vacant for 6 months and if at that time, it remains vacant, a building inspection will be required to determine the safety & structural soundness of the building. The owner would then be required to bring the building to code and continue to maintain compliance. Through the entirety, the owner is required to maintain the interior, exterior and lot.

Since receipt of the registration form, there has been a LOT of activity over there. Some during the day. Some at night. There are no additional building permit applications on file with the City. V&K has visually inspected the exterior of the building and based on a visual inspection, it appears that the work has been cosmetic, thus not requiring a permit. However, staff and council have noted activities in the interior of the building that may suggest otherwise.

In addition to any potential issues regarding lack of appropriate building permits, there is a trigger within the C-1 zoning code that basically states that if you do “XYZ” and/or a project of certain \$ value, compliance with the site plan review, design standards, parking requirements, etc is required.

After the visual confirmation of activity over the weekend, I reached out to V&K again requesting a site visit to ensure no additional permits were required. Upon further discussion with the building inspector, we determined that the best path forward was to have the zoning administrator reach out to the building owner and set up a site visit to fully understand the scope of the project. If there is a refusal by the owner to schedule a visit, V&K can and will issue a Stop Work Order of which Mike can assist in enforcing. If the owner does schedule a site visit, the zoning administrator will do an interior and exterior inspection to determine the scope of the project, need for building permits, etc. The City will work with zoning administrator to take appropriate action after we have a grasp on the situation.

I provided the zoning administrator the property owner’s contact information at 9:30 this morning. He is going to contact them today if he hasn’t already. In the meantime, staff observed that the building has been painted in its entirety between 9:30am and now. This information has also been provided to the zoning administrator.

All of this to say – we are working on it. I do understand the frustration and when we have additional information to share from the zoning administrator, we will.

Let me know if you have any questions.

Thanks!

Jess

City Clerk
Jessica Drake

Office: 515-996-2644 | Cell: 515-478-5047

Jdrake@vanmeteria.gov

www.vanmeteria.gov

165.14 C-1 DOWNTOWN COMMERCIAL DISTRICT.

1. Intent. The Downtown Commercial District is intended for the conduct of general business to which the public requires direct and frequent access. The regulations set forth in this section are meant to achieve the following purposes:

- A. To protect commercial development against the establishment of uses which would create hazards, dust, odors, smoke or other objectionable influences or heavy trucking traffic.
- B. To provide appropriate space for strengthening the economic base of the community.
- C. To conserve the value of existing commercial buildings.
- D. To encourage pedestrian movement in a developed downtown.
- E. To encourage minimum development standards that will aid to unify the appearance of the district.

2. Applicability. The standards identified in this chapter shall apply in the following circumstances, and are subject to the site plan submittal and review procedure as identified in Chapter 167.04 of the Municipal Code:

- A. New construction of a building(s);
- B. Reconstruction of a building(s);
- C. Addition and/or expansion to an existing building by 20% or more of the gross area of the existing building;
- D. Remodeling of a building when the building permit value is \$25,000 or more. The value is for collective value of improvements and/or development and shall not be circumvented by applying for multiple permits under the established value.
- E. The change of surface material type of an off-street parking area, including a material overlay process(es) and/or the expansion of a parking area, of any surface type, by more than 20% of the existing surface lot area.

3. Permitted Uses.

- A. Private clubs, lodges, or veterans' organizations.
- B. Hospitals, clinics, nursing, and convalescent homes.
- C. Any retail business or service establishment, including but not limited to the following:
 - (1) Animal hospitals, veterinary clinics.
 - (2) Bank, savings, and loan associations.
 - (3) Barber shop or beauty parlor.
 - (4) Clothing, sporting goods store.
 - (5) Drugstore.
 - (6) Florist shop.
 - (7) Furniture, appliance store and repair. Grocery store or supermarket.
 - (8) Hardware store, plumbing and heating.
 - (9) Jewelry store.
 - (10) Laundries and laundrettes.
 - (11) Office building, business and professional.
 - (12) Photographic studio, camera shop.
 - (13) Printing shop.
 - (14) Restaurant, drive-in restaurant.
 - (15) Tavern and night club, provided that it is not within three hundred (300) feet of an "R" district; church, school, or convalescent home.
- D. Mixed use structure, commercial and residential where the residential use is secondary to the commercial use and where the residential use that is located on the ground floor is less than 40% of the ground floor area and is not located on the primary street façade of the ground floor. No residential occupancy shall be permitted until the commercial use of a lot within this district is complete and a certificate of occupancy is issued.
- E. Any and all uses permitted under "C-0" classification.
- F. An exception is allowed in this district to Section 165.04(8) of the Municipal Code, Number of Uses on One Lot. More than one principal use is allowable on one lot.

4. Accessory Uses.

A. Any and all accessory uses permitted under the "R-3" classification.

5. Signs.

A. No exterior attached sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade.

B. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located.

C. Indirectly illuminated signs shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way.

D. Internally illuminated signs shall not be moving, rotating, flashing or strobe.

E. Message center signs can display a message in a stop position for a minimum of 5 seconds and then display then next message. The message cannot rotate, flash, strobe or scroll. The message center component shall not exceed 20% of the total sign area.

F. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however, this does not apply to the side of the building which is opposite that side adjoining the "R" district.

G. A sign, free-standing, or ground (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of fifteen (15) feet from the property line.

H. Signs Types – Prohibited.

(1) The following sign types shall not be permitted:

- a. Pole signs
- b. Above peak roof signs
- c. Off-premise signs

6. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the "R-3" classification for dwelling units; there is no minimum requirement for any other building. There shall be no minimum lot area for a mixed use, commercial and residential development.

B. Lot Width. There shall be no minimum lot width required.

C. Yard Width.

(1) The minimum front yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the front yard depth of adjacent C-1 zoned properties.

- a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.
- b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(2) The minimum rear yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the rear yard depth of adjacent C-1 zoned properties.

- a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.
- b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(3) For each one (1) foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an "R" district, there shall be a minimum rear yard of ten (10) feet adjacent to said side lot line.

(4) The side yard required for residential uses shall be the same as that for the "R-3" classification. There shall be no minimum requirement for any permitted uses, except when adjoining any "R-1," "R-2," "R3" district, or street right-of-way, in which case it shall be fifteen (15) feet.

D. Building Height. The maximum height shall be three (3) stories, or forty-five (45) feet.

7. Off-Street Parking and Loading Requirements.

A. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

B. The parking space requirements listed in Section 165.34 and 165.35 Off-Street Loading and Off-Street Parking regulation in the City of Van Meter Zoning Ordinance shall be incorporated except for as follows:

(1) Properties south of Grant Street with frontage on Wilson, West, or Grant shall have no off-street parking minimum standards.

(2) Properties north of Grant Street with frontage on Wilson, West or Grant shall provide off-street parking at the minimum standard required to provide sufficient staff parking for the proposed business use as recommended by the City Engineer through a review of the proposed site plan.

(3) All mixed-use structures containing residential uses shall provide a minimum of one (1) off-street parking stall for each residential unit.

(4) Off-street parking requirements can be satisfied via shared parking agreements should off-street parking requirements be impossible to meet on the proposed lot. In such instances, shared parking agreements must be included with site plan submittals and shall be drafted in such a way that they run with the land.

C. Required parking spaces shall have a minimum size of nine (9) feet wide by eighteen (18) feet long exclusive of access drives, aisles, or ramps. The length of parking stalls may be reduced to sixteen and one-half (16 ½) feet including wheel stops if an additional one and one-half (1 ½) feet is provided for the overhang of wheels.

D. Parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.

E. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project. Parking areas shall be designed to minimize headlights shining into residential properties.

F. Uses which predominately occur during different times may share parking if it can be demonstrated that collectively the minimum number of parking spaces is provided at all times.

G. Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:

(1) The parking must not extend into the required front yard setback.

(2) A single parking aisle with parking on one side, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable.

H. Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and or turf. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

8. General Provisions.

A. Chain link fences shall not be allowed. Fences shall not exceed 4-feet in height when located in the front yard setback and may not exceed 6-feet in height when located in the side or rear side yard.

B. Paving shall not be allowed over or through the City-owned right-of-way in front of any commercial use, except for driveways providing access to an approved parking lot.

C. Minimum off-street parking requirements must be contained entirely outside of the public right-of-way.

D. All regular business must take place inside a structure, except for authorized outdoor dining or an authorized special/seasonal event permit.

E. Multiple buildings are allowed on one zoning lot.

F. Exterior storage of goods and equipment is not permitted.

G. Only one driveway approach shall be permitted on each street frontage, of each premise. At locations where driveways are not shared with an adjoining property each driveway shall be placed in such a way as to not impede the visual clearance to access the public street.

H. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private street.

I. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

9. Design Guidelines.

A. All attached or detached garages shall be placed towards the rear of a building except on a corner, where the side may also be allowed. These can be accessed via privately controlled lanes and alleyways.

B. One story commercial buildings shall be constructed to appear of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.

C. Driveway locations shall be spaced such that they are at least 5 feet from any adjacent driveway.

D. Shared driveways are allowed.

E. Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.

10. Architectural Standards.

A. The front façade, or any façade that directly abuts a public right-of-way including a street side yard of any building shall be at least fifty (50) percent brick or masonry stone.

B. All sides of buildings visible from the public right-of-way shall be architecturally treated to produce an aesthetically pleasing façade that is compatible with surrounding buildings and cohesive as development block. Exterior materials of commercial quality shall include brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints.

C. Exterior building walls may also be constructed of wood, fiber cement board, architectural concrete masonry units that contain variances in texture and/or integral color, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street façade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations. Smooth face concrete masonry units shall not be allowed.

D. All rooftop mechanicals must be placed or screened in such a way that they are not visible from any public street, alleyway, or park. Rooflines should have the appearance of a flat structure. In instances where a peaked or gable roof is existing and will not be modified structurally, design elements shall be designed such that the roof appears to be flat and screened in such a way that the peak of the structure is not visible. This regulation shall apply to property as follows:

(1) Properties with frontage on Grant Street, Wilson Street and West Street.

E. The front façade and street side façade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.

F. Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be comprised of at least twenty-five (25) percent windows and doors at the ground level.

G. Accessory structures that are not open for business to the public are exempt from the window and door requirements of Subparagraph E above provided they are placed between the rear of the primary building and rear yard setback and are not visible from the public street. The structure is subject to compliance with Subparagraph B above.

H. All structures must be constructed on permanent foundations and may not be placed in a temporary manner.

11. Curbs and Curb Cuts. The number of curb cuts for any development shall be minimized to the greatest extent possible to provide for controlled ingress and egress.

A. All curbs shall be vertical curbs. No curb cut shall be greater than twenty-five (25) feet at the property line and thirty-five (35) feet at the curb line in accordance with the established City standards.

B. No curb cut for freight lanes shall be greater than thirty-five (35) feet at the property line and forty-five (45) feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

12. General Landscaping and Buffering Requirements.

A. No certificate of use shall be authorized unless all landscaping requirements are met. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.

B. Landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic.

C. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

D. Landscape vegetation shall consist of species compatible with conditions in central Iowa.

E. Minimum requirements, trees:

(1) Two (2) trees or two (2) trees per three thousand (3,000) square feet of required open space, or

(2) Fifty (50) percent of the required trees maybe two (2) inch caliper and the remaining required trees may be eight (8) feet to ten (10) feet in height and one and one-half (1.5') inch caliper.

(3) The trees shall be balled or burlap stock.

(4) The minimum height for evergreens shall be six (6) feet and may be counted as 2-inch caliper for requirements.

(5) The trees must live for at least twelve (12) months after planting or be replaced by the landowner.

F. Minimum requirements, shrubs:

(1) One shrub shall be planted for every one-thousand (1,000) square feet of open space, but no less than three shrubs per lot.

G. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred-twenty (120) square feet.

(1) The use of ornamental shrubs and coniferous trees shall be encouraged.

(2) The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

H. A landscape barrier shall be located between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area. The barrier shall be a minimum of six (6) feet in height consisting of a natural material such as ornamental fence, an earth berm or an opaque hedge or any combination thereof.

I. At a minimum, one tree shall be provided every twenty-five (25) linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area.

J. The provisions of the subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this ordinance.

K. The perimeter(s) of the lot adjacent to public rights-of-way, shall include a strip of land of at least ten (10) feet in depth located between the right-of-way and the off-street parking or other vehicular use area(s), and shall be landscaped as follows:

(1) One (1) tree for every twenty-five (25) feet, or fraction thereof of lineal frontage. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area.

(2) The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the planting strip.

(3) A hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier.

(4) The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

(5) Ground cover plants shall form a solid mat or cover over the ground within a twelve (12) month period. Sod shall be employed when grass is used as a ground cover in Zone 1. Non-living material shall not be used as the primary ground cover device but may be used in conjunction with living plant material to develop an ornamental landscaping effect.

(6) Non-living materials such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum depth of three (3) inches and shall be used in conjunction with an appropriate landscape weed control fabric.

(Section 165.14 – Ord. 2021-07 – Mar. 21 Supp.)

From: [Jess Drake](#)
To: [Chris Campbell](#); [Adam Holiday](#)
Cc: [Jason VanAusdall](#); [Elizabeth \(Liz\) Faust](#)
Subject: Vacant Buildings - Van Meter
Date: Tuesday, August 6, 2024 3:22:00 PM
Attachments: [22a Ordinance 2024-06 Section 164 Vacant Buildings.pdf](#)

Vacant Buildings Code

We are working on a letter with the vacant building registration form to send to the following properties:

410 Wilson Street – Commercial

415 Wilson Street – Commercial

415 Grant Street – Mixed Use (Commercial 1st Floor, 2 apartments 2nd Floor)

420 Main Street – Residential

312 Main Street – Residential

128 Wilson Street – Residential – We are working on a plan on how to deal with this one.

412 Wilson Street is being treated as a dangerous building. 204 – 2nd Avenue is next to be treated as a dangerous building.

Jessica Drake

City of Van Meter | City Clerk

515-996-2644 (o) | 515-505-4469 (c)

jdrake@vanmeteria.gov

MAIL TO: P.O. Box 160, Van Meter, Iowa 50261

UPDATED HOURS FOR CITY HALL:

Monday – Thursday 8:00am – 5:00pm

Friday 8:00am – 1:00pm, appointments by request

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VAN METER, IOWA, BY ADDING CHAPTER 164 VACANT BUILDING PERMIT AND INSPECTIONS

Be It Enacted by the City Council of the City of Van Meter, Iowa:

SECTION 1. SECTION ADDED. Chapter 164 Vacant Building Permit and Inspections of the Code of Ordinances of the City of Van Meter, Iowa, is adopted:

CHAPTER 164 VACANT BUILDING PERMIT AND INSPECTIONS

164.01 Definitions	164.06 Vacant Building Permit Conditions
164.02 Applicability	164.07 Enforcement
164.03 Vacant Building Permit Required	164.08 Process and Timeline
164.04 Vacant Building Permit Requirements	164.09 Fees and Penalties
164.05 Issuance of Vacant Building Permit	

164.01 DEFINITIONS.

The following definitions shall apply in this chapter:

1. "Accessory building or structure" means a detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principal building or structure or use of the land; e.g., a garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
2. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
3. "Exterior premises" means the open space on the premises or the portion of the premises upon which there is not a structure.
4. "Good repair" means free from blighting and hazardous conditions, clean and sanitary, and in safe condition.
5. "Imminent hazard" means a condition which could cause serious or life-threatening injury or death at any time.

6. "Mixed occupancy" means occupancy of a structure in part for residential use and in part for some other use not accessory thereto.

7. "Occupant" means an occupant is any person who leases or lawfully resides in a building or premises, or a portion of a building or premises.

8. "Owner" means any person having a title to the premises, as recorded in the Office of the Recorder for Dallas County, or as recorded on the Dallas County assessment rolls.

9. "Partially vacant" means a multi-storied building or structure that has one or more stories vacant, including the ground level store front. For the purpose of this chapter the ground floor store front must be vacant to be deemed partially vacant.

10. "Responsible person" means a natural person who is the owner, operator or manager of any building, structure, or premises and is responsible for the property's maintenance and management.

11. "Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

12. "Structure" means anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

13. "Vacant" means a commercial or industrial building or structure that is unoccupied and/or no person currently operates a lawful business open regularly for business with the exception of holidays and seasonal businesses, and meets one or more of the following:

A. Unsecured or secured by means other than those used in the design of the building.

B. Declared unfit for occupancy as determined by the Building Inspector.

C. Non-compliant with International Property Maintenance Code or other City and State Building Codes as adopted by the City.

D. Existence of housing, building, fire, health and safety, or zoning code violations.

E. Not receiving service by public utilities.

14. "Waste" means garbage, ashes, rubbish or trash.

15. "Weeds" or "noxious weeds" means Canada thistle, leafy spurge, field bindweed (Creeping Jenny), Ambrosia trifida (Giant Ragweed), Arubosia trifida (Common Ragweed), and such other weeds as are defined in Weeds of the North Central States, North Central Regional Research Publication No. 281, Bulletin 772, published by the University of Illinois at Urbana-Champaign, College of Agriculture, Agriculture Experiment Station, and in all applicable sections of current codes at the

time as adopted by the City Council (e.g., Code of Iowa and International Property Maintenance Code).

164.02 APPLICABILITY.

1. General. The provisions of this chapter shall apply to all manufacturing, commercial, industrial and mixed occupancy buildings vacant for 180 consecutive days, and all manufacturing, commercial, industrial and mixed occupancy buildings, which have been partially vacant for 180 days, in any commercial or industrial zoned district.

2. Conflict. In any case where a provision of this chapter is found to be in conflict with a provision of the Zoning Code or any other provisions of the Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety, and welfare shall prevail.

3. Application of Other Ordinances. Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of this Code of Ordinances or the Zoning Code. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of State law, applicable chapters of this Code of Ordinances and NFPA 70 (National Electric Code). Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the City Zoning Code or Building Code.

4. Existing Remedies. The provisions in this chapter shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or this Code of Ordinances, including the Zoning Code, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.

5. Historic Buildings. The provisions of this chapter shall apply to structures designated by the Federal Government, State or City as historic buildings. Any work to said structures shall also comply with current International Building Code as adopted by the City.

164.03 VACANT BUILDING PERMIT REQUIRED.

1. Vacant Building Permit. The owner of any vacant building or structure to which this chapter applies shall obtain a vacant building permit within 30 days of becoming vacant. Upon enactment of this chapter of the City Code, any building vacant must apply for a vacant building permit no later than February 29, 2024.

2. Application for a Vacant Building Permit shall be made by completing a vacant building registration form, which shall be submitted to the Building Inspector. The owner must maintain a valid Vacant Building Permit for any building or structure to which this chapter applies and must continue to renew the permit as long as the building or structure remains vacant, subject to this chapter.

3. Vacant Building Permit Process. When completing the vacant building registration form, which is available to be downloaded from the City website, or

obtained from the Building Inspector / City Hall, applicants shall disclose all measures to be taken to ensure that the building will be kept weathertight, secure from trespassers, and safe for entry by police officers and firefighters in times of exigent circumstances or emergency. The application shall include, but not be limited to, the following:

A. Contact Information for Each Owner. If the owner does not reside within the State of Iowa, the owner shall provide the name, address and telephone number of an agent who is available for service of process within the State of Iowa. If the owner is other than a natural person or persons, the following shall apply, as appropriate:

(1) If the owner is a corporation, limited liability company, limited or general partnership, the registration statement shall provide the names and residence addresses of all responsible persons and the name and business address of the registered agent for service of process appointed pursuant to the Code of Iowa.

(2) If an estate, the name and business address of the personal representative of the estate.

(3) If a trust, the names and addresses of the trustee or trustees.

(4) If a partnership, the names and residence addresses of the partner or partners.

B. Contact information for a responsible person, as defined by this chapter, who is a natural person who may be contacted at all times for inspections, emergency repairs, or maintenance, and who can respond to the vacant building or structure when requested.

C. Any rehabilitation or demolition plans for the building or structure.

D. An acknowledgement by the owner that grass and weeds shall not exceed a height of eight inches and a plan for how the owner will comply with this requirement.

E. An acknowledgement by the owner that snow and ice shall be removed from the public right-of-way within 24 hours of snowfall and a plan for how the owner will comply with this requirement.

F. An acknowledgement by the applicant that the owner is aware of and understands the vacant building maintenance standards in this chapter.

4. Vacant Building Permit Renewal. Any applicant seeking to renew a permit must submit an updated vacant building registration form and shall pay the required fee as established by the City Council.

164.04 VACANT BUILDING PERMIT REQUIREMENTS.

A permit may only be issued or renewed if the building or structure which is subject to the application satisfies the following requirements:

1. Code Compliant. All buildings or structures subject to the application shall comply with all building, fire, property maintenance, zoning, and other applicable

sections of the Code of Ordinances, and shall apply for all necessary building, fire prevention and zoning permits, if any are required to bring the building into compliance, upon application for a vacant building permit.

2. Vacant Building Maintenance Standards. All buildings or structures subject to the application shall adequately protect the building from intrusion by trespassers and pests, and from deterioration by the weather. The buildings must also comply with the following vacant building maintenance standards:

A. Building Openings. Doors, windows, areaways, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired / replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors and openings shall be free of any posters, paper or fabric coverings.

B. Waste Removal. All waste, debris, rubbish, and garbage shall be removed from the interior of the building or structure and surrounding premises.

C. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain, or roof draining and shall allow for sufficient drainage to prevent dampness or deterioration in the interior of the building.

D. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

E. Building Structure. The building shall be maintained in good repair and structurally sound. The building shall be maintained in a sanitary manner and in a manner that does not pose a threat to the public health, safety and welfare.

F. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

G. Foundation Walls. The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rat-proof.

H. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

I. Decorative Features. The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

J. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

K. Appurtenance. Any portion of a building, or any member, appurtenance ornamentation on the exterior thereof shall be of sufficient strength or stability, and anchored so as to be capable of resisting wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.

L. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

M. Walkways. Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed within 24 hours of a snowfall.

N. Accessory Building/Structures. Accessory buildings or structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and, shall comply with these vacant building maintenance standards.

O. Exterior Premises. The surrounding premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, shall not be used for exterior storage, and shall not pose a threat to public health, welfare or safety.

164.05 ISSUANCE OF VACANT BUILDING PERMIT.

The Building Inspector shall issue or renew a vacant building permit upon being satisfied that the building has been inspected and is in compliance with all applicable provisions of this Code and the vacant building maintenance standards set forth in this chapter, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of 365 days from the date of issuance or renewal.

164.06 VACANT BUILDING PERMIT CONDITIONS.

All permits issued are subject to all other applicable conditions of this Code of Ordinances and the following additional conditions:

1. Consent to Entry. All applicants and owners holding a permit consent to the entry of duly authorized officials of the City at all reasonable hours and upon reasonable notice for the purpose of inspection. Refusal to consent to entry shall be a violation of this chapter. In addition to issuing a municipal infraction citation in the event of refusal, the City may file a complaint under oath to any Court of competent jurisdiction and said Court shall thereupon issue its order authorizing the appropriate person to enter such establishment to inspect.

2. Consent to Emergency Inspections or Emergency Repairs. All applicants and owners holding a permit consent to the entry of duly authorized officials of the City if such official has reason to believe than an emergency situation exists with respect to

the building or structure that tends to create an imminent hazard to health, welfare or safety of the general public, in the discretion of such official, then such official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If such official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, then such official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs to alleviate the hazard. City employees will confer with legal counsel prior to entering or causing entry to be made to premises and/or performing any emergency repairs without prior owner notification and consent. Costs incurred in the performance of emergency repairs may be paid by the City and if so paid, the City may levy a special assessment against the property to recover the costs.

3. Cooperation by Owner or Responsible Person. All owners holding a permit or responsible persons identified in a permit application shall cooperate with and facilitate inspections of the premises at reasonable times pursuant to reasonable notice to determine compliance with the requirements of this chapter. Obstructing a duly authorized inspection, including refusing entry or access to portions of the building subject to the permit, shall be a violation of this chapter. The owner shall notify the Building Inspector within 30 business days of any changes to the contact information of the owner or responsible person.

4. Continued Compliance. For the vacant building permit to remain valid, the building or structure subject to the permit shall continue to comply with all the requirements of the vacant building maintenance standards.

164.07 ENFORCEMENT.

1. Authorized Officials. The Zoning Administrator and the Building Inspector shall have the authority to enforce the provisions of this chapter and to exercise the powers and duties specified in this chapter and may delegate their authority to appropriate City personnel.

2. Right of Entry. An authorized official has the right to enter buildings, structures, or premises subject to this chapter at reasonable times, with the express or implied consent of the owner, responsible person, or occupant, to inspect in accordance with the City's policy and procedure for entering onto private property to conduct administrative interior and exterior inspections for Code administration and enforcement. If entry is refused, it shall be a violation of this chapter for which a municipal infraction citation may be issued.

3. Inspections. An authorized official may inspect the premises and structures to determine compliance with this chapter at their discretion. All reports of such inspections shall be in writing, signed or initialed and dated. An authorized official may engage any expert opinion as deemed necessary to report upon unusual technical issues that arise in the course of their duties, in accordance with City policy. An authorized official may conduct inspections made pursuant to the provisions of this chapter in conjunction with other inspectors of the department, police officers, firefighters, or inspectors from other governmental bodies.

4. Issuance of Orders to Repair. Upon inspection, an authorized official or his/her designee, shall issue orders to repair for work needed:

A. To adequately protect the building from intrusion by trespassers and from deterioration by the weather.

B. To comply with the vacant building maintenance standards set forth in this chapter.

C. To ensure that allowing the building to remain will not be detrimental to public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood.

D. To eliminate any hazards to police officers or firefighters that may enter the premises in times of emergency.

1. When issuing orders to repair, the authorized official shall specify the deadline for completion of the repair required and shall mail the notice to the owner or responsible person identified in the permit. All work done pursuant to this chapter shall be done in compliance with any applicable Building, Fire, Property Maintenance and Zoning Codes and Ordinances.

5. Reinspection. Reinspection may be conducted after the deadline for repair as stated in the order. Reinspection are subject to applicable reinspection fees.

6. Notices and Orders. An authorized official may issue notices and orders to owners, responsible persons, operators, or occupants to obtain compliance with this chapter.

7. Revocation, Reinstatement Measures. If a vacant building permit is revoked by the Building Inspector for noncompliance with any provisions of this chapter, the owner of the building shall be given 30 days to comply with the provisions of this chapter. Extensions of such 30-day period may be granted at the discretion of the Building Inspector. Upon expiration of the 30-day period, or any extension thereof, if the building continues to be noncompliant, a municipal infraction will be issued.

164.08 PROCESS AND TIMELINE.

No later than February 1, 2024, following passage of this chapter, and subsequently within 30 days of a manufacturing, commercial, industrial, or mixed occupancy building becoming vacant as defined herein, a building owner must complete a vacant building registration form, which serves as an application for a vacant building permit.

1. There is no charge for the initial application as long as the building is in compliance with all applicable building codes.

2. If the building remains vacant for 180 days necessitating the 180-day inspection, the building owner or representative shall pay the permit or inspection fee.

3. Upon completion of the inspection, the building owner or representative shall remedy as ordered. If no repairs are necessary, the permit is valid for one year from

the 180-day inspection, at which time the inspection process begins again with the vacant building permit fee being due annually thereafter.

4. If the inspection results in necessary repairs being ordered, a reinspection will be conducted in accord with the provisions of this chapter.

5. In the case of a necessary reinspection, the annual permit begins upon all necessary repairs being made and bringing the building into compliance with all applicable building codes.

164.09 FEES AND PENALTIES.

1. Vacant Building Permit Fee. The Council shall establish a fee for the 180-day issuance and renewal of a vacant building permit fee.

2. Permit Fee Due. The vacant building permit fee is due upon the 180-day inspection.

3. Reinspection Fees.

A. To compensate the City for its inspection and administrative costs reasonably related to the enforcement, an escalating fee established by the Council through resolution, may be charged for any reinspection following the initial inspection which resulted in an order for corrective action, and the first reinspection to determine compliance with an order for corrective action issued hereunder. There shall be no reinspection fee if the inspection indicates full compliance, or for a reinspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order.

B. Failure to pay reinspection fees within 30 days of mailing an invoice to the property owner of record shall constitute a violation of this chapter for which a municipal infraction citation may be issued.

4. Violations.

A. Any violation of a provision of this chapter is a municipal infraction for which a municipal infraction citation may be issued. Each day that the violation continues shall constitute a separate violation for which a municipal infraction citation may be issued.

B. Abatement of Violations. The issuance of a municipal infraction citation shall not preclude the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 8th day of January, 2024, and approved this 8th day of January, 2024.

DocuSigned by: *De Herman*
9DF705F097D34B8...

Mayor

ATTEST:

DocuSigned by: *Jessica Drake*
0D7992E9D814B7...

City Clerk

First Reading: January 8, 2024
Second Reading: WAIVED
Third Reading: WAIVED

I certify that the foregoing was published as Ordinance No. 2024-06 on the 8th day of January, 2024.

DocuSigned by: *Jessica Drake*
0D7992E9D814B7...

City Clerk

August 7, 2024

DEWALL PROPERTIES LLC
33715 BERNS SHORE DR.
ADEL, IA 50003

RE: 415 Wilson Property

Dear Representative:

The City of Van Meter requires a building permit for construction work being done at your property located at 415 Wilson St. Enclosed is the building permit application. Please complete and submit to us before work continues. I've included a trade permit for any electric, plumbing, or mechanical planned improvements.

Any person who commences any work under the provisions of the City code before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees. Failure to comply will be considered a municipal infraction. The cost of the first municipal infraction is \$750.

Your property is zoned C-1 - Downtown Commercial District. A copy of the zoning standards is also included. There is a façade provision for properties located on Grant St and Wilson St. If you are proposing to change the building exterior, it must comply with certain architectural standards. The façade of the building must be comprised of at least fifty (50) percent brick or masonry stone. I encourage you to read the document in full.

You may contact our building inspection company, VK Building Inspection, with questions regarding the permitting process at (515) 850-2980. You may also call city hall to answer questions or address concerns.

Respectfully,

Liz Faust
City Administrator
City of Van Meter
lfaust@vanmeteria.gov

Network:Aug 7, 2024 at 10:22:56 AM CDT
Local:Aug 7, 2024 at 10:22:56 AM CDT
N 41° 31' 59.087", W 93° 57' 16.153"
500–548 Grant St
Van Meter IA 50261
United States



Agenda Item #10

Discussion and Possible Action:

325 Grand Street

Submitted for: **Discussion and Possible Action**

Enclosed are several documents pertaining to the commercial property located at 325 Grand Street. There is a potential buyer for the commercial property formerly used for storage by Dahl which was non-conforming by definition of permitted uses in the zoning code (C-1). The potential buyer is in their 60 day due diligence period.

The intended use is a used car dealership which is also a non-permitted use under the C-1 zoning code. Currently the only zoning district that permits auto sales, service & repairs is I-1 Light Industrial. The request is what is needed to allow this use in building. If there is no path forward with the intended use, the potential buyer will have to determine if he wants to proceed with the possible purchase.

Chairperson: Do I hear a motion?

Motion:

Commissioner _____: *So moved.*

Commissioner _____: *Second.*

Chairperson: *Roll Call Please.*

Wahlert _____ Feldman _____ Hulse _____ Miller _____ DeVore _____ Cook _____

Agenda Item #10

Discussion and Possible Action:

Ordinance #2024-21 to Amend Certain Sections of the Code of Ordinances City of Van Meter due to the 2024 Legislative Session

Submitted for: **Discussion and Possible Action**

Documentation included in the packet including a summary of the changes. As a reminder, Simmering Cory provided the recommended changes based on the 2024 Legislative Session. This is an annual service that they provide to all cities that use Simmering Cory for their codification.

Recommendation: **Approval**

Sample Language: **Motion to adopt Ordinance #2024-21 to Amend Certain Sections of the Code of Ordinances City of Van Meter due to the 2024 Legislative Session and to waive subsequent readings**

City Councilmember: _____ ***So moved.***

City Councilmember: _____ ***Second.***

Mayor: ***Roll Call Please.***

City Clerk: Akers _____ Brott _____ Grolmus _____ Pelz _____ Westfall _____

Ordinance passes/fails.

From: [Austin Reed](#)
To: [Jess Drake](#)
Subject: 325 Grant St
Date: Friday, October 25, 2024 2:22:32 PM
Attachments: [325 Grand.pdf](#)

Good afternoon Jessica,

It's Austin Reed with Hawkeye Auto Salvage and Hawkeye Auto Sales. It was a pleasure speaking with you a couple days ago. I appreciate you taking the time to explain the next steps to take in order to ensure I can qualify for the correct zoning licenses to have a used car dealership at 325 Grant St. You mentioned to include a brief description of my intentions with this property and photos of my other two used car dealerships which I have done below.

I currently own Hawkeye Auto Salvage south of De Soto and Hawkeye Auto Sales in De Soto which is located on the corner of Highway 169 and Willow St. I also have another Hawkeye Auto Sales location right off Highway 5 in Carlisle. I'm a 30 year old entrepreneur that has had success in the automotive industry. I have the appetite for more growth, and I love Dallas county and all the towns that make up the community, as they have supported me over the last 10 years. In return, I also make it a priority to give back to the community and will continue to do so as I believe it is the community's support that will continue to drive a long and prosperous journey in business. I would love to bring my line of business to Van Meter. We would be offering and providing quality used Automobiles with low miles at very competitive pricing. Although we don't want to or intend to run a repair shop, we strive to always take care of any of our customers in-house with any of their mechanical needs for vehicles that they have purchased off of us. Image and branding is very important to us for our continued growth and success. Rest assured, any vehicles that would be worked on will ALWAYS be done so indoors. We will use any outdoor space for parking and the displaying of finished vehicles for sale. We will NOT have any partially taken apart or unfinished vehicles outdoors. Hawkeye Auto Salvage is conveniently located less than 5 miles away from 325 Gant, and Hawkeye Auto Salvage sits on 30 acres which are properly zoned for the storage and parts sales for automobiles. 325 Grants will not be needed for any of these things as we already have a proper space for it. To reiterate, we have plenty of room for the storage of any vehicles that will be parted out, or any unfinished vehicles at Hawkeye Auto Salvage. The 325 Grant location will continue to look organized, clean to the eye, and only have presentable and finished automobiles for sale outside of the buildings.

I have attached photos of the outdoor area at our current sales office where our cars are displayed. Since the De Soto office is right down the street, please feel free to stop by anytime and you will see that our office is very clean and organized as well as our lot outside. You will find that there is no clutter and our vehicles are nicely spaced out with NO stagnant or broken down vehicles. This will be consistent with how the 325 Grant location would look.

Again thank you, Jessica, for taking the time to talk with me. I hope this is what you were looking for/referring to. Please let me know if you need anything else right away. I am looking forward to progressing with 325 Grant and hopefully becoming a part of the Van Meter community.

Thank You,

Austin Reed

Hawkeye Auto

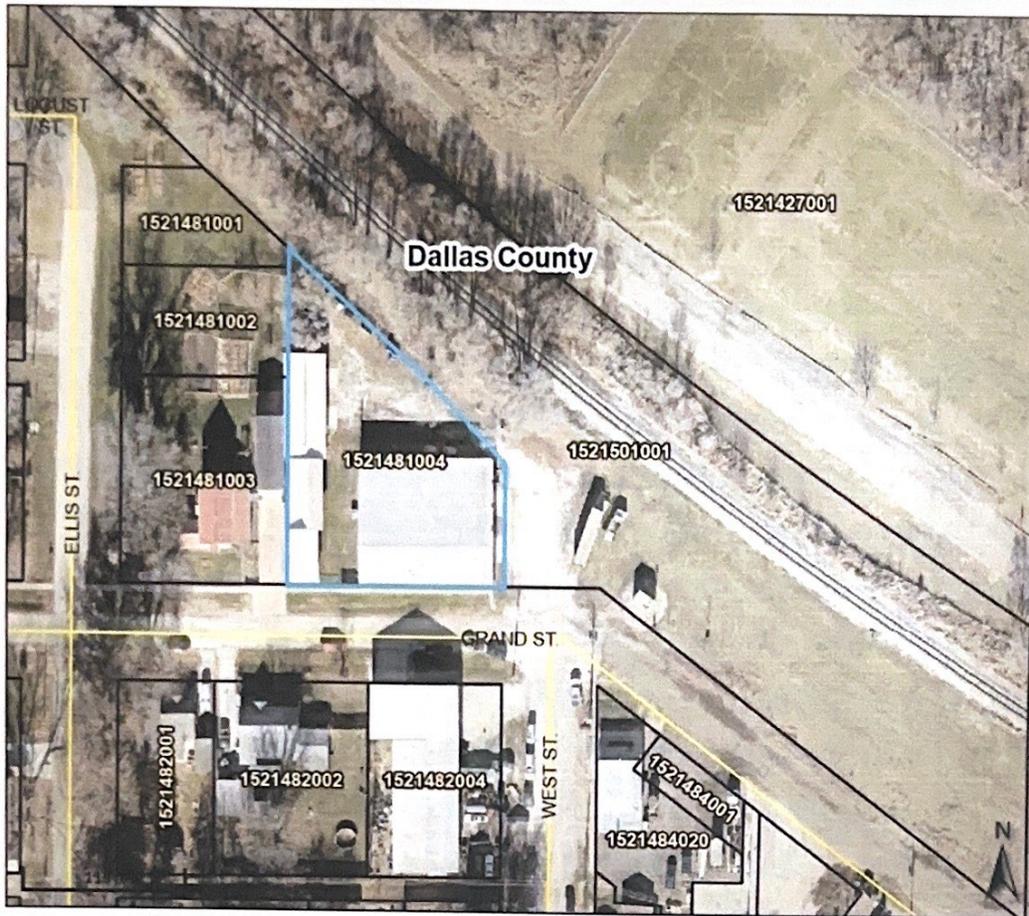
(Cell) 515-333-0554 Please feel free to call me on my cell anytime if needed



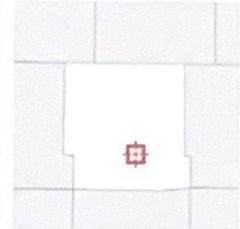
325 Grant



11/25/2022



Overview



Legend

-  Parcels
- USA Major Highways**
-  Limited Access
-  Highway
-  Major Road
-  Local Road
-  Minor Road
-  Other Road
-  Ramp
-  Ferry
-  Pedestrian Way
-  City Limits

Parcel ID	1521481004	Alternate ID	n/a	Owner Address	BROWN STONE LLC
Sec/Twp/Rng	21-78-27	Class	C		2284 NORWOOD AVE
Property Address	325 GRAND ST VAN METER	Acreeage	n/a		WINTERSSET, IA 50273
District	420000				
Brief Tax Description	CLAYTONS ADD BLK 4 /EX W114'/ & COMM SE COR LOT 5 E66' N84' SWLY 107' TO X <i>(Note: Not to be used on legal documents)</i>				

Date created: 10/25/2024
Last Data Uploaded: 10/24/2024 10:54:46 PM

Developed by  **SCHNEIDER**
GEO SPATIAL



Handy Auto
515-989-9335

OFFICE

400 Certified
• ESTIMATES
• PICK UP
• DROP OFF

OFFICE
• ESTIMATES
• DROP OFF
• PICK UP

OFFICE
• ESTIMATES
• PICK UP





From: [Jess Drake](#)
To: connorfaber@gmail.com
Subject: 325 Grand St, Van Meter
Date: Monday, September 16, 2024 9:56:00 AM
Attachments: [Van Meter C1 Zoning.pdf](#)
[Van Meter Site Plan Review.pdf](#)

Connor – Attached is the information based on our conversation today. Please let me know if you have any additional questions.

Depending on the specifics of the intended use, if a variance is requested, there is a specific process that will need to be followed. The site plan would need to be submitted to the City prior to requesting a meeting with P&Z. Upon receipt of the plan in accordance to the site plan requirements as defined by City code (attached), the site plan review would be added to the next scheduled Planning & Zoning Meeting (P&Z meets the last Wednesday of each month). In addition, if the P&Z review shows that a variance is required, that will need a separate meeting with Board of Adjustment. Board of Adjustment is who would review regarding a variance request.

The buyer should also be aware that a site plan would be required if there will be a remodel or renovation that is over \$25,000 in value which would require review by Planning & Zoning. All of the current standards for the C1 zoning will apply if any addition/expansion adds 20% or more gross area of the existing building, a remodel valued at \$25,000 or more or change of surface material of the off-street parking or expansion of the parking area. I've attached the zoning regulations for this property. The permitted uses are listed in the zoning code as well.

A building permit will be required for any interior renovations. If there are exterior improvements that don't change the structure of the building, those would not require a building permit. However, any electrical, plumbing or mechanical work (interior or exterior) would require trade permits. Each trade permit is \$85 and the building permit cost is determined by the building inspectors based on the scope of the project.

City Clerk

Jessica Drake

Office: 515-996-2644 | Cell: 515-478-5047

jdrake@vanmeteria.gov

www.vanmeteria.gov

Mailing Address:

City of Van Meter

PO BOX 160

Van Meter, IA 50261

To ensure compliance with the State of Iowa Open Meeting laws, members of the City Council may reply to this message, but they should not copy the reply to other members of the Council. Thank you for your attention to this concern.

Please be aware messages sent from and received of this e-mail address may become public record.

165.14 C-1 DOWNTOWN COMMERCIAL DISTRICT.

1. Intent. The Downtown Commercial District is intended for the conduct of general business to which the public requires direct and frequent access. The regulations set forth in this section are meant to achieve the following purposes:

- A. To protect commercial development against the establishment of uses which would create hazards, dust, odors, smoke or other objectionable influences or heavy trucking traffic.
- B. To provide appropriate space for strengthening the economic base of the community.
- C. To conserve the value of existing commercial buildings.
- D. To encourage pedestrian movement in a developed downtown.
- E. To encourage minimum development standards that will aid to unify the appearance of the district.

2. Applicability. The standards identified in this chapter shall apply in the following circumstances, and are subject to the site plan submittal and review procedure as identified in Chapter 167.04 of the Municipal Code:

- A. New construction of a building(s);
- B. Reconstruction of a building(s);
- C. Addition and/or expansion to an existing building by 20% or more of the gross area of the existing building;
- D. Remodeling of a building when the building permit value is \$25,000 or more. The value is for collective value of improvements and/or development and shall not be circumvented by applying for multiple permits under the established value.
- E. The change of surface material type of an off-street parking area, including a material overlay process(es) and/or the expansion of a parking area, of any surface type, by more than 20% of the existing surface lot area.

3. Permitted Uses.

- A. Private clubs, lodges, or veterans' organizations.
- B. Hospitals, clinics, nursing, and convalescent homes.
- C. Any retail business or service establishment, including but not limited to the following:
 - (1) Animal hospitals, veterinary clinics.
 - (2) Bank, savings, and loan associations.
 - (3) Barber shop or beauty parlor.
 - (4) Clothing, sporting goods store.
 - (5) Drugstore.
 - (6) Florist shop.
 - (7) Furniture, appliance store and repair. Grocery store or supermarket.
 - (8) Hardware store, plumbing and heating.
 - (9) Jewelry store.

(10) Laundries and laundrettes.

(11) Office building, business and professional.

(12) Photographic studio, camera shop.

(13) Printing shop.

(14) Restaurant, drive-in restaurant.

(15) Tavern and night club, provided that it is not within three hundred (300) feet of an "R" district; church, school, or convalescent home.

D. Mixed use structure, commercial and residential where the residential use is secondary to the commercial use and where the residential use that is located on the ground floor is less than 40% of the ground floor area and is not located on the primary street façade of the ground floor. No residential occupancy shall be permitted until the commercial use of a lot within this district is complete and a certificate of occupancy is issued.

E. Any and all uses permitted under "C-0" classification.

F. An exception is allowed in this district to Section 165.04(8) of the Municipal Code, Number of Uses on One Lot. More than one principal use is allowable on one lot.

4. Accessory Uses.

A. Any and all accessory uses permitted under the "R-3" classification.

5. Signs.

A. No exterior attached sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade.

B. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located.

C. Indirectly illuminated signs shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way.

D. Internally illuminated signs shall not be moving, rotating, flashing or strobe.

E. Message center signs can display a message in a stop position for a minimum of 5 seconds and then display then next message. The message cannot rotate, flash, strobe or scroll. The message center component shall not exceed 20% of the total sign area.

F. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however, this does not apply to the side of the building which is opposite that side adjoining the "R" district.

G. A sign, free-standing, or ground (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of fifteen (15) feet from the property line.

H. Signs Types – Prohibited.

(1) The following sign types shall not be permitted:

a. Pole signs

- b. Above peak roof signs
- c. Off-premise signs

6. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the “R-3” classification for dwelling units; there is no minimum requirement for any other building. There shall be no minimum lot area for a mixed use, commercial and residential development.

- B. Lot Width. There shall be no minimum lot width required.
- C. Yard Width.

(1) The minimum front yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the front yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(2) The minimum rear yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the rear yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(3) For each one (1) foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an “R” district, there shall be a minimum rear yard of ten (10) feet adjacent to said side lot line.

(4) The side yard required for residential uses shall be the same as that for the “R-3” classification. There shall be no minimum requirement for any permitted uses, except when adjoining any “R-1,” “R-2,” “R3” district, or street right-of-way, in which case it shall be fifteen (15) feet.

- D. Building Height. The maximum height shall be three (3) stories, or forty-five (45) feet.

7. Off-Street Parking and Loading Requirements.

A. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

B. The parking space requirements listed in Section 165.34 and 165.35 Off-Street Loading and Off-Street Parking regulation in the City of Van Meter Zoning Ordinance shall be incorporated except for as follows:

(1) Properties south of Grant Street with frontage on Wilson, West, or Grant shall have no off-street parking minimum standards.

(2) Properties north of Grant Street with frontage on Wilson, West or Grant shall provide off-street parking at the minimum standard required to provide sufficient staff parking for the proposed business use as recommended by the City Engineer through a review of the proposed site plan.

(3) All mixed-use structures containing residential uses shall provide a minimum of one (1) off-street parking stall for each residential unit.

(4) Off-street parking requirements can be satisfied via shared parking agreements should off-street parking requirements be impossible to meet on the proposed lot. In such instances, shared parking agreements must be included with site plan submittals and shall be drafted in such a way that they run with the land.

C. Required parking spaces shall have a minimum size of nine (9) feet wide by eighteen (18) feet long exclusive of access drives, aisles, or ramps. The length of parking stalls may be reduced to sixteen and one-half (16 ½) feet including wheel stops if an additional one and one-half (1 ½) feet is provided for the overhang of wheels.

D. Parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.

E. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project. Parking areas shall be designed to minimize headlights shining into residential properties.

F. Uses which predominately occur during different times may share parking if it can be demonstrated that collectively the minimum number of parking spaces is provided at all times.

G. Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:

(1) The parking must not extend into the required front yard setback.

(2) A single parking aisle with parking on one side, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable.

H. Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and or turf. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

8. General Provisions.

A. Chain link fences shall not be allowed. Fences shall not exceed 4-feet in height when located in the front yard setback and may not exceed 6-feet in height when located in the side or rear side yard.

B. Paving shall not be allowed over or through the City-owned right-of-way in front of any commercial use, except for driveways providing access to an approved parking lot.

C. Minimum off-street parking requirements must be contained entirely outside of the public right-of-way.

D. All regular business must take place inside a structure, except for authorized outdoor dining or an authorized special/seasonal event permit.

E. Multiple buildings are allowed on one zoning lot.

F. Exterior storage of goods and equipment is not permitted.

G. Only one driveway approach shall be permitted on each street frontage, of each premise. At locations where driveways are not shared with an adjoining property each driveway shall be placed in such a way as to not impede the visual clearance to access the public street.

H. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on

the service drive or extend into any other public or private street.

I. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

9. Design Guidelines.

A. All attached or detached garages shall be placed towards the rear of a building except on a corner, where the side may also be allowed. These can be accessed via privately controlled lanes and alleyways.

B. One story commercial buildings shall be constructed to appear of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.

C. Driveway locations shall be spaced such that they are at least 5 feet from any adjacent driveway.

D. Shared driveways are allowed.

E. Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.

10. Architectural Standards.

A. The front façade, or any façade that directly abuts a public right-of-way including a street side yard of any building shall be at least fifty (50) percent brick or masonry stone.

B. All sides of buildings visible from the public right-of-way shall be architecturally treated to produce an aesthetically pleasing façade that is compatible with surrounding buildings and cohesive as development block. Exterior materials of commercial quality shall include brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints.

C. Exterior building walls may also be constructed of wood, fiber cement board, architectural concrete masonry units that contain variances in texture and/or integral color, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street façade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations. Smooth face concrete masonry units shall not be allowed.

D. All rooftop mechanicals must be placed or screened in such a way that they are not visible from any public street, alleyway, or park. Rooflines should have the appearance of a flat structure. In instances where a peaked or gable roof is existing and will not be modified structurally, design elements shall be designed such that the roof appears to be flat and screened in such a way that the peak of the structure is not visible. This regulation shall apply to property as follows:

(1) Properties with frontage on Grant Street, Wilson Street and West Street.

E. The front façade and street side façade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.

F. Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be compromised of at least twenty-five (25) percent

windows and doors at the ground level.

G. Accessory structures that are not open for business to the public are exempt from the window and door requirements of Subparagraph E above provided they are placed between the rear of the primary building and rear yard setback and are not visible from the public street. The structure is subject to compliance with Subparagraph B above.

H. All structures must be constructed on permanent foundations and may not be placed in a temporary manner.

11. Curbs and Curb Cuts. The number of curb cuts for any development shall be minimized to the greatest extent possible to provide for controlled ingress and egress.

A. All curbs shall be vertical curbs. No curb cut shall be greater than twenty-five (25) feet at the property line and thirty-five (35) feet at the curb line in accordance with the established City standards.

B. No curb cut for freight lanes shall be greater than thirty-five (35) feet at the property line and forty-five (45) feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

12. General Landscaping and Buffering Requirements.

A. No certificate of use shall be authorized unless all landscaping requirements are met. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.

B. Landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic.

C. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

D. Landscape vegetation shall consist of species compatible with conditions in central Iowa.

E. Minimum requirements, trees:

(1) Two (2) trees or two (2) trees per three thousand (3,000) square feet of required open space, or

(2) Fifty (50) percent of the required trees maybe two (2) inch caliper and the remaining required trees may be eight (8) feet to ten (10) feet in height and one and one-half (1.5') inch caliper.

(3) The trees shall be balled or burlap stock.

(4) The minimum height for evergreens shall be six (6) feet and may be counted as 2-inch caliper for requirements.

(5) The trees must live for at least twelve (12) months after planting or be replaced by the landowner.

F. Minimum requirements, shrubs:

(1) One shrub shall be planted for every one-thousand (1,000) square feet of open space, but no less than three shrubs per lot.

G. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred-twenty (120) square feet.

(1) The use of ornamental shrubs and coniferous trees shall be encouraged.

(2) The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

H. A landscape barrier shall be located between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area. The barrier shall be a minimum of six (6) feet in height consisting of a natural material such as ornamental fence, an earth berm or an opaque hedge or any combination thereof.

I. At a minimum, one tree shall be provided every twenty-five (25) linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area.

J. The provisions of the subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this ordinance.

K. The perimeter(s) of the lot adjacent to public rights-of-way, shall include a strip of land of at least ten (10) feet in depth located between the right-of-way and the off-street parking or other vehicular use area(s), and shall be landscaped as follows:

(1) One (1) tree for every twenty-five (25) feet, or fraction thereof of lineal frontage. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area.

(2) The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the planting strip.

(3) A hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier.

(4) The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

(5) Ground cover plants shall form a solid mat or cover over the ground within a twelve (12) month period. Sod shall be employed when grass is used as a ground cover in Zone 1. Non-living material shall not be used as the primary ground cover device but may be used in conjunction with living plant material to develop an ornamental landscaping effect.

(6) Non-living materials such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum depth of three (3) inches and shall be used in conjunction with an appropriate landscape weed control fabric.

(Section 165.14 – Ord. 2021-07 – Mar. 21 Supp.)

Agenda Item #11

Adjournment

Chairperson: With no further business, do I hear a motion to adjourn?

Commissioner _____: ***So moved.***

Commissioner _____: ***Second.***

Chairperson: All in favor? _____

This meeting is adjourned at _____pm. Thank you.