



**BUSINESS OF THE CITY COUNCIL  
BONDURANT, IOWA  
AGENDA STATEMENT**

Item No. 6j  
For Meeting of 2/23/2020

**TITLE:** Resolution affixing a public hearing for April 6<sup>th</sup>, 2020 on the proposed Zoning Code text amendments to the following Sections of the Code: 175.02 (Definitions); 177.10.9 (Development and Maintenance of Parking Areas); and 178.13 (Limited Industrial District)

**ACTION:** Resolution for vote on March 23<sup>rd</sup>, 2020

**CONTACT PERSON:** Maggie Murray, Planning & Community Development Director

**BRIEF HISTORY:** In November 2019 the Planning and Zoning Commission had some preliminary discussions on the potential for incorporating some additional commercial-type uses within the City's Limited Industrial (M-1) District. The purpose of this potential text amendment is to allow for some highway commercial-type uses on M-1 parcels here in Bondurant.

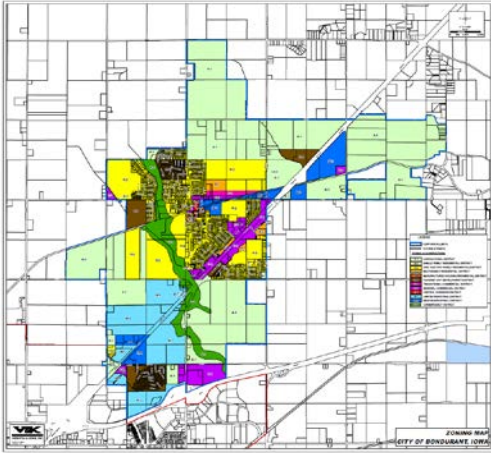
*Consistency with the City's Comprehensive Plan*

When Zoning Code text amendments are proposed, the Planning & Zoning Commission and City Council should review to make certain they are consistent with the City's Comprehensive Plan. The Zoning Map below shows that all existing M-1 District areas are situated in the southwest portion of Bondurant generally along the heavily traveled Highway 65 corridor. Amending the M-1 District to allow for some additional commercial-type uses can be considered consistent with the following industrial objective of the Comprehensive Plan:

**Industrial Objective 4.12:** *Support the establishment of industrial, office, and commercial service land uses that benefit from being adjacent to each other.*

The Comprehensive Plan notes that by locating some heavier commercial and industrial uses in the South Growth District (area where the M-1 District is located), this will help to preserve the small-town character in other areas of Bondurant.

## Zoning Map



To help the Council's consideration, enclosed is a map which shows all currently undeveloped site site zoned as being M-1.

Along with this M-1 use topic, this round of potential text amendments will also include several minor text "clean-up" items as described below to aid in interpretation of the Zoning Code by staff and developers.

### Summary of Text Amendment Topics:

- **Section 178.13 – M-1 District**
  - Amending the M-1 intent section to no longer include bulk regulations in the intent, as bulk is already covered by Section 178.13.5.
  - Amending **Section 178.13 – Permitted Uses** to include the following new uses in the M-1 District:
    - Automotive and farm or construction implement display, sales, service, and repair
    - Boat dealer
    - Motorcycle dealer and snowmobile dealer
    - Veterinarian clinics or hospitals, including overnight boarding and lodging
    - Car washes
    - Gas stations
    - Hardware stores
    - Restaurants
  - **Amending Section 178.13.2 – Permitted Accessory Uses** to remove "employee cafeteria or other food concessions", as this language is no longer necessary as restaurants will now be a permitted primary use; and by adding "drive-in and drive-through facilities" as a permitted accessory use.


- **Amending Section 178.13.5.E** by eliminating this section, as height/stories is already regulated by Section 178.13.5.D.
- **Section 175.02**
  - Amending this Section to include a new definition of **Gas Station**. This definition is being included to help distinguish that gas stations differ from truck stops. Gas stations do not allow for overnight parking and showers.
  - Amending this Section to include a new definition of **Outdoor Storage**. This definition is being included to help distinguish that outdoor storage from outdoor display. Reasoning - several of the existing uses, along with several of the proposed uses, of the M-1 District have an outdoor display lot component. Outdoor display areas differ from outdoor storage areas in that display areas are intended to display finished products and are accessible to the public, while outdoor storage areas are used for the storage of additional product.
- **Section 177.10.9**
  - Amending this Section to remove item B. Reasoning – this section is inconsistent with SUDAS.
  - Amending this Section to remove C. Reasoning – this section is inconsistent with SUDAS.

**PLANNING AND ZONING COMMISSION REVIEW/RECOMMENDATION**

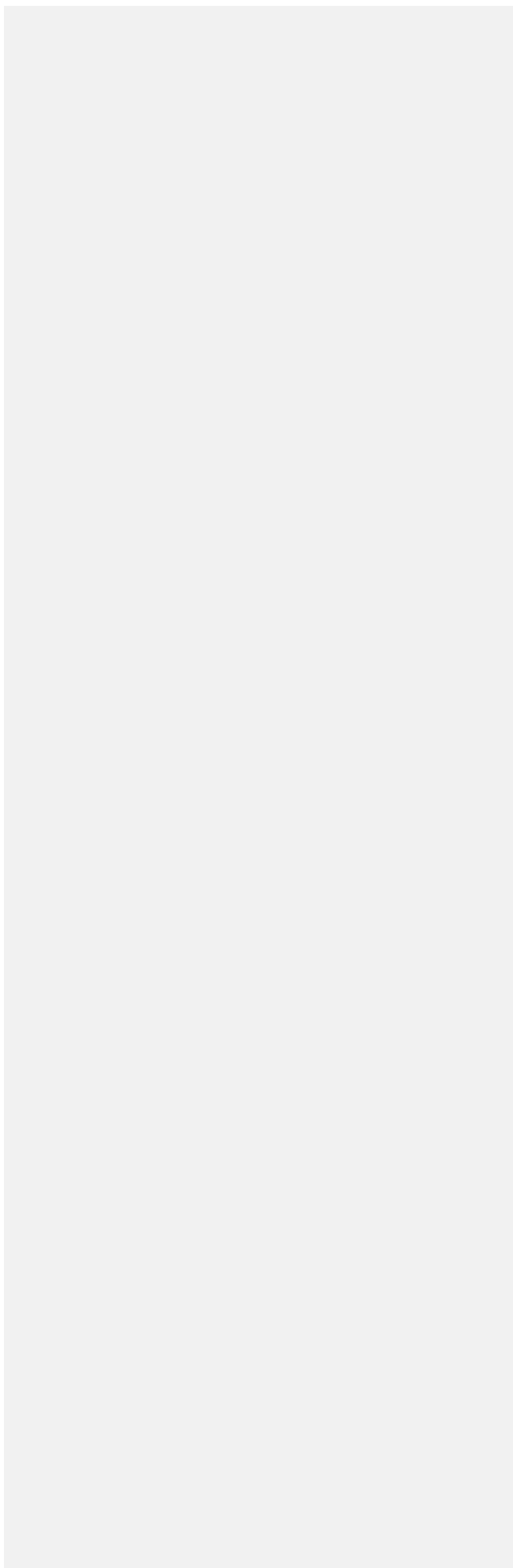
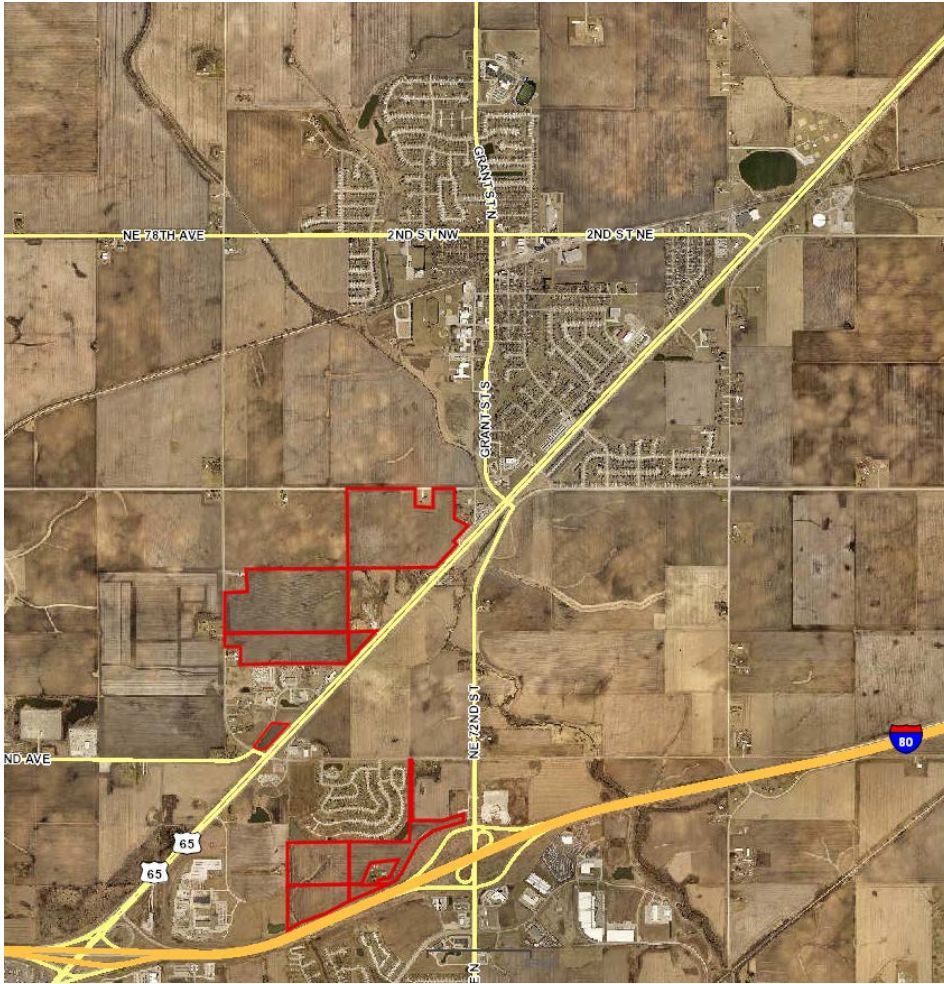
The Planning and Zoning Commission will hold their required text amendment public hearing during their meeting on March 26<sup>th</sup>, 2020.

**ALTERNATIVES:** The option exists for Council to not set the April 6<sup>th</sup> public hearing; however, this is not recommended, as a public hearing is required to consider Zoning Code text amendments.

**STAFF RECOMMENDATION:** Staff recommends approval of the resolution setting the April 6<sup>th</sup>, 2020 text amendment public hearing.

<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Contract <input type="checkbox"/> Other (Specify) _____
Funding Source    N/A
APPROVED FOR SUBMITTAL _____ <div style="text-align: center;">             City Administrator         </div>

**Undeveloped Land in Bondurant Zoned for Limited Industrial (M-1) Use**



**178.13 M-1 LIMITED INDUSTRIAL.** The “M-1” District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces, ~~and structures not more than two stories in height.~~

- 1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “M-1” District, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment shall take place within completely enclosed buildings, except for those allowable outdoor use exclusions listed in the definition of Outdoor Storage and except for Temporary Fireworks Sales Facilities. All open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris.

*(Ordinance No. 17-214)*

- A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacturing of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products, or like business.
- B. Automotive and farm or construction implement display, sales, service, and repair, or like business.
- C. Boat dealer, or like business.
- D. Body repair shops including painting, or like business.
- E. Car washes, or like business.
- F. Commercial trade schools, or like business.
- G. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries, or like business.
- H. Gas stations, or like business.
- I. Hardware stores, or like business.
- J. Laboratories, research, experimental and testing, or like business.
- K. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
  - (1) Bakery goods, candy and food products, or like business.
  - (2) Cameras and other photographic equipment, or like business.

**Commented [MM1]:** The way this area currently reads, “except for parked motor vehicles and off-street parking and loading as required by Sections 177.08 and 177.09. This line has been updated to also ensure that outdoor vehicle/display lots along with outdoor parking and loading areas are permitted.

- (3) Electric and neon signs, outdoor advertising signs, or like business.
  - (4) Medical, dental and drafting instruments, or like business.
  - (5) Musical instruments, toys, novelties, and rubber and metal hand stamps, or like business.
  - (6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas, or like business.
  - (7) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, cardboard, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, rods, strips or wire, paper, plastics, precious and semi-precious metals or stones, rubber (natural and synthetic), shells, textiles, tobacco, wax, wood, and yarns, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke, or like business.
  - (8) Small precision instruments, such as barometers, clocks, watches and compasses, or like business.
  - (9) Manufacture or assembly of computers and computer-related hardware, or like business.
- L. Beverage bottling, distribution and warehousing facilities, or like business.
- M. Contractor's offices and storage buildings (not including outside storage yards); including general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations, or like business.
- N. Dry cleaning and laundry facilities, or like business.
- O. Ice production, storage, sales and distribution facilities. Cold storage facilities. Creamery, and ice cream manufacturing, or like business.
- P. Lumberyards and building materials sales yards, provided that outside storage not be located in the front yard and that it is opaquely screened from view, or like business.
- Q. Machine shops, or like business.
- R. Mail order and distribution centers, or like business.
- S. Motorcycle dealer and snowmobile dealer, or like business.
- T. Office buildings, or like business.

**Commented [MM2]:** Highlighted as staff is going to seek guidance from P&Z on 3/26. This section is inconsistent with several other sections which prohibit outdoor storage; see 178.13.1, 178.13.1.H, and Section 178.13.4).

- U. Office Warehouses, or like business.
- V. Printing, lithographing or film processing plants, or like business.
- W. Public utility facilities, or like business.
- X. Publicly owned storage, warehouse and maintenance facilities, or like business.
- Y. Radio and television broadcasting stations and studios, or like business.
- Z. Recreational and utility trailer dealers, or like business.
- AA. Restaurants, or like business.
- BB. Sawmill and planing mill, including manufacture of wood products not involving chemical treatment, or like business.
- CC. Tire vulcanizing, retreading recapping, service and sales, or like business.
- DD. Truck rental establishments, or like business.
- EE. Truck terminals, delivery services, moving and storage facilities and truck maintenance facilities, or like business.
- FF. Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.
- GG. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only, or like business.
- HH. Fireworks sales facilities, providing that they are located more than 500 feet from any residential areas, school, child care facility or elderly residential facility. If the facility is a Temporary Fireworks Sales Facility, only one per lot is permitted.

*(Ordinance No. 17-214)*

**2. Permitted Accessory Uses.**

- A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.
- ~~B. Employee cafeteria or other food concession in conjunction with permitted use.~~
- C. Signs in accordance with Chapter 181 of this Code of Ordinances.
- D. TV Dish Antennas and Communication towers in accordance with Section 177.11 of this Code of Ordinances.
- E. Drive-in and Drive-through Facilities

**3. Required Conditions.**

No use shall be permitted to be established or maintained which by reason of its nature or manner of operations is or may become hazardous, noxious, or offensive

owing to the emission of odor, dust, smoke, cinder, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

**4. Permitted Conditional Uses.**

- A. Outside storage yards, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or another property.
- B. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.
- C. Home Occupations are not an allowed conditional use.

**5. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Front Yard. 50 feet from all streets or public Ingress/Egress easements.
- B. Side Yard. Twenty (20) feet; provided that where adjacent to an “R” or “C-1” District a side yard of twenty-five (25) feet shall be required.
- C. Rear Yard. 50 feet.
- D. Maximum Height. 80 feet, with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall maximum of no more than an average of 104 feet building height from finished floor.
- ~~E. Maximum Number of Stories. 3 with up to an additional 5 with supplemental setback.~~
- F. Lot Area. 10,000 sq. ft.
- G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.
- H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial “M” District is immediately adjacent to a Residential “R” District.

**Summary of M-1 Bulk Regulations:**

(A) Front Yard Setback	50 ft.
(B) Side Yard Setbacks	20 ft. 25 ft. if adjacent to street, “R”, or “C-1” district
(C) Rear Yard Setback	50ft.
(D) Maximum Height	80 ft., with an additional 12 feet (1 story) of heights permitted for every 10 feet of additional building setback for an overall



	maximum of no more than an average of 104 feet building height from finished floor.
<del>(E) Maximum Stories</del>	<del>3 with up to an additional 5 with supplemental setback.</del>
(F) Lot Area	10,000 sq. ft.
(G) Open Space	15%
(H) Screening	Sufficient height and density

*(Ordinance No. 18-209)*  
*(Ordinance No. 190930-216)*

## 177.10.9 - Development and Maintenance of Parking Areas

9. All commercial or industrial driveways installed, altered, changed, replaced or extended after March 18, 2002, shall meet the following requirements:
  - A. Islands between successive driveway openings shall be a minimum of twelve (12) feet with six (6) feet between the driveway opening and the lot lines. All distances are to be measured at the right-of-way line.
  - ~~B. Openings for vehicular ingress and egress shall not exceed thirty five (35) feet at the street line and forty five (45) feet at the curb.~~
  - ~~C. Vehicular entrances and exits to drive in theaters, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations, garages or public parking lots shall not be less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.~~

**Section 175.02 – Proposed New Definitions:**

**Gas Station:** an establishment for the retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores. Such establishments may have on-site food or drink for immediate consumption. A Gas Station does not allow for the accommodation of overnight parking or showers.

**Outdoor Storage:** The keeping of any inventory, goods, material, or merchandise, including raw, semi-finished, and finished materials outside for a contiguous period longer than twenty-four (24) hours. Outdoor uses related to required vehicular parking and loading areas as regulated by Section 177 and vehicle/equipment display lots and greenhouses/nurseries, where permitted in a District, shall not be considered as Outdoor Storage.

CITY OF BONDURANT  
RESOLUTION NO. 200323-76

RESOLUTION PROPOSING CONSIDERATION OF A ZONING CODE AMENDMENT AND AFFIXING A DATE FOR A  
PUBLIC HEARING

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONDURANT, IOWA:

That the City Council of the City of Bondurant, Iowa hereby proposes to consider the following Ordinance:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BONDURANT, IOWA, 2002, BY AMENDING CHAPTERS 175.02 – Definitions; 177.10.9 – Maintenance of Parking Areas; and 178.13 – Limited Industrial District (M-1).

A Public hearing will be held on the 6<sup>th</sup> day of April, 2020 at 6:00 p.m. at the Community Room of the Bondurant Community Library at 104 2<sup>nd</sup> Street NE, Bondurant, Iowa, at which time the Council will hear objections or support to said proposed Ordinance.

The Clerk is hereby directed to publish Notice of said Hearing, as by law required.

Passed this 23<sup>rd</sup> day of March, 2020,

By: \_\_\_\_\_  
Curt Sullivan, Mayor

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the City Council held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

\_\_\_\_\_  
Shelby Hagan, City Clerk

Name	Yay	Nay	Abstain	Absent
Cox				
Elrod				
Enos				
McKenzie				
Peffer				