



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

Item No. 12
For Meeting of 4/20/2020

TITLE: Second ordinance consideration of 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: Second ordinance consideration

CONTACT PERSON: Maggie Murray, Planning & Community Development Director

BRIEF HISTORY: On April 6th, 2020, City Council held a public hearing on proposed text amendments to the following sections of the City's Zoning Code:

- Section 178.13 - Limited Industrial District
- Section 175.02 - Definitions
- Section 177.10.9 - Development and Maintenance of Parking Areas

Proposed Amendments to Section 178.13 - Limited Industrial District (M-1)

Below is a summary of the text amendments proposed to this section of the Zoning Code. Along with the M-1 use topic, this round of text amendments will also include several minor text "clean-up" items to aid in interpretation of the Zoning Code.

- **Proposed Amendments to 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 some language in Section 178.13.1** to ensure that the outdoor vehicle/display lots along with outdoor parking and loading areas are still permitted by-right outdoors.
 - **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 178.13.1.K (now P)** to read the following: Lumber and building materials sales, or like business, provided that outside storage areas typically associated with such uses are subject to the Conditional Use Permit noted in Section 178.13.4. The current verbiage of this use reads the following: 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; this current outdoor storage by-right use is in conflict with the following sections of the current M-1 Code: 178.13.1, 178.12.1.H, and 178.13.4. The updated text will create consistency for how outdoor storage associated with this type of use is treated compared to other outdoor storage yard areas – by requiring a Conditional Use Permit.
 - **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.

The remaining information of this M-1 portion of the staff report has been included to provide some additional background information. When significant 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. Incorporating new uses into a district could be considered significant. 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.

Proposed Amendments to Section 175.02 – Definitions

The two new definitions below will help with interpretation of the Zoning Code by staff and developers.

- Amending this Section to include a new definition of **Gas Station**. Proposed New Definition: **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.

Reasoning for this new definition of **Gas Station**. The Commission provided guidance to staff in November 2019 that while a gas station use could be acceptable for the M-1 District, truck stops should not be considered as an allowable use in this District. Neither gas station nor truck stop is currently defined in the City's Zoning Code; so, if wanting to make this distinction in this M-1 District and other Districts, staff is proposing that a definition of Gas Station be included as part of the amendments. A definition of Truck Stop should be revisited at a later time.

- Amending this Section to include a new definition of **Outdoor Storage**. Proposed new definition: **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.

This definition of **Outdoor Storage** 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.

Proposed Amendments to Section 177.10.9 – Development and Maintenance of Parking Areas


- Eliminating **Section 177.10.9.B**. This section currently reads that all commercial or industrial driveways installed, altered, changed, replaced, or extended after 2002 shall limit openings for vehicular ingress and egress to no more than 35' at the property line and no more than 45' at the street curb. Reasoning this section is proposed for elimination:
 - It is not consistent with Statewide Urban Design and Specification (SUDAS). SUDAS allows for wider driveways for commercial and industrial uses along arterial streets. SUDAS allows for up to 45' at the property line, where the current code only allows for 35'. Also, SUDAS allows for a larger driveway flare out to the street than what is currently listed in the Code.

- Chapter 179 (Additional Provisions) already references SUDAS, so a requirement in Chapter 177 on allowable driveway widths is not necessary.
 - The City has recently allowed wider curb cuts than what is listed in the Code (Generation Next and Amazon are a few recent examples).
 - Bob Veenstra has reviewed and is okay with elimination of this section for the reasons as noted above.
- Eliminating **Section 177.10.9.C**. This section currently reads that vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations, garages, or public parking lots shall not be less than 200' away from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of assembly. Reasoning this section is proposed for elimination:
- SUDAS is already referenced in Section 177 of the Zoning Code. SUDAS provides guidance on allowable curb cut locations for residential, commercial, industrial, and agricultural uses.
 - This Section would prohibit construction of the proposed public parking lot project at the NE corner of Main Street SE and 2nd Street SE, as the entrance to the public parking lot will wall within 200' of the public park.
 - Bob Veenstra has reviewed and is okay with elimination of this section for the reasons as noted above.

PLANNING AND ZONING COMMISSION REVIEW/RECOMMENDATION

The Planning and Zoning Commission reviewed the proposed text amendments during their March 26th, 2020 meeting and voted recommended approval with a 6-0 vote.

ALTERNATIVES: The option exists for Council to not approve the second ordinance consideration.

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

STAFF RECOMMENDATION: Staff recommends approval of the enclosed ordinance and request that Council consider waiving second reading and approving third and final reading.

CITY OF BONDURANT
ORDINANCE NO. 200406-211

AN ORDINANCE AMENDING THE CITY CODE OF BONDURANT, IOWA, BY AMENDING THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE: SECTION 175.02 – DEFINITIONS; SECTION 177.10.9 – DEVELOPMENT AND MAINTENANCE OF PARKING AREAS; AND SECTION 178.13 – M-1 LIMITED INDUSTRIAL

BE IT ENACTED by the City Council of the City of Bondurant, Polk County, Iowa:

Section 1. **SECTION AMENDED.** Chapter 175, Section 175.02 – Definitions of the Code of Ordinances of the City of Bondurant, Iowa, 2002, is amended by adding the following:

64. 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.

112. 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.

This amendment will also update the list of numbers of all current Definitions impacted as a result of the insertion of the above two definitions.

Section 2. **SECTION AMENDED.** Chapter 177, Section 177.10.9 – Development and Maintenance of Parking Areas of the Code of Ordinances of the City of Bondurant, Iowa, 2002, is amended by eliminating the following:

~~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 3. **SECTION AMENDED.** Chapter 178, Section 178.13 – M-1 Limited Industrial of the Code of Ordinances of the City of Bondurant, Iowa, 2002, is amended to read as follows:

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 ~~parked motor vehicles and off-street parking and loading as required by Sections 177.08 and 177.09~~ 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.
 - 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.
 - (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~~
Lumber and building materials sales, or like business, provided that outside storage areas typically associated with such uses are subject to the Conditional Use Permit noted in Section 178.13.4
- 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.
- 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.

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.~~
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.
- C. TV Dish Antennas and Communication towers in accordance with Section 177.11 of this Code of Ordinances.
- D. 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.~~
 - E. Lot Area. 10,000 sq. ft.
 - F. 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.
 - G. 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.
(E) Maximum Stories	3 with up to an additional 5 with supplemental setback.
(E) Lot Area	10,000 sq. ft.
(F) Open Space	15%
(G) Screening	Sufficient height and density

Section 5. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. SEVERABILITY. If any section, provisions, sentence, clause, phrase or part of this ordinance shall be adjudicated, invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentence clause, phrase or part thereof not adjudged invalid or unconstitutional.

Section 7. **EFFECTIVE DATE.** This ordinance shall be in full force and effect following its passage, adoption and publication as required by law.

PASSED AND APPROVED by the City Council this 06th day of April, 2020.

CITY OF BONDURANT, POLK COUNTY, IOWA

CURT SULLIVAN, MAYOR

ATTEST:

SHELBY HAGAN, CITY CLERK

(SEAL)

FIRST CONSIDERATION:
SECOND CONSIDERATION:
THIRD CONSIDERATION: