

## CHAPTER 179

### ZONING CODE — ADDITIONAL PROVISIONS

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**179.01 SITE PLANS.** To assure that the design and location of commercial and industrial areas will be in conformance with the zoning standards of this Zoning Code and are properly related to and in harmony with the existing and future business and industrial development of the City, including generally accepted principles of commercial, industrial and civic design, a detailed site plan shall be submitted, in accordance with the “Site Plan and Specification Submittal Procedure” found in the Urban Standard Design Manual, showing the proposed use and development of all commercial and industrial sites for recommendation by the Planning and Zoning Commission to the Council for their approval. This section, along with the Urban Design Standards Manual, should be coordinated.

#### **1. Procedure.**

- A. A site plan review is required whenever a person or other group wishes to develop any tract or parcel of land within all zoning districts, except for any detached single-family residence and two-family residences including any accessory structure thereto; agriculturally zoned property; new construction of non-residential accessory buildings less than 1,000 square feet in gross floor area; and additions to existing non-residential buildings when the addition is less than ten (10) percent of the existing building's gross floor area or the addition does not exceed one thousand (1000) square feet, which ever is more restrictive. Also where no new curb cuts are required and where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the City Engineer. Said person shall cause to be prepared a site plan of such development and shall submit fourteen (14) copies of said site plan to the City Clerk. The provisions of this section shall be applicable to the redevelopment, enlargement or extension of any commercial or industrial uses and structures existing at the time of adoption of the ordinance codified herein (3-18-2002). The site plan shall contain such information and data as outlined herein.
- B. The Clerk shall refer a copy of the site plan to the City Engineer, or such other person as shall be designated from time to time by the Council, who shall review said site plan as to its compliance with the

ordinances of the City, its effect upon public utilities and the public street system, and submit findings, within thirty (30) days, to the Planning and Zoning Commission.

- C. The Clerk shall also forward a copy of the site plan to each member of the Planning and Zoning Commission. The Commission shall, after receiving the engineer's report, review the site plan for conformity with the regulations and design standards contained herein, and may confer with the developer on changes deemed advisable in such site plan.
- D. The Commission shall forward its recommendation of action to the Clerk within forty-five (45) days of the date of submission of the site plan. If the Commission does not act within 45 days, the site plan shall be deemed to be approved by the Commission unless the developer agrees to an extension of time.
- E. The Commission may, in its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.
- F. The Council shall, upon receipt of the recommendation of the Commission, either approve or disapprove the site plan of the proposed development.
- G. No building permit or certificate of occupancy for any structure within any distance within which a site plan is required shall be issued until the site plan has been approved as provided herein.
- H. Upon final action by the Commission on any site plan, a copy of said site plan with the action of the Commission noted thereon and signed by the chairman of the Commission shall be filed with the Clerk.
- I. If the administrative official finds that any construction or proposed construction or occupancy of a development on a tract of land for which a site plan has been approved will not substantially comply with the site plan as approved, or if the administrative official finds that the construction and development of the tract is not being carried out in accordance with the development schedule filed with the site plan, the administrative official shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project or any successors in interest shall have provided the administrative official with proof satisfactory to said administrative official that the site plan will be complied with. The administrative official shall not issue a certificate of occupancy for any structure within the development while the building permit for the development has been suspended pursuant to this paragraph. Any person aggrieved by any

decision or action of the administrative official under this paragraph may appeal such action or decision to the Board of Adjustment.

- J. If the owner or developer of a tract of land for which a site plan has been approved determines that an extension of time is necessary or that a modification of the site plan would provide for a more appropriate or more practicable development of the site, the owner or developer may apply for an amendment of the site plan. The Commission may grant an extension of time or a modification of a previously approved site plan if it determines that such modification of the site plan would provide for a more appropriate development of the site.
  - K. **Pre-application Conference.** Whenever any person, partnership, corporation or any other group, public or private, proposed to develop any tract or parcel of land or modify any existing development which requires a site plan submittal, a request shall be made to the Department of Community Development for a Pre-application Conference. The conference shall include the applicant or representative, the Director of Community Development, the City Engineer, The City Building Inspector, and the Public Works Director. The purpose of the conference shall be to acquaint the City Staff with proposed development and to acquaint the applicant or representative with the procedures and with any special problems that might relate to the development. The applicant shall furnish a legal description of the property to be developed at the time of requesting the Pre-application Conference, and the conference shall be held within fifteen (15) days of such request.
2. **Design Standards.** The standards of design are intended as minimum requirements so that the general arrangement and layout of the development requiring the site plan may be adjusted to a wide variety of circumstances.
- A. All proposed developments for which site plans are required shall conform to the Comprehensive Plan of the City; the provisions of this Zoning Code, the Subdivision Regulations, if applicable; the Urban Standard Specifications for Public Improvements and Urban Design Standards for Public Improvements, and all other applicable City ordinances and statutes and regulations of the State.
  - B. The proposed development shall have such entrances and exits upon public streets as are necessary for safety and the general welfare and shall have such interior drives as are necessary for free movement of emergency vehicles; and shall have such pedestrian walkways as are necessary for safety and general welfare. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion

on adjacent or surrounding public streets or create undue hazards to traffic safety.

- C. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded areas, and other natural features, which will lend themselves to proper, harmonious and attractive development of the site. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
- D. The proposed development shall be designed with adequate water mains, provisions for sanitary sewage facilities, storm sewers (storm sewers to be designed for 5-year storm calculations) and drains and flood control, in accordance with the ordinances and regulations of the City and statutes and regulations of the State and good engineering practice to protect the public health and welfare and not overload any existing public utilities. Surface drainage shall be directed to on-site detention, where required, and to storm sewers in accordance with applicable design standards, including the requirement to extend public storm sewer if deemed necessary. All storm drainage calculations shall include capacity of downstream facilities and be sized to accommodate existing facilities.
- E. The proposed development shall be designed and the buildings and improvements located in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property and to such end shall have such buffers, screen fences and landscaping as may be proper and shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term “use and enjoyment of adjoining property” means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term “use and enjoyment of adjoining property” means those uses permitted under the zoning districts in which such adjoining property is located.
- F. The proposed development shall not unduly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.

- G. The proposed development and all structures therein shall be designed in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive.
- H. To such end as may be necessary and proper to accomplish the Design Standards of this section, a landscaping plan prepared by a registered landscape architect, nursery person or such other knowledgeable person shall be provided, along with plans which address erosion control and other applicable requirements of this chapter and other city regulations.
- I. **Architectural Standards.** As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City Council after recommendation from the Planning and Zoning Commission. Documentation to be submitted shall include color building elevations showing the building's design on all sides and a description of structural and exterior materials to be used. Exterior materials samples shall also be submitted upon request. The following standards shall be used by the City to review architectural plans:

1. **General Requirements:**

- a. **Building Orientation:** Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, non-residential overhead doors, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, or loading areas to the public or residential areas unless screening of those areas is proposed. Screening must comply with Section 175.02 (128) of the City Code, which describes screening requirements. Section 175.02 (128) states, "Screening; to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms and/or a living screen of deciduous or coniferous type vegetation."
- b. Roof mounted mechanical units, satellite dishes, or other similar equipment shall be screened from public view by the extension of a parapet wall or other roof mounted equipment.

Such screening shall have similar design features as the building including material, shape, and color considerations.

- c. This Architectural Standards Ordinance applies to remodeling of existing structures when modifications, other than painting, are made to any exterior wall plane or roof. If an exterior building wall is altered as a result of a remodeling project, that entire wall plane must be brought into compliance with this ordinance. Exterior walls not changed by the remodeling may remain in their existing condition. Roofs must be brought into compliance with this ordinance if a remodeling project changes the roof structure. Roofs may be re-roofed and not brought into compliance with this ordinance so long as the re-roofing does not alter the structure of the roof.

**2. Multiple-Family Dwellings and Townhomes in All Districts Except C Zoning Districts:**

a. Building Materials

i. Hard Surface Requirements

1. Attached dwelling structures shall incorporate, at a minimum, twenty percent (20%) brick, stone, or similar substantial material into the overall exterior building façade.
2. Multiple family structures shall incorporate, at a minimum, twenty percent (20%) brick, stone, or similar substantial material into the overall exterior building façade.
3. Townhome buildings shall incorporate at a minimum, twenty percent (20%) brick, stone, or similar substantial material into the overall exterior building façade.
4. All door or window openings shall count toward these requirements if surrounded by the hard surface material. These opening shall not be designed to unreasonably reduce the amount of hard surface material that is used. The balance of net exterior wall area may be lap siding, synthetic stucco (EIFS), architecturally designed concrete tilt-up panels, or another similar material.

- a. Exterior building materials shall not include the following: rough sawn board and batten wood, smooth-faced or gray concrete block, painted concrete block, field painted or pre-finished standard corrugated metal siding, standard single or double tee concrete systems.
  - b. The rehabilitation of existing multi-family and townhome structures shall comply with the requirements for exterior building materials above to the maximum extent practicable.
  - c. The required amount of hard surfaces materials shall be limited to only those façades that face the public view, provided that adequate screening will block other non-public façades. In this case, the required building materials must be present as at least trim material on the non-public façades.
5. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the walls on the front of the building face must be totally covered with the materials listed in this paragraph. The front building face shall be that side or sides of the building, which face the street and are located at the front end of the building at or near the front set back. The above requirements for the non-front sides of any building may be waived in whole or in part by application for approval of an alternative design to the Planning and Zoning Commission and City Council. The alternative design may be approved by the Planning and Zoning Commission and the City Council if it is demonstrated by the property owner that:
- a. Covering the metal or concrete building with appropriate materials for all or part of the building side is inconsistent or unnecessary based upon the proposed use of the structure, the appearance of

- b. Visibility of the side of the building to the general public will be limited by terrain, thick vegetation, or by placement of current or proposed building structures.
- ii. Roof Materials. Predominant roof materials shall be high quality, durable material such as, but not limited to: wood shake shingles, clay or concrete tiles, composition shingles, asphalt shingles and rubber roofs. Other materials will be considered on a case-by case basis.

b. Design Guidelines:

i. Building Mass and Form

1. Multi-family and Townhome building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building supporting it.
2. All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of fifty (50') feet or more are prohibited. At least every fifty linear feet (50'), wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least two feet (2'). The façades of single-family attached townhomes should be articulated to differentiate individual units.

ii. Architectural Detail:

The following guidelines and standards governing architectural detail are intended to provide a

distinctive, quality, architectural character in new multifamily developments. In particular, architectural details help to reduce the visual scale of large multifamily and townhome buildings and development. Buildings shall be designed and constructed in a manner that is compatible with the adjoining residential uses in the neighborhood. Multiple-family buildings with single plane walls and/or boxy appearance shall not be considered acceptable. Buildings shall be designed with exterior details, texture, and creative use of angles and a multiplicity of planes within wall and roof design in order to enhance the building's physical appearance and eliminate plainness.

#### 1. Consistency in Architectural Style

Each building in a multi-family and townhome development should have a definitive, consistent style. Mixing of various architectural styles on the same building dilutes the character of a building.

#### 2. Articulated Wall Surfaces

Multi-family buildings and townhomes shall incorporate façade modulation in all building elevations to preserve building scale and reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished either by physical offsets (i.e. the use of bays, insets, balconies, porches, or stoops), or by the use of color, pattern, or texture.

#### 3. Windows

- a. All multi-family and townhome building elevations shall contain windows, except when their omission is necessary to assure privacy for adjacent property owners.
- b. Windows should be located to maximize the possibility of occupant surveillance

of entryways, recreation areas, and laundry areas.

#### 4. Garage Doors

- a. Garage doors of two-car attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family or townhome building's front façade.
- b. Garage doors of three-car attached garages shall not comprise more than sixty-five percent (65%) of the total length of a multi-family or townhome building's front façade.
- c. Every two single-bay garage doors or every double garage door shall be offset by at least two feet (2') from the plane of an adjacent garage door(s).

#### 5. Roofs

- a. All multi-family and townhome buildings shall have a pitched roof with a minimum slope ratio of 5:12.
- b. On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis.
- c. Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

#### 6. Accessory Structures

Design Compatibility Required. Detached garages and other accessory structures,

including but not limited to grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos, shall incorporate compatible materials, scale, colors, architectural details, wall articulations, and roof slopes as the primary multi-family buildings, except that flat and shed roofs are prohibited.

#### 7. Private Outdoor Spaces

Outdoor porches, patios and screened private areas are encouraged.

3. **Non-Residential Uses in R Districts:** Any building used for a permitted non-residential use in an R District shall be constructed with architecture compatible with the residential uses within the neighborhood. Use of materials shall follow the guidelines set forth for commercial buildings in item 4 below.
4. **All Uses Within Any C District:** Buildings within any C District shall be designed, having as a primary element of the building exterior: fascia glass, brick, architecturally designed concrete tilt-up panels, textured concrete block or stone with all sides of any building consistent in design and use of materials. These materials shall make up at least thirty percent (30%) of the overall exterior building facade. The remaining surface shall be finished with split-faced block, concrete panels, stucco, or architectural aluminum panels. No wood, masonite, asphaltic wall material, non-architectural sheet metal, non-textured concrete block, or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.
  - a. The required amount of hard surfaces materials shall be limited to only those façades that face the public view, provided that screening will block other non-public façades. In this case, the required building materials must be present as at least trim material on the non-public façades.
  - b. Commercial buildings shall incorporate façade modulations in all building elevations in order to preserve building scale and reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished

either by physical offsets or by the use of color, pattern, or texture.

- c. Buildings proposed or developed in the downtown area, as designated by the City Council and/or the comprehensive plan, shall maintain the historic nature, and incorporate architectural elements and designs which complement and preserve the character of the area.
  - d. Buildings proposed in commercial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.
5. **All Uses within the M-Districts:** The exterior material of the building's front elevation shall be comprised of fascia glass, brick, concrete panels, textured concrete block, stone panels, or other similar material. These materials shall be present on at least 50% of the buildings front and must be present on other sides as at least trim material. The predominant material in these sidewalls may be textured metal panels, architectural metal or similar material. The use of sheet metal (ribbed metal panels) as an exterior building material shall only be considered acceptable for non-public faces of buildings. No wood, vinyl, masonite, asphaltic wall material, aluminum or steel siding, non-textured concrete block, or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.
- a. Buildings proposed in industrial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.
  - b. Industrial buildings shall incorporate façade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture.

- c. M-2 District: This section shall not apply to development in an M-2 area provided that:
  - i. The gross floor area of the site is in excess of 150,000 square feet per floor; and
  - ii. The M-2 District does not fall within 600 feet of Highway 65 (see subheading 6 below).
  
- 6. **Arterial Corridor Overlay:** All lots or any portion of a lot in any Commercial (C) or Manufacturing (M) zoning district, which are within 600 feet of Highway 65, lots fronting on 2nd Street Northeast, 2nd Street Northwest, Grant Street North, Grant Street South, and any portion of Northeast 72nd Street within the City of Bondurant, shall adhere to the following standards. Multi-family residential structures and non-residential structures in Residential (R) zoning districts built in the Arterial Corridor Overlay District must comply with the standards set out in Section 1.1.2 and Section 1.1.3 of this ordinance.
  - a. The required amount of hard surfaces materials may be limited to only those façades that face the public view, provided that adequate screening will block other non-public façades. In this case, the required building materials must be present as at least trim material on the non-public façades.
  - b. All buildings must be designed to include brick, stone or glass on 100% of each elevation facing Hwy 65, another street, or public parking area. Split face block, EIFS and precast materials may be used as a secondary material. Residential-style vinyl or metal siding may not be used. Metal paneling may be used as a trim material and must not make up more than 10% of any elevation.
  - c. All buildings should be designed to minimize single plane walls and boxy appearance through the use of pitched roofs, dormers, cupolas, multiple roof lines, and relief in long wall expanses.
  - d. Loading docks, service areas or overhead doors shall not face the corridor.
  - e. Access to Highway 65 shall occur via the DOT's predetermined access points (PDA's).
  - f. Buildings proposed in commercial or industrial areas that are

adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.

- g. Commercial and industrial buildings shall incorporate façade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture.
- h. Buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front building elevation.

**City Council / Planning and Zoning Commission Joint Site Plan Review.** In the event that the City Council desires to amend a Site Plan approved by the Planning and Zoning Commission, a joint meeting of the City Council and Planning and Zoning Commission will be scheduled. The purpose of this meeting will be to discuss any items on which the City Council and Planning and Zoning Commission are not in agreement, with the expectation that said discussion will result in agreement between the two bodies on the outstanding issues. At the conclusion of the meeting, the Planning and Zoning Commission will vote on the site plan, regardless of whether or not there are agreed upon changes to the site plan. Following the Planning and Zoning Commission vote, the City Council will vote on the site plan, regardless of whether or not there are agreed upon changes to the site plan. The vote of the City Council is final and takes priority over the vote of the Planning and Zoning Commission. The developer or developer's representative shall be present at this meeting.

- 3. **Site Plan Requirements.** All site plans shall be drawn at a scale not less than 1" = 50'. Fourteen (14) copies of the site plan shall be submitted to the Clerk. The purpose of the site plan is to show all information needed to enable the engineer, Commission and the Council to determine if the proposed development meets the requirements of this Zoning Code. All site plans shall be certified by an architect, engineer, or landscape architect licensed by the State of Iowa, unless this requirement is specifically waived by the administrative official.
- 4. **Information Required.** The site plan required shall include the following information concerning the proposed development:
  - A. Name, address, and phone number of all persons having an interest in the property including the Engineer, Architect, Landscape Architect, Land Surveyor or person preparing the site plan.

- B. Legal description of property, point of compass, scale, date and revision dates.
  - C. Applicant's name, present and proposed land use and zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
  - D. If the applicant is other than the legal owner, the applicant's interest shall be stated.
5. **Required Illustrations.** The site plan shall clearly set forth the following information concerning the proposed development:
- A. Property boundary lines indicated by a heavy line, dimensions and total area of the proposed development.
  - B. Existing and proposed contour lines of the proposed development at intervals of not more than two (2) feet. Soil erosion control practices must be shown where necessary
  - C. The availability, location, size, and capacity of existing utilities, and of proposed utilities.
  - D. Existing and proposed utility lines and easements in accordance with the Standard Specifications and Subdivision Regulations.
  - E. The proposed location, size, height, shape, use and architectural theme of all buildings or structures in the proposed development.
  - F. The total square footage of building floor area, both individually and collectively in the proposed development.
  - G. Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams and wooded areas.
  - H. All required building setback lines.
  - I. Estimated number of employees for each proposed use where applicable and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.
  - J. Complete traffic circulation and parking plan showing location, number, dimensions and design of off-street parking in the proposed development, including:
    - (1) Driveways, islands and planters;
    - (2) Striping and safety curbs;
    - (3) Loading facilities;
    - (4) Type and location of lighting; and

- (5) Surface treatment.
  - (6) Grade and direction of drainage.
  - K. Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other man-made features to be used in the landscape of the proposed development.
  - L. Facilities for the collection and disposal of garbage and trash.
  - M. Location and type of all plants, grass and trees to be used in the landscape of the proposed development. Landscaping to be used for screening purposes shall be illustrated in the elevation and perspective as well as the plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated. Size, type, and location of required street tree shall be shown.
  - N. Location of entrances and exits from the proposed development onto public roads, and interior drives and proposed sidewalks in the development.
  - O. Proposed drainage facilities and provisions for storm water management and flood control.
  - P. Location, height and area of all signs (directional signs, identification signs or temporary signs) in the proposed development.
  - Q. Location of existing trees six inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred year storm.
  - R. A "Vicinity Sketch" of legible scale showing the generalized street patterns, land use and zoning within 100 feet of the site plan boundary.
  - S. Three (3) copies of architectural elevations of all proposed buildings, for the purpose of understanding the structures, the location of windows, doors, overhangs, projection height, etc., and the grade relationship to floor elevation, and the number of stories or each existing building to be retained and of each proposed building.
  - T. Soil tests and similar information, if deemed necessary by the city engineer, to determine the feasibility of the proposed development.
  - U. Bench mark information indicating city datum shall be noted.
6. **Expiration of Approval.** All site plan approvals shall expire and terminate one hundred eighty (180) days after the date of the Council approval unless a building permit has been issued for the construction provided for in the site plan. The Council may, upon written request by the developer, extend the time for the issuance of a building permit for sixty (60) days. In the event the building permit for the construction provided for in a site plan

expires or is canceled, then such site plan approval shall thereupon terminate.

**179.02 SCREENING.**

1. **Intent.** The intent of screening regulations is to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from another; and/or establishing a sense of privacy from visual or physical intrusion. The provisions of this chapter are necessary to safeguard the public health, safety and welfare.
2. **General Screening.** Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets and railroads.
3. **Compliance with General Standard.** The following table illustrates the type of screen required between zoning classifications. Where such screening is required the applicant or burdened use is responsible for installation prior to receiving an occupancy permit for the use in questions. A description of the screen types (A,B, and C) are described in the following subsection. Where screening is to be approved at site plan review (\*), the screening objectives described in the Site Plan Ordinance, Section 179.01 are to be adhered. The City Council may require additional screening where deemed appropriate.

TABLE OF SCREENING REQUIREMENTS													
Benefited Zoning Classification/Use													
Zone	R-1	R-2	R-3	R4	R-5	C-1	C-2	C-3	C-4	C-5	C-6	M-1	M-2
R-1	-	-	A	A	*	B	B	*	B	*	*	C	C
R-2	-	-	A	A	*	B	B	*	B	*	*	C	C
R-3	A	A	-	-	*	A	B	*	B	*	*	C	C
R-4	A	A	-	-	*	A	B	*	B	*	*	C	C
R-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-1	B	B	A	A	*	-	A	*	A	*	*	C	C
C-2	B	B	B	B	*	A	-	*	-	*	*	C	C
C-3	*	*	*	*	*	*	*	*	*	*	*	*	*
C-4	B	B	B	B	*	A	-	*	-	*	*	C	C
C-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-6	*	*	*	*	*	*	*	*	*	*	*	*	*
M-1	C	C	C	C	*	C	C	*	C	*	*	-	B
M-2	C	C	C	C	*	C	C	*	C	*	*	B	-

\* Screening to be approved with site plan review.  
 - No screening required.  
 A,B,C Described below.

4. **Descriptions of Screens.** The following three basic types of screens are established and are used as the basis for the table of screening requirements.

A. **Broken Screen, Type A.** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetations will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

B. **Semi-opaque Screen, Type B.** A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

C. **Opaque Screen, Type C.** A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

5. **Storage areas.** The outdoor storage of materials, equipment or supplies, when permitted in any commercial or industrial district, shall be so located

or screened, fenced or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage are by persons traveling on public right-of-ways or standing at grade level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type "C" as described in Section 17.67.040(C). (Ord. 1056 §1 (part), 1989).

### **179.03 CERTIFICATE OF OCCUPANCY.**

1. No land shall be occupied or used, and no building here-after erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the administrative official stating that the building and use comply with the provisions of this Zoning Code.
2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the administrative official. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Zoning Code.
3. Applications for certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the administrative official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
4. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy, and no building or premises shall be occupied until that certificate is issued.
5. A certificate of nonconforming uses shall be required of all non-conforming uses. Application for a certificate for nonconforming uses shall be filed with the administrative official within twelve (12) months from the effective date of the ordinance codified herein, accompanied by affidavits of proof that such non-conforming use was not established in violation of previous ordinance.

### **179.04 AMENDMENTS.**

1. The Council may, from time to time, on its own action or on petition, amend, supplement, or change the boundaries or regulations herein or subsequently established. However, no such amendment, supplement, restriction, change of boundaries, or regulations shall become effective until

after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The notice shall be published in a paper of general circulation in the City. Such amendment, supplement, or change shall not become effective except by a favorable vote of a majority of all of the members of the Council. In case, however, of a written protest against a change or repeal which is filed with the Clerk and signed by the owners of 20% or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all of the members of the Council. The provisions of Section 414.4 of the Code of Iowa relative to public hearings and official notice apply equally to all changes or amendments.

2. Whenever any person desires that any amendment or change be made in this Zoning Code, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof (intervening streets and alleys not to be included in computing such two hundred [200] feet) it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk.
3. Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk the sum of ten dollars (\$10.00) 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.
4. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council until one (1) year shall have elapsed from the date of the filing of the first petition.

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

**179.06 ENFORCEMENT; PENALTIES.**

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

**179.07 SITE PLAN FEE.** In addition to any other fees set out in this Code, the applicant shall be responsible for just and reasonable costs incurred by the City during the course of the site plan review and approval for work deemed necessary by the City to assure proper construction in accordance with applicable standards and Ordinances.

*(Ordinance No. 06-204)*