

CHAPTER 165

ZONING REGULATIONS

165.01 Title	165.26 C-1 District Regulations
165.02 Interpretation of Standards	165.27 C-2 District Regulations
165.03 Definitions	165.28 C-3 District Regulations
165.04 Establishment of Districts	165.29 M-1 District Regulations
165.05 Boundaries and Official Map	165.30 M-1A District Regulations
165.06 Zoning Classification Restrictions	165.31 M-2 District Regulations
165.07 Future Annexation of Territory	165.32 M-3 District Regulations
165.08 Conformance Required Generally	165.33 FPM (Flood Plain Management) District Regulations
165.09 Street Frontage Required	165.34 Off-street Loading Spaces Required
165.10 Accessory Buildings	165.35 Off-street Parking Areas Required
165.11 Corner Lots	165.36 Exceptions and Modifications
165.12 Front Yard	165.37 Special Permits
165.13 Required Yard Cannot Be Reduced	165.38 Site Plan
165.14 Permits Previously Issued	165.39 Board of Adjustment – Procedure
165.15 Zoning Districts Dividing Property	165.40 Board of Adjustment – Powers and Duties
165.16 Home Occupations	165.41 Decisions of Board of Adjustment
165.17 Prohibited Storage of Motor Vehicles	165.42 Certificate of Zoning Compliance
165.18 Signs	165.43 Plats
165.19 Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures	165.44 Amendments
165.20 A-1 District Regulations	165.45 Zoning Administrator
165.21 R-1 District Regulations	165.46 Violation and Penalties
165.22 R-2 District Regulations	165.47 Amendments to Official Zoning Map
165.22A R-2 60 District Regulations	
165.22B R-2 70 District Regulations	
165.23 R-3 District Regulations	
165.24 R-4 District Regulations	
165.25 R-5 District Regulations	

165.01 TITLE. This chapter shall be known and may be cited as “The City of Grimes, Iowa, Zoning Regulations.”

165.02 INTERPRETATION OF STANDARDS. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety and general welfare in the City. Furthermore, this chapter shall apply to all existing and future zoning chapters unless the language in those Chapters imposes greater restrictions, then the provisions of that Chapter shall apply.

165.03 DEFINITIONS. For use in this chapter, the words “used” and “occupied”

include the words "intended, designed or arranged to be used or occupied." In addition, the following terms and words are defined for use in this chapter.

1. "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. "Agriculture" means the use of land for purposes of growing the usual farm products, including vegetables, fruit, trees and grains; pasturage; dairying; animal and poultry husbandry; and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.
3. "Alley" means a public way, other than a street, twenty (20) feet or less in width affording a secondary means of access to abutting property.
4. "Basement" means a story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.
5. "Billboard" means all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
6. "Boarding house" means a building other than a hotel or motel where for compensation, meals, or lodging and meals are provided for four (4) or more persons.
7. "Building" means any structure, permanent or temporary, designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs and billboards.
8. "Building, height of" means the vertical distance from the average natural grade at the building line to the highest point of the coping of a

flat roof, or to the deck lines of a mansard roof, or to the average height of the highest gable or a pitch or hip roof.

9. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this chapter, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

10. "Cellar" means that portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

11. "Clinic, medical or dental" means a building or buildings in which physicians, dentists, or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their profession.

12. "Day nursery or nursery school" means any private or public agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of preschool age, for compensation.

13. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

14. "Dog kennel" refers to the keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, veterinary clinic, or pet shop, as may be permitted by law, or the keeping of five (5) or more dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than one (1) dog on vacant property or on property used for business or commercial purposes.

15. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, trailer or mobile home.

16. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.

17. "Dwelling, multiple" means a residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

18. "Dwelling, row" means any one of the three (3) or more 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 may also be referred to as a "townhouse."

19. "Dwelling, single family" means a detached residence designed for or occupied by one family only.

20. "Dwelling, two-family" means a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

21. "Dwelling unit" means a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

22. "Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.

23. "Feed lot" means any parcel of land or premises on which the principal use in the concentrated feeding within a confined area of cattle, hogs or sheep. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

24. "Flood" means a general and temporary condition of partial or

complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

25. "Flood boundary and floodway maps" means the official maps on which the Federal Insurance Administration has delineated areas subject to inundation of water during the 100-year flood.

26. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, a 100-year flood elevation is that elevation of floodwaters related to the occurrence of the 100-year flood.

27. "Flood Insurance Rate Map (FIRM)" means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the City.

28. "Flood Insurance Study" means a study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards, providing the City with the necessary information for adopting a flood plain management program, and establishing actuarial flood insurance rates.

29. "Flood, one hundred (100) year" means a flood the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years. All determinations of the 100-year flood level shall be based on data provided by the Federal Insurance Administration. If the Federal Insurance Administration has not provided sufficient data to make a determination, then the City will obtain, review and reasonably utilize data available from the Department of Natural Resources and from any other source in making such determination.

30. "Flood plain" means any land area susceptible to being inundated by water a result of a 100-year flood. The flood plain includes all area designated as numbered and unnumbered A zones on the flood insurance

rate maps.

31. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damage and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.

32. "Flood plain, substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

33. "Flood plain, substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the Zoning Administrator and which are the minimum necessary to assure safe living conditions or (b) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a historic structure by either the Federal or State government; or

B. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after March 21, 1985, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent (25%).

34. "Floodproofing" means any combination of structural or nonstructural additions, changes, or adjustments or structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

35. "Floodproofing/flood protection elevation" means for all special flood hazard areas, the minimum floodproofing/flood protection elevation shall be one (1) foot above the 100-year flood level.

36. "Floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows in the floodway area will not result in substantially higher flood levels and flow velocities.

37. "Garage, private" means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building. A private garage, of less than three (3) car capacity, may be rented for the private vehicles of persons not resident on the premises.

38. "Garage, public" means a structure other than a private garage, used for the shelter or storage of motor powered vehicles and in which the care, minor servicing and washing are accessory to the principal use.

39. "Gas station" means a structure designed or used for the retail sale or supply of fuels, lubricants, air, water, washing and polishing services, and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, major repair, refinishing, body work or other major servicing of motor vehicles.

39.5 "Heavy Equipment" means equipment that meets all the following requirements.

Code of Ordinances, Grimes, Iowa

- A. It must be self propelled and operational.
- B. It must weigh 10,000 pounds or more.
- C. It must be designed and primarily intended to move, transport, or confine earth, soil, or other construction material at a construction site.
- D. The maneuvering of this equipment would cause undue stress on concrete pavement or asphaltic surfaces resulting in premature failure of such surfaces. Evidence of this shall be provided in writing using statistics provided from the Iowa Department of Transportation or similar expert sources.

40. "Hotel/motel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guest, in contradistinction to a boarding or rooming house.

41. "Junk" means old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap, used building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed for barter, resale, reuse, salvage, stripping, or trade.

42. "Junk yard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

43. "Lodging or rooming house" means a building where a room or rooms are provided for compensation for four (4) or more persons.

44. "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record:
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
- D. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

45. "Lot, corner" means a lot abutting upon two (2) or more streets at their intersection.

46. "Lot, depth" means the horizontal distance between the front and rear lot lines.

47. "Lot, double frontage" means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

48. "Lot, interior" means a lot other than a corner lot.

49. "Lot lines" means the lines bounding a lot, including the right-of-way line of any public road or highway acquired by easement.

50. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder of Polk County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

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

52. "Lot, reversed frontage" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.

(See attachment A for lot illustrations.)

53. "Manufactured home" means a factory-built single family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home, as defined in this chapter, is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purposes of these regulations, "manufactured home" is considered the same as any site built single-family detached dwelling.

54. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes." Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured

home.

55. "Mobile home park" means any lot or portion of a lot upon which one (1) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

56. "Modular home" means a factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes.

57. "Nonprofit institution" means a nonprofit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., are not considered nonprofit institutions under this chapter.

58. "Nursing or convalescent home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons.

59. "Parking space" means a permanently surfaced area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. A parking space does not have to be permanently surfaced if it is located in a park or sports and recreation facility owned by the City, and in that case, may be surfaced with crushed rock or gravel. In addition, upon consultation by the City Engineer and recommendation of the Planning and Zoning Commission, a parking space does not have to be hard surfaced if it will be used for the storage of heavy equipment, and in that case, it may be surfaced with recycled asphalt or other like material to provide a dustless surface area. All driveways or access areas leading to the storage area must be hard surfaced with an asphaltic surface or portland cement.

60. "Porch, unenclosed" means a roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding materials other than meshed screens.

61. "Principal use" means the main use of land or structures as distinguished from an accessory use.

62. "Recreational vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

63. "Rooming house" means a building where a room or rooms are provided for compensation to four (4) or more persons.

64. "Satellite receiving antenna" means an accessory structure often referred to as parabolic or dish antenna, the purpose of which is to receive communication including but not limited to radio and television or other signals from satellite or other extraterrestrial sources whether affixed to the ground as a permanent structure or a mobile unit such as a trailer or vehicle.

65. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:

A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

B. Flags and insignia of any government except when displayed in connection with commercial promotion;

- C. Legal notices; identification, informational or directional signs erected or required by governmental bodies;
- D. Integral, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic and parking on private property, and bearing no advertising matter; not exceeding two (2) square feet in area.

66. "Sign area" means the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter are not included in computation of the surface area, except where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign

67. "Sign, exterior" means a sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign may be a sign attached flat against a building or structure, or projecting out from a building or

structure or erected upon the roof of a building or structure. An exterior sign may include any of the following:

- A. Fascia sign: a single faced building or wall sign which is directly attached to and parallel to its supporting wall.
- B. Projecting sign: a double-faced building or wall sign projecting at right angles to its supporting wall.
- C. Marquee sign: a sign attached to and contained within the perimeter of the face or valance of a marquee.

D. Roof sign: a sign attached upon or above a roof of parapet of a building.

68. "Sign, free standing or post" means any sign erected or affixed in a rigid manner to one or more poles, posts or the ground, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted services rendered or goods sold or produced on the premises by an occupant thereof. A free standing or post sign may also include the following:

A. Directory sign: a sign containing the name of a building, complex or center and two or more identification signs or panels of the same size, color and general design, limited to one identification sign per occupant.

B. Monument sign: a structure, built on grade, that forms an integral part of the sign or its background.

69. "Sign, institutional bulletin board" means an on-premises sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its services or activities.

70. "Sign, temporary" means any sign not permanently attached to the ground, wall or building, and intended to be displayed for a short and limited period of time.

(See attachment A for illustrations of sign area and sign types.)

71. "Solar access easement" means an easement for the purpose of providing continued access to sunlight necessary to operate a solar collector.

72. "Solar collector" means a device or structure that transforms direct solar energy into thermal energy for the collection, storage and distribution of solar energy.

73. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling or roof next above it is considered a story.

74. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.

75. "Street line" means the right-of-way line of a street or road.

76. "Street or road, public" means any thoroughfare or public way not less than twenty (20) feet in width, which has been dedicated to the public or deeded to the City or County for street purposes; and also any such public way as may be created after enactment of this chapter, provided it is fifty (50) feet or more in width.

77. "Structural alterations" means any replacement or changes in the type of construction or in the supporting members of the building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

78. "Structure" means anything constructed or erected, or placed on the ground, a foundation, or a paved surface, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, temporary business structures, billboards and satellite receiving antennas.

79.A. "Temporary Business Structure" means a temporary structure which is 400 square feet or less when measured at the largest horizontal projection; is designed primarily for use as a business involving the sale of goods or services, and is placed in a single location for more than seven consecutive days. A temporary business structure shall be considered a building and/or structure for the purposes of these zoning regulations.

79.B. "Trailer park" – see "mobile home park."

80. "Travel trailer" – see "recreational vehicle."
81. "Travel trailer park" means a parcel of land upon which two (2) or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes.
82. "Wind generator" means an accessory structure, the purpose of which is to convert wind energy into thermal, mechanical or electrical energy and to transmit these forms of energy to storage or to a point of use. Wind generators are permitted only in the "A-1" district.
83. "Yard" means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, except as may be provided by other sections of this chapter. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
84. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension. line and the nearest permitted building shall be used. On double frontage lots, the front yard shall be considered as the yard facing the street upon which the lot is addressed.
85. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots, double frontage lots and interior lots the opposite end of the lot from the front yard.

86. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

(See attachment A for yard illustrations.)

165.04 ESTABLISHMENT OF DISTRICTS. In order to carry out the purpose and intent of this chapter, the area of the City is hereby divided into sixteen (16) zoning district classifications as follows:

A-1	Agricultural District
R-1	Single Family Dwelling District
R-2	Single and Two Family Dwelling District
R-2 60	Single and Two Family Dwelling District
R-2 70	Single and Two Family Dwelling District
R-3	Multiple Family Dwelling District
R-4	Planned Residential Development District
R-5	Mobile Home Park District
C-1	General Commercial District
C-2	General and Highway Service Commercial District
C-3	Planned Commercial Development District
M-1	Limited Industrial District
M-1A	Commercial and Limited Light Industrial District
M-2	Light Industrial District
M-3	Heavy Industrial District
FPM	Flood Plain Management Overlay District

165.05 BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated upon the Official Zoning Map of the City, which map is made a part of this chapter by reference hereto. The Official Zoning Map and all the notations, references and other matters shown thereon are 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. The Official Zoning Map which shall supersede the prior map, in the event that the Map becomes damaged or destroyed, or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof. Where uncertainty exists as to the boundaries of districts as shown on the

Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public right-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 corporate limits shall be construed as following corporate limits;
4. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
6. Boundaries indicated as approximately following the centerlines of streams, creeks or other waterways shall be construed to follow such centerlines;
7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

(See EDITOR'S NOTE at the end of this chapter for ordinances amending the Official Zoning Map.)

165.06 ZONING CLASSIFICATION RESTRICTIONS. The zoning map has been amended to reflect rezoning of the property described below from R-2 to C-2 classification:

The west 8 rods of the east 8 rods of the south 20 rods of the southeast quarter (SE ¼) of the southwest quarter (SW ¼), except the west 33 feet thereof, all in Section 32, Township 80 North, of Range 25, West of the 5th

Code of Ordinances, Grimes, Iowa

P.M., Polk County, Iowa.

The following additional restrictions shall apply, and said area may be used only for the following purposes:

1. Medical clinic or group medical center, including a dental clinic, but not including an animal clinic or animal hospital. A pharmacy may be operated in conjunction with a medical clinic, a group medical center or dental clinic, but the property may not be used exclusively for a pharmacy.
2. A professional office for a doctor, dentist, osteopath, chiropractor, optometrist, lawyer, engineer, architect, real estate agency, insurance agent, accountant, bookkeeper, and photographer, but the property may not be used for any purpose involving retail sales or nonprofessional services.

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

165.08 CONFORMANCE REQUIRED GENERALLY. Except as hereinafter specified, no building or structure shall be erected, placed, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this chapter for the district in which the building or land is located.

165.09 STREET FRONTAGE REQUIRED. Except as permitted in Section 165.35 of this chapter, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty (20) feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

Code of Ordinances, Grimes, Iowa

165.10 ACCESSORY BUILDINGS. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least six (6) feet from alley lines and at least three (3) feet from lot lines of adjoining lots which are in any "R" District, on a corner lot they shall conform to the setback regulations on the side street and on a double frontage lot they shall only be placed in the rear yard between the back of the residence or building and the back yard setback line.

Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed fifteen (15) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty (550) square foot garage on a minimum rear yard. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

165.11 CORNER LOTS. For corner lots and double frontage lots, platted or of record after the effective date of this chapter, the front yard regulations shall apply to each street side of the corner lot. On corner lots platted or of record prior to December 7, 1959, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of

not less than fifty percent (50%) of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record or shown by existing contract of purchase prior to December 7, 1959, to less than twenty-eight (28) feet nor prohibit the erection of an accessory building.

165.12 FRONT YARD. In all residential districts there shall be a minimum front yard required as stated in the bulk regulations for that particular district; provided, however, that where lots comprising thirty percent (30%) or more of the frontage within two hundred (200) feet of either side lot line are developed

with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed fifty (50) feet in any case. (See Attachment A for illustrations.)

165.13 REQUIRED YARD CANNOT BE REDUCED. No yard or lot existing at the passage of the zoning ordinance codified in this chapter shall be reduced in dimension or area below the minimum required by this chapter. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this chapter shall be included as part of a yard, open space, or off-street parking or loading space required under this chapter for another building, structure, or use.

165.14 PERMITS PREVIOUSLY ISSUED. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required permits have been granted before the enactment of this chapter; the construction of which in conformance with such plans shall have been started prior to the effective date of this chapter and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

165.15 ZONING DISTRICTS DIVIDING PROPERTY. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classification, each of these portions shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

165.16 HOME OCCUPATIONS. Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation, as provided herein, shall be determined by the Zoning Administrator pursuant to the provisions of this chapter. The regulations of this section are designed to protect and maintain the

residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

1. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 - A. No more than one (1) person who is not a resident on the premises shall be employed.
 - B. No more than twenty-five percent (25%) or four hundred (400) square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.
 - C. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - D. No stock of goods shall be displayed or sold on the premises in excess of thirty (30) cubic feet in volume.
 - E. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted building accessory thereto, and in no event shall such use be apparent from any public way.
 - F. There shall be no outdoor storage of equipment or materials used in the home occupation.
 - G. Not more than one (1) commercial vehicle used in connection with any home occupation shall be parked on the property.
 - H. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.

Code of Ordinances, Grimes, Iowa

I. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

J. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.

K. There shall be no off-premises signs, radio, television, newspaper, handbill or similar types of advertising linking the premises with the home occupation.

2. Home Occupations Permitted. Customary home occupation include, but are not limited to, the following list of occupations; provided, however, each such home occupation is subject to the use limitations set out in subsection 1 of this section.

A. Providing instruction to not more than four (4) students at a time.

B. Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents and real estate agents.

C. Office facilities for ministers, priests and rabbis.

D. Office facilities for salesmen, sales representatives and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.

E. Studio of an artist, photographer, draftsman, writer or composer.

F. Homebound employment of a physically, mentally or emotionally handicapped person who is unable to work away from

Code of Ordinances, Grimes, Iowa

home by reason of his or her disability.

G. Shop of a beautician, barber, hair stylist, dressmaker or tailor.

165.17 PROHIBITED STORAGE OF MOTOR VEHICLES. Outdoor storage of motor vehicles not currently licensed is prohibited in all zoning districts, except motor vehicles held for sale by a licensed motor vehicle dealer at his or her place of business in a zoning district where motor vehicle sales are permitted.

165.18 SIGNS. Except as hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all of the regulations established by this chapter.

1. Maintenance of Signs. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
2. Nonconforming Signs. Where a sign exists at the effective date of adoption or amendment of an ordinance codified in this chapter that could not be built under the terms of this chapter by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
 - B. Should such a sign be destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
3. Permit and Inspection Required; Fees. A sign permit, approved by the Zoning Administrator, is required before the erection of a sign. A permit fee of twenty-five dollars (\$25.00), plus ten cents (\$.10) per square foot

Code of Ordinances, Grimes, Iowa

of sign area in excess of one hundred (100) square feet, is required. The permit shall provide for inspection, upon written notice to the Zoning Administrator, and a fee of ten dollars (\$10.00) shall be paid by the permittee.

4. Permit Not Required. A permit is not required for repainting without changing permanent wording, composition, or colors, or for non-structural repairs.

5. Plans. A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this chapter. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Zoning Administrator to determine compliance with this chapter.

6. Signs Permitted in All Zoning Districts. The following signs are permitted in all zoning districts.

A. Real Estate Signs. Signs advertising for sale, rental or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed six (6) square feet, shall be permitted on each premise. Such signs shall not extend higher than four (4) feet above grade level or closer than twenty-five (25) feet to the curb line or edge of pavement unless located on the wall of a building. Such signs shall be removed within seven (7) days after the disposition of the premises.

B. Construction Signs. Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended by not including product advertising. One non-illuminated sign not to exceed fifty (50) square feet, shall be permitted per street frontage. Such sign shall not extend higher than ten (10) feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or an a protective barricade surrounding the construction.

Code of Ordinances, Grimes, Iowa

Such signs shall be removed within one week following completion of construction.

C. Political Campaign Signs. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain.

D. Street Banners. Signs advertising a public event providing that specific approval is granted under regulations established by the Council.

E. Seasonal Decorations. Signs pertaining to recognized national holidays or national observances.

F. Public Signs. Signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his or her public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.

G. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

H. Window Signs. Such signs which are displayed inside of a window or within a building; provided however, neon window signs are permitted only in those districts where neon signs are permitted.

7. Prohibited Signs. Signs hereinafter designated are prohibited in all zoning districts.

- A. **Obsolete Signs.** Signs that advertise an activity, business, product or service no long conducted on the premises on which the sign is located.
- B. **Banners, Balloons, Posters, etc.** Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in subsection 6 hereof. These devices when not part of any sign are also prohibited.
- C. **Portable Signs.** Signs that are not permanently anchored or secured to either a building or the ground.
- D. **Off-Premises signs on Public Property.** Off-premises signs located on public property which is being used for public purposes.
- E. **Flashing Lights.** No flashing, blinking, or rotation lights are permitted for either permanent or temporary signs.
- F. **Moving Signs.** No sign shall be permitted any part of which moves by any mechanical or electronic means.
- G. **Painted Wall Signs.** Off-premises signs painted on building walls.

Any person aggrieved by the decision of the Zoning Administrator to approve or disapprove a sign permit, as provided herein, may appeal such decision to the Board of Adjustment as provided by Section 165.39 and 165.30 of this chapter.

165.19 NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES. Within the various districts established by this chapter or amendments that may later be adopted, there exist structures and uses of land and structures which were lawful prior to the adoption of the zoning ordinance codified in this chapter but which would be prohibited, regulated, or restricted under the provisions of this chapter. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this

chapter to be incompatible with permitted uses in the districts involved.

1. Nonconforming Uses of Land in Residential Districts. The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of this chapter as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

2. Nonconforming Uses of Structures in Residential Districts. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which said structure is located.

B. Any nonconforming use may be extended throughout any parts

Code of Ordinances, Grimes, Iowa

of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter. No such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

D. In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

E. Any structure devoted to a use made nonconforming by this chapter that is destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure is less than sixty percent (60%) destroyed above the foundation, it may be reconstructed and uses as before provided it is done within six (6) months of such happening, and is built of like or similar materials.

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

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

Code of Ordinances, Grimes, Iowa

B. Should such structure be destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

4. Nonconforming Uses of Land in any District Other Than a Residential District. The regulations described in subsection 1 of this section also apply to this subsection.

5. Nonconforming Uses of Structures in any District Other Than a Residential District. The regulations described in subsection 2 of this section also apply to this subsection, except that any structure in any district other than a residential district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking requirements of the district in which located, provided such construction shall be limited to buildings on land owned, or record, by the owner of the land devoted to the nonconforming use prior to the effective date of this chapter. Such structural alteration or enlargement shall not authorize the substitution of a nonconforming use that is less restrictive than the one to which the structure was devoted at the time of passing of this chapter.

6. Nonconforming Structures in any District Other Than a Residential District. The regulations described in subsection 3 of this section also apply to this subsection.

7. Required Repairs and Unauthorized Nonconformities. Nothing in this chapter shall be deemed to prevent the 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. Any use of land, use of structure, or structure in existence at the time of adoption of this chapter which was not an authorized nonconformity under any previous zoning ordinance or similar regulations shall not be authorized to continue its nonconforming status pursuant to this chapter or amendments thereto.

165.20 A-1 DISTRICT REGULATIONS. The A-1 Agricultural District is intended and designed to preserve the agricultural resources and agricultural lands within the City that are not expected to develop in urban uses in the immediate future.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the A-1 District.
 - A. Agriculture and the usual agricultural buildings and structures including raising of livestock and poultry, and grain storage and grain drying facilities; excluding feed lots and poultry farms.
 - B. Single family (non-farm) dwellings.
 - C. Churches, chapels, temples, and similar places of worship.
 - D. Public and parochial schools, elementary and secondary, and other educational institutions.
 - E. Forests and wildlife preserves.
 - F. Private riding stables.
 - G. Cemeteries, including mausoleums.
 - H. Kennels for the raising, breeding and boarding of dogs or other small animals, provided that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.
 - I. Nurseries, greenhouses and truck gardens.
 - J. Publicly owned parks, playgrounds, golf courses, and recreation areas.
 - K. Private noncommercial recreational areas and centers, including country clubs, swimming pools, golf courses and riding stables, but not including automotive race tracks, miniature golf courses, drive-in theaters and similar commercial uses.

Code of Ordinances, Grimes, Iowa

- L. Public water supply and sewage treatment facilities.
- M. Electrical and natural gas transmission and regulating facilities.

2. Special Use Permits. The following uses may be permitted in the A-1 District subject to approval by the Board of Adjustment after notice and public hearing. In its determination upon the particular use at the location requested, the Board shall consider whether the proposed location, design, construction and operation of the particular use adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property. In addition, if the planned facility is the construction of a public or private sanitary landfill, solid waste disposal facility, or a facility to compost yard waste, the Board of Adjustment shall determine whether or not a permit has been issued for the construction of the facility as required by Iowa law by the Department of Natural Resources, the Environmental Protection Commission, and/or any other appropriate governmental agency. In addition, the Board of Adjustment shall require that an operational manual be submitted with the Application for Special Use Permit, and that the public or private sanitary landfill, solid waste disposal facility, and/or compost facility complies with all requirements adopted by the Environmental Protection Commission at Iowa Administrative Code Chapters 567-100 through 567-105 (1990), which are hereby adopted and incorporated herein. Copies of these Iowa Administrative Code chapters are on file with the Clerk for public inspection. The uses subject to the above provisions include the construction or enlargement of the following:

- A. Mink and chinchilla farms and ranches.
- B. Publicly owned or private aircraft landing fields or airports.
- C. Mining and extraction of minerals and raw materials, including sand and gravel, subject to prior approval of the Iowa Department of Natural Resources of any such operation located in or on the flood plain of any river or stream.
- D. Public or private sanitary landfills and solid waste disposal

Code of Ordinances, Grimes, Iowa

facilities.

E. Feed lots and poultry farms.

F. Private gun clubs, skeet-shooting ranges and similar uses.

G. Any public building erected and used by any department of a township, County, State, or the Federal government, not previously allowed as a principal permitted use.

H. Any compost facility to be used for the composting of yard waste. Yard waste is defined as grass clippings, and tree or bush branches or leaves. The definition of yard waste does not include materials used in co-composting such as sludge, manure or paunch.

Application for a special use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. A facility designed in whole or part to co-compost as defined by Chapter 107 shall not be a permitted use or special use under A-1 district regulations. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

3. Permitted Accessory Uses. The following accessory uses are permitted in the A-1 District.

A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

Code of Ordinances, Grimes, Iowa

- B. Private garage or carport.
- C. One mobile home utilized as living quarters for persons employed on a farm.
- D. Home occupations as permitted in and as limited by Section 165.16 of this chapter.
- E. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
- F. Temporary buildings, including mobile homes or trailers, for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- G. One board sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises, or lots, which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
- H. Institutional bulletin boards.
- I. Roadside stands for the sale of products grown on the premises.
- J. Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.
- K. Satellite receiving antenna mounted on the ground in the rear yard or attached to principal building facing rear yard at a height no greater than the peak of the roof, not to exceed a maximum height of fifteen (15) feet. The mounting of the antenna shall be in accordance with the City Building Code. The height of the antenna shall be measured vertically from the highest point of the antenna

Code of Ordinances, Grimes, Iowa

when positioned for operation, to the bottom of the base which supports the antenna. Satellite receiving antenna mounted on a trailer or vehicle may be allowed in rear yard for a period not to exceed fifteen (15) days.

L. Solar collectors mounted on the ground in the rear yard or attached to principal building facing front, side or rear yard at a height no greater than the peak of the roof of the principal structure. The mounting of the solar collectors shall be in accordance with the City Building Code. If required, solar access easement may be obtained from adjoining property owner in accordance with the State statutes.

M. Wind generator mounted on the ground in the rear yard, in accordance with the City Building Code and in accordance with existing or hereafter adopted ordinances of the City.

4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.36.

- A. Lot Area: Non-farm dwellings – 10 acres; no minimum required for other permitted uses
- B. Lot Width: 330 feet
- C. Front Yard: 75 feet
- D. Side Yards: 1 ½ stories – total side yard 30 feet, minimum on one side – 10 feet; 2 and 3 stories – total side yard 35 feet, minimum of one side – 15 feet
- E. Rear Yard: 75 feet
- F. Maximum

Code of Ordinances, Grimes, Iowa

Height: No limitation

G. Maximum Number
of Stories: No limitation

5. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty (20) feet.

6. Perimeter Foundation Requirement. A permanent perimeter foundation, meeting the City Building Code standards, is required for all principal buildings.

7. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.

165.21 R-1 DISTRICT REGULATIONS. The R-1 Single Family Dwelling District is intended and designed to provide for certain low-density residential development in areas where such development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-1 District.

A. Single family dwellings

B. Churches, chapels, temples, and similar places of worship, provided that all principal buildings be set back a minimum of forty (40) feet from all property lines

C. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum as ordinarily given in the public schools, provided that all principal buildings be set back a minimum of forty (40) feet from all property lines

D. Family homes as permitted by and as limited by Section 414.22 of the Code of Iowa

Code of Ordinances, Grimes, Iowa

- E. Publicly owned parks, playgrounds, golf courses, and recreation areas
- F. Private noncommercial recreational areas, including country clubs, swimming pools, tennis clubs and golf courses
- G. Cemeteries, including mausoleums
- H. Agricultural uses, including nurseries, greenhouses and truck gardens, provided that no offensive odors or dust are created, and provided further, that no retail sales or the raising and keeping of livestock or poultry are permitted on the premises

2. Permitted Accessory Uses.

- A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded
- B. Private garage or carport
- C. Home occupations as permitted in and as limited by Section 165.16
- D. The taking of boarders or the leasing of rooms
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work
- F. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which shall terminate upon completion or abandonment of the project
- G. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building,

Code of Ordinances, Grimes, Iowa

premises, or subdivision lots, which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed

H. Institutional bulletin board sign

I. Day nurseries and nursery schools

J. Satellite receiving antenna, mounted on the ground in the rear yard or attached to the principal building facing rear yard as a height no greater than the peak of the roof, not to exceed a maximum height of fifteen (15) feet. The mounting of the antenna shall be in accordance with the City Building Code. The height of the antenna shall be measured vertically from the highest point of the antenna when positioned for operation, to the bottom of the base which supports the antenna. No antenna in the "R" District shall be greater than twelve (12) feet in diameter. Satellite receiving antenna mounted on a trailer or vehicle may be allowed in the rear yard for a period not to exceed fifteen (15) days.

K. Solar collectors mounted on the ground in the rear yard or attached to principal building facing front, side or rear yard as a height no greater than the peak of the roof of the principal structure. The mounting of solar collectors shall be in accordance with the City Building Code. If required, solar access easement may be obtained from adjoining property owner in accordance with the State statutes.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

- A. Lot Area: 11,000 square feet
- B. Lot Width: 75 feet
- C. Front Yard: 35 feet

Code of Ordinances, Grimes, Iowa

- D. Side Yards: 1 ½ stories – minimum on each side – 7 feet; 2 and 3 stories – minimum on each side – 10 feet; churches and schools – 40 feet on each side
- E. Rear Yard: 35 feet
- F. Maximum Height: Principal building – 35 feet; Accessory building – 12 feet
- G. Maximum Number of Stories: Principal building – 3 stories; Accessory building – 1 story

4. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty (20) feet.

5. Perimeter Foundation Requirement. A permanent perimeter foundation, meeting the City Building Code standards, is required for all principal buildings.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.

165.22 R-2 DISTRICT REGULATIONS. The R-2 Single and Two Family Dwelling District is intended and designed to provide for certain medium density residential areas now developed with single family and two family dwellings, and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-2 District.

- A. Any use permitted in the R-1 District
- B. Single and two family dwellings

C. Conversions of single family dwellings into two family dwellings in accordance with the lot area, frontage, height and yard requirements of this section

D. Institutions of a religious, educational or philanthropic nature, including libraries

2. Permitted Accessory Uses. Accessory uses permitted in the R-2 District are the same as those permitted in and as limited in the R-1 District.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

- A. Lot Area: Single family dwelling – 8,500 square feet; two family dwelling – 10,000 square feet
- B. Lot Width: Single family dwelling – 70 feet; two family dwelling – 80 feet
- C. Front Yard: 30 feet
- D. Side Yards: 1 ½ stories – minimum on each side – 7 feet; 2 and 3 stories – minimum on each side – 10 feet; churches and schools – 40 feet on each side
- E. Rear Yard: 25 feet
- F. Maximum Height: Principal building – 35 feet
Accessory building – 12 feet
- G. Maximum Number of Stories: Principal building – 3 stories
Accessory building – 1 story

4. Minimum Width Regulation. The minimum dimension of the main body

of the principal building shall not be less than twenty (20) feet.

5. Perimeter Foundation Requirement. A permanent perimeter foundation meeting the City Building Code standards is required for all principal buildings.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35 of this chapter.

165.22A R-2 60 DISTRICT REGULATIONS. The R-2 60 Single and Two Family Dwelling District is intended and designed to provide a buffer and transitional area between R-3 or Commercial Zoned Districts and Single Family Dwelling Districts, and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses.

A. Any use permitted in the R-1 District.

B. Single and two Family dwellings.

C. Conversions of single family dwellings into two family dwellings in accordance with the lot area, frontage, height and yard requirements of this section.

D. Institutions of a religious, educational or philanthropic nature, including libraries.

2. Permitted Accessory Uses. Accessory uses permitted in the R-2 District are the same as those permitted in and as limited in the R-1 District.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

A. Lot Area: Single family dwelling – 7,500 square feet; two family dwelling – 10,000 square feet

- | | |
|-------------------------------|---|
| B. Lot Width: | Single family dwelling – minimum 60 feet.
Maximum of 25% of lots can be 65 feet or greater per plat
Two family dwelling – 80 feet |
| C. Front Yard: | 30 feet |
| D. Side Yards: | 1, 1 1/2, 2 and 3 stories – minimum on each side – 7 feet, 15 feet composite; churches and schools – 40 feet on each side |
| E. Rear Yard: | 25 feet |
| F. Maximum Height: | Principal building – 35 feet
Accessory building – 12 feet |
| G. Maximum Number of Stories: | Principal building – 3 stories
Accessory building – 1 story |

4. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty (20) feet.

5. Perimeter Foundation Requirement. A permanent perimeter foundation meeting the City Building Code standards is required for all principal buildings.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35 of this chapter.

165.22B R-2 70 DISTRICT REGULATIONS. The R-2 70 Single and Two Family Dwelling District is intended and designed to provide for single family and certain medium density residential areas now developed with single family and two family dwellings, and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses.
 - A. Any use permitted in the R-1 District.
 - B. Single and two family dwellings.
 - C. Conversions of single family dwellings into two family dwellings in accordance with the lot area, frontage, height and yard requirements of this section.
 - D. Institutions of a religious, educational or philanthropic nature, including libraries.
2. Permitted Accessory Uses. Accessory uses permitted in the R- 2 District are the same as those permitted in and as limited in the R-1 District.
3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.
 - A. Lot Area: Single family dwelling – 8,500 square feet; two family dwelling – 10,000 square feet
 - B. Lot Width: Single family dwelling – 70 feet; two family dwelling – 80 feet
 - C. Front Yard: 30 feet
 - D. Side Yards: 1 ½ stories – minimum on each side – 7 feet, 15 feet composite, 2 and 3 stories – minimum on each side – 10 feet; churches and schools – 40 feet on each side.
If 50% of more of the lots submitted on a preliminary plat have a lot width greater than or equal to 75 feet – the side yard setback for 50% of the lots on said plat shall be a minimum of 8 feet, 17 feet composite. The

Code of Ordinances, Grimes, Iowa

remaining lots on said plat shall be a minimum of 10 feet. Setbacks shall be indicated on each lot at time of plat submittal. If 50% or more of the lots submitted on a preliminary plat have a lot width greater than or equal to 80 feet – the side yard setback for 100% of the lots on said plat shall be a minimum of 8 feet, 17 feet composite. Corner lots shall not be included in the calculation in either determining lots greater than 75 or 80 feet or in the total lots in the plat when calculating the percentages to determine if 50% of the lots qualify for 8 feet, 17 feet composite setbacks.

- E. Rear Yard: 25 feet
- F. Maximum Height: Principal building – 35 feet
Accessory building – 12 feet
- G. Maximum Number of Stories: Principal building – 3 stories
Accessory building – 1 story

4. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty (20) feet.

5. Perimeter Foundation Required. A permanent perimeter foundation meeting the City Building Code standards is required for all principal buildings.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35 of this chapter.

165.23 R-3 DISTRICT REGULATIONS. The R-3 Multiple Family Dwelling District is intended and designed to provide for certain high density residential areas now developed with multiple family dwellings and areas where similar residential

development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-3 District.

- A. Multiple dwellings, including row dwellings and condominium dwellings
- B. Boarding and rooming houses
- C. Institutions of a religious, educational, or philanthropic nature, including libraries
- D. Colleges and universities, both public and private, including administrative buildings, classrooms, dormitories, athletic facilities, and similarly related structures, but not including commercial trade schools and business colleges
- E. Nursing, convalescent and retirement homes
- F. Private clubs, lodges, or veterans organizations, except those holding a wine permit or beer permit or liquor license

Notwithstanding the foregoing regulations, any permitted R-2, R-2 60, R-2 70 principal permitted use which was legally in effect on January 14, 2003 in an R-3 District and which is now found in an R-3 District may be continued in the event of destruction of the structure. Accordingly, it is the City of Grimes intent, by the adoption of this ordinance, to allow the continued use and reconstruction of any structure in an R-3 District which was proper as a single family or two family dwelling. As such, Sections 165.19(2)(E) and (3)(B) shall not apply in the consideration of a continued principal permitted use in an R-3 District.

2. Permitted Accessory Uses.

- A. Accessory uses permitted in and as limited in the R-1 District

B. One non-lighted sign not to exceed eight (8) square feet in total area attached flat against the principal structure, indicating the name of the premises and/or the names of the occupants, is permitted.

C. In lieu of subsection B above, one monument or directory sign is permitted. Such sign shall not exceed ten (10) square feet in area and shall be set back at least twenty (20) feet from any public right-of-way or property line. Such sign may be indirectly or internally lighted.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

- | | |
|-----------------------------------|---|
| A. Lot Area: | Two family dwelling –
8,500 square feet; multiple family
or other permitted use – 10,000
square feet |
| B. Lot Area Per
Dwelling Unit: | Row housing and multiple dwellings –
2,500 square feet |
| C. Lot Width: | Two family dwelling – 70 feet; row
housing units – 20 feet; multiple
family dwelling and other permitted
uses – 80 feet |
| D. Front Yard: | 30 feet |
| E. Side Yards: | 1 ½ stories – minimum on each side –
7 feet; 2 and 2 ½ stories – 15 feet with
a minimum of 7 feet on one side; 3
stories or more – up to 35 feet;
minimum on each side – 13 feet;
structures above 35 feet – See Height
Regulations below |

F. Rear Yard:	30 feet
G. Maximum Height:	Principal building – 35 feet, except that for each foot that the building or a portion of it is set back beyond the required front, side and rear yards, one foot may be added to the height limit of such building or portion thereof; accessory building – 12 feet
H. Maximum Number of Stories:	Principal building – no limitation; Accessory building – 1 story

4. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty (20) feet.

5. Perimeter Foundation Requirements. A permanent perimeter foundation meeting the City Building Code standards is required for all principal buildings.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.

7. Site Plans. Site plans shall be required in accordance with the provisions of Section 165.38 for all uses permitted in this district.

165.24 R-4 DISTRICT REGULATIONS. The R-4 Planned Residential Development District is intended to provide for the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility of land use and building locations than the conventional single lot method provided in other sections of this chapter. It is the intent of this section that basic principles of land use planning, including an orderly relationship between various types of land uses, be maintained and that zoning standards set forth in this chapter and other ordinances of the City concerning adequate light and air, recreation, open space and building coverage be preserved.

1. Submission of Petition and Preliminary Plan. The owner or owners of any tract of land comprising an area of not less than five (5) acres may petition the Council for a change to R-4 Zoning District Classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included within the development, evidence of the feasibility of providing adequate storm and surface water drainage, water mains and sanitary sewers for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. A preliminary plan of the proposed development shall be submitted in triplicate, showing in schematic form the proposed location of all of the following:

- A. Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each;
- B. Parking areas;
- C. Access drives;
- D. Streets abutting or within the proposed development;
- E. Walks;
- F. Site topographic features;
- G. Landscaping and planting areas;
- H. Required peripheral yards;
- I. Common land, recreation areas and parks;
- J. Existing utility or other easements; and
- K. Development stages and timing.

2. Referral to Commission. The petition and all attachments shall be

Code of Ordinances, Grimes, Iowa

referred to the Planning and Zoning Commission for study and report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Land Use Plan and with recognized principles of engineering design, land use planning and landscape architecture. After public hearing, the Commission may approve or disapprove the preliminary plan and request for rezoning as submitted, or require that the petitioner amend the plan to preserve the intent and purpose of this chapter to promote public health, safety and general welfare.

3. Referral to Council. The petition and preliminary plan along with the Commission's recommendations on the request for rezoning shall then be referred to the Council. The Council, after public hearing, may approve or disapprove the preliminary plan and request for rezoning, as reported, or may require such changes as are necessary to preserve the intent and purpose of this chapter to promote public health, safety and the general welfare.

4. Submission of Final Development Plan. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Council after recommendation by the Commission a final development plan, in triplicate, of not less than one stage of the proposed development showing in detail the proposed location of all of the following:

- A. Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each;
- B. Parking areas;
- C. Access drives;
- D. Streets abutting or within the proposed development;
- E. Walks;
- F. Walls and fences;

Code of Ordinances, Grimes, Iowa

- G. Landscaping and plant material;
- H. Required peripheral yards;
- I. Common land, recreation areas and parks;
- J. Existing and proposed utilities and public easements;
- K. Signs and their area and dimensions;
- L. Storm and sanitary sewer lines;
- M. Water mains; and
- N. Development stages and timing.

5. Accompanying Documents. The final development plan shall be accompanied by the following required documents:

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 bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed bylaws shall include but not be limited to the following provisions:

- (1) automatically extending membership in the association to all owners of dwelling units within the development;
- (2) limiting the uses of common property to those permitted by the final development plan;
- (3) granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;
- (4) placing the responsibility for operation and maintenance

Code of Ordinances

of the common property in the association;

(5) giving every owner of a dwelling unit voting rights in the association; and

(6) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to use of the common land.

B. Performance bond or bonds, in accordance with the requirements of Chapter 166 of this Code of Ordinances, which bond or bonds shall insure to the City that the dedicated public streets and utilities, including sewers and water mains, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan.

C. Covenant 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 or owners of the land or their 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 ordinances of the City.

D. Any additional easements and/or agreements required by the Council at the time of preliminary plan approval.

E. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements and other applicable items required by Chapter 166. Following approval of the final plat by the Commission and Council, the plat shall be recorded with the Polk County Auditor and Recorder.

6. Review of Final Development Plan. The final development plan and required documents shall be reviewed by the Commission for compliance

with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. No building permits shall be issued until the final development plan and final plat have been approved by the Council.

7. Standards. Permitted principal and accessory land uses, lot area yard and height requirements shall be as set out below, which shall prevail over conflicting requirements of this chapter or of Chapter 166 of this Code of Ordinances.

A. Buildings shall only be used for residential purposes, occupant garages, occupant storage space and similar accessory uses, noncommercial recreational facilities and community activities, including churches and schools.

B. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district or suitable screening or buffering shall be provided around the boundaries of the development. In the absence of any appropriate physical barrier, the Council may require open space or screenings to be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within one hundred twenty-five (125) feet of the development boundary.

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

D. "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.

E. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner’s association. The dedication of land to the City shall be subject to the approval of the Council.

F. The requirements of Section 165.34 and 165.35, relating to off-street parking and loading, shall apply to all R-4 developments.

G. Each stage of the final development plan shall comply with the density requirements of this section for the zoning district in which it is located.

H. No stage of a final development plan shall contain less than three (3) acres.

8. Density Requirements. The maximum number of dwelling units permitted in an R-4 development shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. In the R-2 District, the single family dwelling requirement shall apply. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted. The maximum number of multiple dwelling units permitted in the R-4 development shall be determined by the zoning district in which the development is located as follows:

<u>Zoning District</u>	<u>Percentage of Total Dwelling Units Permitted as Multiples</u>
R-1	30%

Code of Ordinances, Grimes, Iowa

R-2	50%
R-3	75%

If the development area contains two (2) or more different zoning classifications, the number of dwelling units permitted and the percentage of multiples allowed shall be determined in direct proportion to the area of each zoning classification contained in the entire tract.

9. Completion. 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, in accordance with the provisions of Section 165.33, to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is 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. For the purpose of this section, the term "unimproved property" means all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

10. Completion of Stages. In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as fifty percent (50%) of all construction and improvements have been completed in any prior stage of such plan.

165.25 R-5 DISTRICT REGULATIONS. The R-5 Mobile Home Park District is intended and designed to provide for certain high density residential areas of the City for the development of mobile home parks which, by reason of their design and location, will be compatible with nearby residential areas.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-5 District.
 - A. Any use permitted in the R-1 District.
 - B. Mobile home parks, in accordance with the provisions of this section and applicable State statutes.
2. Permitted Accessory Uses.
 - A. Accessory uses permitted in and as limited in the R-1 District.
 - B. Accessory buildings as may be required by State statute.
 - C. One indirectly lighted sign may be erected facing each public street on which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto, provided that such sign does not have an area of more than twenty (20) square feet.
3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in section 165.36.
 - A. For any permitted use except a mobile home park, the minimum requirements are the same as those set out for the R-1 District.
 - B. For any mobile home park the requirements are as follows:
 - (1) The minimum total mobile home park area shall be three (3) acres.
 - (2) Each yard abutting on a public street shall be considered a front yard and shall be a minimum of fifty (50) feet.
 - (3) All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to any other "R" District, and thirty (30) feet when adjacent to an "A", "C" or "M" District.

(4) The minimum lot space for each mobile home shall be 4,000 square feet and shall measure at least fifty (50) by eighty (80) feet.

(5) Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home, a five (5) foot open space between the mobile home including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary; and a ten (10) feet open space at the rear of the mobile home.

4. Plan Required. Each petition for a change to the R-5 zoning classification submitted to the Council shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of fire hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, landscaping and facilities for disposal of garbage and trash in accordance with State law and this chapter. If public water and sanitary sewerage facilities are not available to the mobile home park site, private water and sewerage systems shall be provided in accordance with the requirements of the Iowa Department of Natural Resources, subject to approval of the Council. The plan shall be considered by the Planning and Zoning Commission and the Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of this chapter. All changes to the R-5 classification shall be made in accordance with the provisions of Section 165.44 of this chapter.

5. Existing Mobile Home Parks. Mobile home parks in existence at the time of passage of the ordinance codified in this chapter, which are zoned R-5 by this chapter, shall be considered as having met all of the requirements of this section. Any enlargements, additions or extensions of such mobile home parks shall be in accordance with the provisions of this section.

165.26 C-1 DISTRICT REGULATIONS. The C-1 General Commercial District is

Code of Ordinances, Grimes, Iowa

intended to provide for the general retail shopping of persons living in the City and surrounding rural areas. The district is designed to include the central business district area. Uses permitted are similar to the C-2 District; however, bulk regulations are not required due to the density of the existing development.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the C-1 District.

A. Any use permitted in the R-3 District.

B. Retail business or service establishments, including, but not limited to, the following and similar uses as may be determined by the Zoning Administrator.

(1) Antique shops

(2) Apparel shops

(3) Art shops

(4) Automobile accessory shops

(5) Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.

(6) Bakeries or bakery outlets, retail sales only

(7) Banks, savings and loan associations and similar financial institutions

(8) Barber shops and beauty parlors

(9) Bicycle shops, sales and repair

Code of Ordinances, Grimes, Iowa

- (10) Billiard parlors and pool halls
- (11) Book stores
- (12) Bowling alleys
- (13) Camera stores
- (14) Carpenter and cabinet making shops
- (15) Clothes cleaning and laundry pickup stations
- (16) Collection office of public utility
- (17) Confectionery stores, including ice cream, sno-cone, or snack bars
- (18) Dairy store, retail only
- (19) Delicatessens
- (20) Department stores
- (21) Dance halls
- (22) Dance studios
- (23) Drug stores
- (24) Dry goods stores
- (25) Florist shops
- (26) Funeral homes and mortuaries
- (27) Furniture stores

Code of Ordinances, Grimes, Iowa

- (28) Gas stations
- (29) Garage for general motor vehicle repair
- (30) Gift shops
- (31) Grocery stores, including supermarkets
- (32) Hardware stores
- (33) Hobby shops
- (34) Hotels and motels
- (35) Household appliances, sale and repair
- (36) Jewelry stores, and watch repair shops
- (37) Launderettes, coin-operated dry cleaning establishments, and dry cleaning or pressing establishments using only nonflammable solvents
- (38) Lawn mower repair shops
- (39) Locker plant for storage and retail sales only
- (40) Leather goods stores
- (41) Music store
- (42) Music studios
- (43) Office buildings
- (44) Paint and wallpaper stores
- (45) Pet shops

Code of Ordinances, Grimes, Iowa

- (46) Photographic studios, printing and developing establishments
- (47) Plumbing and heating shops
- (48) Post offices
- (50) Public auction rooms
- (51) Radio and television sales and repair shops
- (52) Restaurants
- (53) Sheet metal shops
- (54) Shoe and hat repair shops
- (55) Sporting goods stores
- (56) Tailor and dressmaking shops
- (57) Taverns and night clubs
- (58) Theaters
- (59) Toy stores
- (60) Upholstering shops
- (61) Used car sales lots
- (62) Variety stores
- (63) Veterinary clinics.

C. Combinations of the above uses.

- D. Medical and dental clinics.
 - E. The office of a doctor, dentist, osteopath, chiropractor, optometrist or similar profession.
 - F. Business and professional offices including the following: law, engineering, architecture, real estate, insurance, accounting and bookkeeping and similar uses.
2. Permitted Accessory Uses.
- A. Accessory uses permitted in the R-3 District.
 - B. Storage of merchandise incidental to the principal use.
 - C. Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:
 - (1) Such signs do not have an aggregate surface area in excess of twenty percent (20%) of the total surface area of the building elevation to which they are attached;
 - (2) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may project a maximum of six (6) feet;
 - (3) No sign shall project more than four (4) feet above the roof line or parapet where one sits.
 - D. One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided that:
 - (1) Such sign does not have a surface area in excess of one hundred (100) square feet on any one side and no more than two sides of said sign are used for advertising

Code of Ordinances, Grimes, Iowa

purposes;

(2) The bottom of the surface area of such sign is not less than twelve (12) feet above the ground surface upon which it is erected.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

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|--------------------------------|---|
| A. Lot Area: | Same as required in the R-3 District for residential uses; no minimum requirement for any other permitted use |
| B. Lot Area Per Dwelling Unit: | Same as required in R-3 District |
| C. Lot Width: | Same as required in R-3 District for residential uses; no minimum requirements for any other permitted use |
| D. Front Yard: | Same as required in R-3 District for residential uses; no minimum requirements for any other permitted use |
| E. Side Yards: | Same as required in R-3 District for residential uses; no minimum requirements for any other permitted use, except when adjoining any "R" District, in which case – 10 feet |
| F. Rear Yard: | None required, except when adjoining any "R" District, in which case – 25 feet |
| G. Maximum Height: | 50 feet |

Code of Ordinances, Grimes, Iowa

- H. Maximum Number
of Stories: 4 stories

165.27 C-2 DISTRICT REGULATIONS. The C-2 General and Highway Service Commercial District is intended to provide for general commercial areas outside of the central business district. These districts include much of the commercial property existing along the major streets of the City. The uses permitted are intended to accommodate both the local retail consumer and the automobile traveling public.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the C-2 District.

A. Any use permitted and as limited in the C-1 District.

B. Retail, service, or recreational uses, such as the following:

(1) Animal hospitals, veterinary clinics or kennels; provided any exercising runway shall be at least two hundred (200) feet from any "R" District boundary

(2) Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses and similar recreational uses and facilities

(3) Car wash

(4) Drive-in restaurants

(5) Drive-in theaters

(6) Lumber yards, retail only

(7) Monument sales yards.

C. Combinations of the above uses.

Code of Ordinances, Grimes, Iowa

D. Billboards and outdoor advertising signs, subject to the following provisions:

(1) All yard and height requirements for a permitted principal structure shall be complied with; provided however, when a billboard is erected between two buildings that are within one hundred (100) feet of the structure, no part of said billboard shall be located closer to any street right-of-way line than a line drawn from the nearest front corner of the two (2) buildings.

(2) The surface area on any one side shall not exceed three hundred (300) square feet in area. Double faced signs are permitted. If a single faced sign is erected the back shall be suitably painted or otherwise covered to present a neat and clean appearance.

(3) The ground area around the billboard structure shall be kept clean and all scrub brush and tall grass shall be cleared away to a distance of at least ten (10) feet to the rear and sides of the structure and to the front property line, and if on a corner lot to both property lines.

(4) Billboards attached to a building shall not project above the roof line of the building or be located on the roof of a building.

(5) Billboards located on the same street facing the same traffic flow shall not be located closer together than six hundred (600) feet. Each side of a double faced sign shall be considered as facing traffic flowing in the opposite direction.

E. Mini storage and warehouse facilities, subject to the following provisions:

(1) The construction of any mini storage or warehouse

Code of Ordinances, Grimes, Iowa

facility shall have a setback of 200 feet from any street.

(2) The facility shall be totally enclosed and have a gate which is locked at all times the facility is not open for business.

(3) The facility's buildings shall not be visible from any street or right-of-way. It shall have a soil berm or a brick or wood privacy fence that completely surrounds the facility's buildings on all sides except for the entrance. The soil berm or wall shall be equal in height to any mini storage or warehouse structure contained within the facility.

2. Permitted Accessory Uses.

A. Accessory uses and structures customarily incidental to any principal permitted use.

B. Storage of merchandise incidental to the principal use.

C. Exterior signs located on the street frontage of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:

(1) Such signs do not have an aggregate surface area in excess of ten percent (10%) of the total surface area of the building elevation to which they are attached;

(2) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may project a maximum of six (6) feet;

(3) No sign shall project more than four (4) feet above the roof line or parapet where one exists.

D. One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a

Code of Ordinances, Grimes, Iowa

public street, provided that:

(1) Such sign does not have a surface area in excess of two hundred (200) square feet on any one side and not more than two sides of said signs are used for advertising purposes.

(2) A directory sign may be substituted in place of a ground sign or post sign, subject to the requirements set forth in subsection (1) above.

(3) The Zoning Administrator shall have the authority to prohibit the erection of any sign that interferes with visibility for either vehicular or pedestrian traffic.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

- | | |
|-----------------------------------|---|
| A. Lot Area: | Same as required in the C-1 District |
| B. Lot Area
Per Dwelling Unit: | Same as required in C-1 District |
| C. Lot Width: | Same as required in C-1 District |
| D. Front Yard: | 25 feet |
| E. Side Yards: | None required, except when adjoining any "R" District or street right-of-way line, in which case – 25 feet |
| F. Rear Yard: | 25 feet; however, for every foot the front yard is increased over 25 feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than 10 feet |

Code of Ordinances, Grimes, Iowa

- G. Maximum Height: 45 feet
- H. Maximum Number of Stories: 3 stories
- 4. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than ten percent (10%) of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.
- 5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.
- 6. Site Plans. Site plans shall be required in accordance with the provisions of Section 165.38 for all uses permitted in this district.

165.28 C-3 DISTRICT REGULATIONS. The C-3 Planned Commercial Development District is intended to provide for the development of shopping center type business areas. The term shopping center is intended to mean a planned retail shopping and service area under single ownership, management or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as access roads, off-street parking, loading area, lighting, signs and walks. In the C-3 District, the following regulations shall apply, except as otherwise provided herein.

- 1. Principal Permitted Uses. A building or premises shall be used only for the following purposes:
 - A. Local retail business or service establishments such as the following:
 - (1) Antique shop

- (2) Art store
- (3) Babies and children store
- (4) Bakery or bakery outlet; retail sales only
- (5) Barber shop or beauty parlor
- (6) Bicycle shop, sales and repair
- (7) Book store
- (8) Bowling alleys
- (9) Camera store
- (10) Candy store
- (11) Clothes cleaning and laundry pickup stations
- (12) Clothing store
- (13) Cocktail lounge
- (14) Collection office of public utility
- (15) Dairy store, retail only
- (16) Delicatessen
- (17) Department store
- (18) Dance studio
- (19) Drug store
- (20) Florist shop

Code of Ordinances, Grimes, Iowa

- (21) Funeral home
- (22) Furniture store
- (23) Gas station
- (24) Gift shop
- (25) Grocery store or supermarket
- (26) Hardware store
- (27) Hobby shop
- (28) Hotel, motel or motor lodge
- (29) Household appliances, sale and repair
- (30) Jewelry store
- (31) Launderette and coin-operated dry cleaning establishments.
- (32) Leather goods store
- (33) Music store and music studios
- (34) Office building
- (35) Photographic studios
- (36) Radio and television sales and repair shop
- (37) Restaurant; not including drive-in restaurants
- (38) Shoe and hat repair shop

Code of Ordinances, Grimes, Iowa

- (39) Sporting goods store
- (40) Tailors and dressmaking stores
- (41) Theaters
- (42) Toy store
- (43) Variety store.

B. Business and professional offices and office buildings.

C. Any use which is considered by the Zoning Administrator to be like or similar to one of the uses listed above.

2. Accessory Uses. Accessory uses and structures customarily incidental to any principal permitted use.

3. Procedure. The owner or owners of any tract of land of not less than five (5) acres may petition the Council, in accordance with the provisions of Section 165.44, for a change to the C-3 District Classification. Such petition shall be accompanied by a development plan, indicating how the petitioner intends to meet the requirements of this section. Said development plan shall include evidence concerning the feasibility of the project and its effect on surrounding property and shall also include the following:

A. A site plan as required by Section 165.38 outlining in detail the areas to be developed for parking, the location of sidewalks and driveways, points of vehicular access, the location and height of walls, the location and type of landscaping and open space and the location, size and number of signs.

B. Methods and feasibility of providing water, storm and sanitary sewer facilities.

C. A statement of financial responsibility to assure construction of

Code of Ordinances, Grimes, Iowa

the development in accordance with the site plan submitted and the requirements of this section.

The petition and all attachments shall be referred to the Planning and Zoning Commission for study and report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Land Use Plan and with recognized principles of engineering design, land use planning and landscape architecture. After public hearing, the Commission may approve or disapprove the development plan and request for rezoning as submitted, or require that the petitioner amend the plan to preserve the intent and purpose of this chapter to promote public health, safety and the general welfare. The petition and development plan, along with the Commission's recommendations on the request for rezoning shall then be forwarded to the Council. The Council, after public hearing, may approve or disapprove the development plan and request for rezoning, as reported, or may require such changes as are necessary to preserve the intent and purpose of this chapter to promote public health, safety and the general welfare.

4. Completion. 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, in accordance with the provisions of Section 165.44, to rezone an unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is 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. For the purpose of this section, the term "unimproved property" means all property situated within the development plan upon which the installation of improvements has not been commenced.

5. Bulk Regulations. The following requirements shall be observed in the C-3 District.

- A. Minimum Lot Area: 5 acres
- B. Minimum Yards: A minimum yard of 50 feet from all property lines; no other minimum yards required.
- C. Maximum Height: 60 feet

6. Minimum Open Space. The total land area devoted to open space landscaping shall not be less than twenty percent (20%) of the gross land areas included in the development plan. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

7. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.

8. Site Plans. Site plans shall be required in accordance with the provisions of Section 165.38 for all uses permitted in this district.

165.29 M-1 DISTRICT REGULATIONS. The M-1 Limited Industrial District is intended and designed to provide flexibility in the location of certain manufacturing and industrial uses and office buildings, while maintaining protection for nearby non-industrial districts. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces, and structures generally one (1) or two (2) stories in height.

1. Uses Permitted. Only the uses of structures or land listed in this section are permitted in the M-1 District; provided, however, all manufacturing, assembling, compounding, processing, packaging or other

comparable treatment, including storage of any materials or products used in connection therewith, must be within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading as required by Sections 165.34 and 165.35. In addition, all open areas not used for off-street parking or loading shall be planted with grass, properly maintained, and kept free from refuse and debris. No new residential uses shall be permitted, unless accessory to a permitted principle use.

- A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small accessory parts only, such as coils and condensers, transformers, crystal holders and similar products.
- B. Commercial trade schools and business colleges.
- C. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.
- D. Laboratories; research, experimental and testing.
- E. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
 - (1) Bakery goods, candy and food products
 - (2) Cameras and other photographic equipment
 - (3) Electric and neon signs, outdoor advertising signs
 - (4) Medical, dental and drafting instruments
 - (5) Musical instruments, toys, novelties, and rubber and metal handstamps
 - (6) Pottery and other ceramic products using only

Code of Ordinances, Grimes, Iowa

previously pulverized clay, and kilns fired only by electricity or gas

(7) Products from the following prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, strips, or wire

(8) Small precision instruments, such as barometers, clocks, watches and compasses.

F. Office buildings.

G. Printing, lithographing, or film processing plants.

H. Radio and television broadcasting stations and studios, but not including antennas or towers.

I. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only.

2. Permitted Accessory Uses.

A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.

B. Dwelling for watchman or caretaker.

C. Employee cafeteria or other food concession in conjunction with permitted use.

D. Signs, as permitted in and regulated by the C-2 District regulations.

3. Bulk Regulations. The following minimum requirements shall be

Code of Ordinances, Grimes, Iowa

observed subject to the modifications contained in Section 165.36.

- A. Front Yard: 50 feet
- B. Side Yards: Two side yards, each 10 feet wide, or one side yard 20 feet wide; provided, however, that where adjacent to any "R" District or street right-of-way line, a side yard of 25 feet is required
- C. Rear Yard: 50 feet
- D. Maximum Height: 40 feet
- E. Maximum Number of Stories: 2 stories

4. Minimum Open space. The total land area devoted to open space and landscaping shall not be less than twenty percent (20%) of the gross land areas included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

5. Site Plans. Site plans shall be required in accordance with the provisions of Section 165.38 for all uses permitted in this district.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section

165.30 M-1A DISTRICT REGULATIONS. The M-1A Commercial and Limited Light Industrial district is intended and designed to provide areas of the City suitable for activities and uses of general commercial and limited light industrial nature. It is not intended that any new residential development be permitted in the M-1A District.

1. Uses Permitted. Only the uses of structures or land listed in this section are permitted in the M-1A District.
 - A. Any use permitted in the C-2 District, except no new residential uses shall be permitted unless accessory to a principal permitted use
 - B. Automobile body and fender repair, but not including wrecking or used parts yard
 - C. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust
 - D. Bakeries
 - E. Welding or other metal working shops
 - F. Laboratories; research, experimental and testing; excluding testing of farm and domestic animals
 - G. Lumber yards and building material sales yards
 - H. Machine shops
 - I. Manufacture of musical instruments and novelties
 - J. Fabrication and assembly of sheet metal products, including heating and ventilating equipment
 - K. Storage and sale of livestock feed, providing dust is effectively controlled
 - L. Storage of nonflammable, nonexplosive and nonperishable goods
 - M. Wholesale storage and warehouse establishments

Code of Ordinances, Grimes, Iowa

N. Grain storage and grain drying facilities

2. Permitted Accessory Uses.

A. Signs permitted in and as limited by the C-2 District regulations.

B. Accessory uses customarily incidental to a permitted principal use.

3. Required Conditions. 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, noise, vibrations, refuse matter or water-carried waste.

4. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

A. Front Yard: 25 feet

B. Side Yards: None required, except when adjacent to any "R" District or street right-of-way line, in which case – 25 feet

C. Rear Yard: 25 feet; however, for every foot the front yard is increased over 25 feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than 10 feet

D. Maximum Height: 50 feet

E. Maximum Number of Stories: No limitation

5. Minimum Open Space. The total land area devoted to open space and

landscaping shall not be less than ten percent (10%) of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures, or buildings, except ornamental structures included as part of the landscaping theme.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.

7. Site Plans. Site plans shall be required in accordance with the provisions of Section 165.38 for all uses permitted in this district.

165.31 M-2 DISTRICT REGULATIONS. The M-2 Light Industrial District is intended and designed to provide areas of the City suitable for activities and uses of a light industrial nature. It is not intended that any new residential development be permitted in the M-2 District.

1. Permitted Uses. Only the uses of structures or land listed in this section are permitted in the M-2 District.

A. Any use permitted in the M-1A District, except no new residential uses shall be permitted unless accessory to a principal permitted use

B. Carting, express, hauling or storage yards; contractors equipment and materials storage yards

C. Concrete mixing, concrete products manufacture, ready-mix plants

D. Creamery, bottling works, ice cream manufacturing (wholesale) ice manufacturing and cold storage plant

E. Enameling, lacquering or japanning

F. Laboratories; research, experimental and testing

Code of Ordinances, Grimes, Iowa

- G. Manufacture or assembly of electrical appliances, instruments and devices
- H. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired by electricity or gas
- I. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment
- J. Milk distribution station
- K. Manufacture of wood products not involving chemical treatment
- L. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour and the rendering or refining of fats and oils
- M. The manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood
- N. Flammable liquids, underground storage only, not to exceed forty thousand (40,000) gallons, provided it is located at least two hundred (200) feet from any "R" District
- O. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment

2. Permitted Accessory Uses.

- A. Signs permitted in and as limited by the C-2 District regulations.
- B. Accessory uses customarily incidental to a permitted principal use.

3. Required Conditions. 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, noise, vibrations, refuse matter or water-carried waste.

4. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

- | | |
|-------------------------------|---|
| A. Front Yard: | 25 feet |
| B. Side Yards: | None required, except when adjacent to any "R" district or street right-of-way line, in which case – 25 feet |
| C. Rear Yard: | 25 feet; however, for every foot the front yard is increased over 25 feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than 10 feet |
| D. Maximum Height: | 75 feet |
| E. Maximum Number of Stories: | No limitation |

5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than ten percent (10%) of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.34 and 165.35.

7. Site Plans. Site plans shall be required in accordance with the provisions of Section 165.38 for all uses permitted in this district.

165.32 M-3 DISTRICT REGULATIONS. The M-3 Heavy Industrial District is intended and designed to provide areas of the City for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, almost any use is permissible, with the exception of a small number of uses which by reason of certain undesirable characteristics require approval of the Board of Adjustment. In addition, no residential uses are permitted.

1. Principal Permitted Uses. A building or premises may be used for any purpose whatsoever provided the regulations listed in subparagraphs A, B, C below are met:

A. No Certificate of Zoning Compliance shall be issued for use in conflict with any ordinance of the City or law of the State regulating nuisances.

B. No Certificate of Zoning Compliance shall be issued for any dwelling, school, hospitals, clinic or other institution for human care, except where incidental to a permitted principal use.

C. The uses hereinafter listed may be permitted subject to approval by the Board of Adjustment after public hearing. In its determination upon the particular uses at the locations requested, the Board shall consider all of the following provisions:

(1) The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property. To this end the Board may require that appropriate landscaping, walls, fences or other artificial screens be provided as buffers to minimize the effects of these uses on adjoining or surrounding property.

(2) Such use shall not impair an adequate supply of light

Code of Ordinances, Grimes, Iowa

and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Land Use Plan of the City.

D. The uses subject to the above provisions are as follows:

(1) Packing house, slaughter houses and/or stock yards

(2) Acid manufacture or wholesale storage of acids

(3) Anhydrous ammonia storage and/or pumping facilities

(4) Automobile, tractor or machinery wrecking and used parts yards, provided that any wrecking operation is carried on within a building completely enclosed with walls and roof and the yard completely enclosed with a wall or fence, reasonably maintained, at least six (6) feet high completely obscuring the activity. There shall be only one opening in the wall or fence facing any public street for each two hundred (200) feet of length.

(5) Cement, lime, gypsum or plaster of paris manufacture

(6) Distillation of bones

(7) Explosive manufacture or storage

(7) Fat rendering

Code of Ordinances, Grimes, Iowa

- (9) Fertilizer manufacture
- (10) Garbage, offal or dead animal reduction
- (11) Gas manufacture and cylinder recharging
- (12) Glue, size or gelatin manufacture
- (13) Salvage, iron or rags, storage or baling, and waste paper yards, where the premises upon which such activities are conducted is wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity
- (14) Petroleum or its products, refining or wholesale storage of, and asphalt plants
- (15) Rubber goods manufacture
- (16) Sand or gravel pits
- (17) Smelting of tin, copper, zinc or iron ores
- (18) Transmitting stations
- (19) Wholesale storage of gasoline and other flammable liquids

2. Required Conditions.

- A. The best practical means known for the disposal of refuse matter of water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.
- B. All principal or accessory structures housing a use permitted only in the M-3 District shall be located at least one (100) feet from

Code of Ordinances, Grimes, Iowa

from any "R" District.

C. All signs shall meet the requirements of the C-2 District regulations.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.36.

- | | |
|-------------------------------|---|
| A. Front Yard: | 30 feet |
| B. Side Yards: | None required, except when adjacent to any "R" District or street right-of-way line, in which case – 25 feet |
| C. Rear Yard: | 40 feet, except that where a railroad right-of-way lies immediately adjacent to the rear of the lot, the rear yard requirement need not apply |
| D. Maximum Height: | No limitation |
| E. Maximum Number of Stories: | No limitation |

4. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than ten percent (10%) of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of landscaping theme.

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 165.34 and 165.35.

6. Site Plans. Site plans shall be required in accordance with the

Code of Ordinances, Grimes, Iowa

provisions of Section 165.38 for all uses permitted in this district.

165.33 FPM (FLOOD PLAIN MANAGEMENT) DISTRICT REGULATIONS.

1. Purpose. It is the purpose of this section to promote the public health, safety and general welfare by minimizing those flood losses describer in subsection 2 below with provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or flood water velocities;
- B. Require that uses vulnerable to floods, including public utilities which service such uses, be protected against flood damage at the time of initial construction;
- C. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2. Findings of Fact. It is hereby declared that the flood plain areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the health, safety and general welfare of the community. These losses, hazards and related adverse effects are caused by the occupancy of flood plain areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and by the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities. This section relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

3. Compliance. No structure or land shall hereafter by used and no structures shall be located, extended, converted or structurally altered

Code of Ordinances, Grimes, Iowa

without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this section.

4. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare.

5. Conflict. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provisions of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or regulations or by any other ordinance, rules or regulations, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. These regulations are not intended to abrogate any easement, covenant or other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

6. Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside the flood plain areas or land uses permitted within flood plain areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

7. Amendments. Any regulations or provisions of this section may be changed and amended from time to time by the Council, after notice and hearings required by law. The Federal Insurance Administration and the Iowa Department of Natural Resources shall be notified of each amendment to the regulations or provisions of this section.

Code of Ordinances, Grimes, Iowa

8. Flood Plain Management Overlay District Boundary.

A. These flood plain management regulations apply to all lands and uses which have significant flood hazards. These hazard areas are shown on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps prepared as part of the Flood Insurance Study for the City completed March 30, 1983, and any subsequent revisions, which maps are made a part of these regulations by reference hereto, together with the flood profiles and all explanatory material contained within the Flood Insurance Study. The Flood Boundary and Floodway Maps, Flood Insurance Rate Maps, flood profiles and all explanatory material contained within the Flood Insurance Study shall be on file in the office of the Clerk.

B. The general location of the flood plain boundaries shall be determined by scaling distances on the Flood Boundary and Floodway Maps and Flood Insurance Maps; however, in cases where a more precise determination is needed as to the exact location of the boundary in relation to a particular property, the determination shall be based upon elevation, using the elevation reference mark set forth in the Flood Insurance Study.

9. Flood Plain Management Standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Department of Natural Resources shall be contacted to compute such data.

A. All structures shall be (i) adequately anchored to prevent flotation, collapse or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage.

B. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year

flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 feet above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Council and the Department of Natural Resources, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

C. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Zoning Administrator.

D. All new and substantially improved structures:

(1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net

Code of Ordinances, Grimes, Iowa

area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

(1) Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement.

(2) Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

10. Utility and Sanitary Systems.

A. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or above the minimum floodproofing/flood protection elevation.

B. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or above the minimum floodproofing/flood protection elevation.

D. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

11. Flood Control Structures. Flood control structural works such as levees and flood walls shall provide, at a minimum protection from a 100-year flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources.

12. Subdivisions. Subdivisions shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards intended for residential development shall provide all buildable lots with a means of access by emergency vehicles during occurrence of the 100-year

flood.

13. Storage of Materials. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated above the minimum floodproofing/flood protection elevation. Other material and equipment must either be similarly elevated or (a) not be subject to major flood damage and be anchored to prevent movement due to flood waters, or (b) be readily removable from the area within the time available after flood warning.

14. Accessory Uses. The exemption of detached garages, sheds and similar structures from the 100-year flood elevation and requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when:

- A. The structure shall not be used for human habitation.
- B. The structure shall be designed to have low flood damage potential.
- C. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- D. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- E. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the 100-year flood level.

15. Floodway Capacity. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

16. Channel Changes. Watercourse alterations or relocations (channel

changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.

17. Special Floodway Provisions. In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway limits. Where no floodway data has been provided, the Iowa Department of Natural Resources shall be contacted to provide a floodway delineation.

A. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development of flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

B. All uses within the floodway shall:

(1) Be consistent with the need to minimize flood damage.

(2) Use construction methods and practices that will minimize flood damage.

(3) Use construction materials and utility equipment that are resistant to flood damage.

C. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum

Code of Ordinances, Grimes, Iowa

possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

I. Pipeline, river or stream crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

18. Duties and Responsibilities of Zoning Administrator. The Zoning Administrator shall administer and enforce the provisions of this section. Duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:

A. Review all flood plain development permit applications to ensure that the provisions of this section will be satisfied.

B. Review all flood plain development permit applications to ensure that all necessary permits have been obtained from Federal, State or local governmental agencies.

- C. Record and maintain a record of the elevation (in relation to mean sea level) of the lowest habitable floor of all new or substantially improved buildings or the elevation to which new or substantially improved structures have been floodproofed.
- D. Notify adjacent communities and/or Polk County and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse.
- E. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this section.

19. Flood Plain Development Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory built homes.

20. Application for Permit. Application for a Flood Plain Development Permit shall be made on forms supplies by the Zoning Administrator and shall include the following information:

- A. Description of the work to be covered by the permit for which application is to be made.
- B. Description of the land on which the proposed work is to be done (i.e. – lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
- C. Indication of the use or occupancy for which the proposed work is intended.
- D. Elevation of the 100-year flood.
- E. Elevation (in relation to mean sea level) of the lowest floor

Code of Ordinances, Grimes, Iowa

F. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

G. Such other information as the Zoning Administrator deems reasonably necessary for the purpose of this section.

21. Action on Permit Application. The Zoning Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this section and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of specific reasons therefore. The Zoning Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

22. Construction and Use to be as Provided in Application and Plans. Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and application and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this section. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building flood elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this section, prior to the use or occupancy of any structure.

23. Variances. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this section that will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship. Variances granted must meet the following applicable standards:

A. No variance shall be granted for any development within the floodway which would result in any increase in flood heights during the occurrence of the 100-year flood. Consideration of the effects

B. Variances shall only be granted upon:

- (1) Showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this section, the applicant shall be notified in writing over the signature of the Zoning Administrator that:

- (1) The issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
- (2) Such construction increase risks to life and property.

E. All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.

24. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for variances, the Board of Adjustment shall consider all relevant factors specified in other parts of this section, and:

A. The danger of lives and property due to increased flood heights

Code of Ordinances, Grimes, Iowa

or to the injury of others.

B. The danger that materials may be swept onto other lands or down stream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the City.

F. The requirements of the facility for a flood plain location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the zoning and flood plain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

L. Such other factors which are relevant to the purpose of this section.

25. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this section. Such conditions may include, but not necessarily be limited to:

- A. Modification of waste disposal and water supply facilities.
- B. Limitation on periods of use and operation.
- C. Imposition of operational controls, sureties, and deed restrictions.
- D. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such as approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this section.
- E. Flood proofing measures.

165.34 OFF-STREET LOADING SPACES REQUIRED. In any district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) 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 (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet.

- 1. Each loading space shall not be less than twelve (12) feet in width and forty (40) feet in length.
- 2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" District, it shall be set back at least twenty (20) feet and effectively landscaped and screen planted.

165.35 OFF-STREET PARKING AREA REQUIRED.

1. In all districts, except the C-1 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, the similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.

A. Automobile sales and service garages. One hundred percent (100%) of net sales floor area.

B. Banks, business and professional offices. Fifty percent (50%) of gross floor area, but in no case less than five (5) spaces.

C. Bowling alleys. Five (5) spaces for each lane.

D. Churches and schools. One (1) parking space for every eight (80) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) parking space for each two (2) staff members.

E. Dance halls, assembly halls. Two hundred (200) percent of net floor area used for dancing, or assembly.

F. Dwellings. Two (2) parking spaces for each family dwelling or dwelling unit.

G. Funeral homes, mortuaries. One (1) parking space for each five (5) seats in the principal auditorium.

H. Furniture and appliance stores, household equipment, or furniture repair shops. Fifty percent (50%) of net floor space.

I. Hospitals. One (1) space for each four (4) beds, plus one (1) space for each three (3) employees, plus one (1) space for each

Code of Ordinances, Grimes, Iowa

two (2) staff doctors.

J. Hotels, motels, lodging houses. One (1) space for each bedroom.

K. Manufacturing plants. One (1) parking space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each one thousand (1,000) square feet of gross floor area.

L. Nursing, convalescent and retirement homes. One (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.

M. Restaurants, taverns and night clubs. Three hundred percent (300%) of net floor area.

N. Retail stores, shops, super markets, etc. Over two thousand (2,000) square feet floor area. Two hundred fifty percent (250%) of net floor area.

O. Retail stores, shops, super markets, etc. Under two thousand (2,000) square feet floor area. One hundred percent (100%) of net floor area.

P. Theaters, assembly halls with fixed seats. One (1) space for each five (5) seats.

Q. Wholesale establishments or warehouses. One (1) space for each two (2) employees, but in no case less than one (1) space for each two thousand (2,000) square feet of gross floor area.

2. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar.

3. Where a parking lot does not abut on a public or private parking

Code of Ordinances, Grimes, Iowa

street, alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than sixteen (16) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however; such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district.

4. Every parcel of land hereafter used as a public or private parking area, including commercial parking lot, shall be developed and maintained in accordance with the following requirements:

A. No part of any parking space shall be closer than five (5) feet to any established street right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least ten (10) feet from the "R" District boundary and shall be effectively landscaped and screen planted.

B. All required off-street parking areas, for more than two (2) vehicles, shall be surfaced with an asphaltic or portland cement binder pavement or similar surface, so as to provide a durable and dustless surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. If a parking area is located in a City owned park or a City owned sports or recreation facility, the City may surface the parking area utilizing either crushed rock or gravel. In addition, upon consultation by the City Engineer and recommendation of the Planning and Zoning Commission, a parking space does not have to be hard surfaced if it will be used for the storage of heavy equipment, and in that case, it may be surfaced with recycled asphalt or other like material to provide a dustless surface area. All driveways or access areas leading to the storage area must be hard surfaced with an asphaltic surface or portland cement.

C. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "R" District.

5. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading area may occupy all or part of any required yard or open space, subject to the provisions of this section, except that no required off-street parking or loading areas shall be located in any required front yard in a residence district. This provision shall not prohibit parking on a driveway leading to a required off-street parking space.

165.36 EXCEPTIONS AND MODIFICATIONS. The regulations specified in this chapter shall be subject to the following exceptions, modifications and interpretations:

1. Use of Existing Lots of Record. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this chapter 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 thirty percent (30%) of the width of the lot, but in no case less than ten percent (10%) of the width of the lot for any one side yard.

B. The depth of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot, but in no case less than twenty (20) feet.

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

A. Chimneys, cooling towers, utility poles, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water tanks, churches, ornamental towers and spires, transmission and receiving towers or necessary mechanical appurtenances may be erected to

a height in accordance with existing or hereafter adopted ordinances of the City.

3. Water and Sewerage Requirements. In any district, except A-1 District, in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the minimum lot area and frontage requirements shall be as follows:

A. Lot area – twenty thousand (20,000) square feet; lot width at building line – one hundred (100) feet; provided, however, that where a public water supply system is available these requirements shall be fifteen thousand (15,000) square feet, and one hundred (100) feet, respectively.

B. The above requirements shall not apply in subdivision developments providing private water supply and sewage collections and disposal systems which have been approved by the Iowa Department of Natural Resources.

C. In all districts where a proposed building, structure or use will involve the use of sewage facilities, and public sewer and/or water is not available, the sewage disposal system and domestic water supply shall comply with all of the requirements and standards of the Polk County Board of Health.

4. Double Frontage Lots. Buildings on through lots extending through from street to street shall provide the required front yard on both sides.

5. Other Exceptions to Yard Requirements. 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 for the ordinary projections of sills, belt courses, cornices, ornamental features and roof overhang projecting not to exceed twenty four (24) inches, and except for yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights and similar decorative items.

6. Mixed-Use Yard Requirements. In instances where buildings are

Code of Ordinances, Grimes, Iowa

erected containing two (2) or more uses housed vertically, the required side yards for the first floor use shall control.

7. Visibility at Intersections 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 (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points on said right-of-way lines forty (40) feet from their point of intersection.

165.37 SPECIAL PERMITS. The Board of Adjustment 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.

1. Any public building erected and used by department of the City, township, County, State or Federal government.
2. Airport or landing field.
3. Community building.
4. Hospitals, nonprofit fraternal institutions, provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character.
5. Public or private cemetery, including mausoleums.
6. Water and wastewater treatment facilities.
7. Electrical and natural gas regulating facilities.
8. Before issuance of any special permit for any of the above buildings or uses, the Board shall review the conformity of the proposal with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Board may approve or disapprove the special permit as

Code of Ordinances, Grimes, Iowa

submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the deems necessary to the end that it preserve the intent and purpose of this chapter to promote public health, safety and the general welfare.

9. Applications for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, the location and type of landscaping, the type of lighting and the location, size and number of signs.

10. In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

165.38 SITE PLAN. To assure that the design and location of multiple family residential, commercial and industrial areas will be in conformance with the zoning standards of this chapter and are properly related to and in harmony with the existing and future residential, business and industrial development of the City, including generally accepted principles of residential, commercial, industrial and urban design, a detailed site plan shall be submitted showing the proposed use and development of all multiple family residential, commercial and industrial sites for approval by the Council after review and recommendation by the Planning and Zoning Commission.

1. Procedure.

A. Whenever any person wishes to develop any tract, lot or parcel of land within the City, located in the R-3, C-1, C-2, M-1, M-1A, M-2 or M-3 zoning districts, said person shall cause to be prepared a site plan of such development and shall submit fifteen (15) copies of said site plan to the Zoning Administrator. The provisions of this section shall also be applicable to the redevelopment, enlargement or extension of more than twenty-five percent (23%) of any

Code of Ordinances, Grimes, Iowa

multiple family residential, commercial or industrial uses and structures existing at the time of adoption of this chapter. The site plan shall contain such information and data as outlined herein.

B. The Zoning Administrator shall review the site plan for compliance with this chapter and 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 other ordinances of the City, its effect upon public utilities and the public street system, and submit these findings as soon as possible to the Planning and Zoning Commission.

C. The Zoning Administrator shall also forward a copy of the site plan to each member of the Planning and Zoning Commission. The Planning and Zoning Commission shall, after receiving the report of the engineer and the Zoning Administrator, review the site plan for conformity with the regulations and standards contained herein, and may confer with the developer on changes deemed advisable in such site plan. Persons or agents submitting a "site plan" shall personally appear before the Zoning Commission upon notice from the Zoning Commission when said "site plan" is to be considered by it.

D. The Planning and Zoning Commission shall forward its recommendation either for approval or disapproval of the site plan to the Council within forty-five (45) days of the date of the submissions of the said site plan. If the Commission does not act within forty-five (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

Code of Ordinances, Grimes, Iowa

Planning and Zoning Commission, place said recommendation upon the next Council agenda for discussion, and within thirty-five (35) days thereafter shall either approve or disapprove the site plan of the proposed development. Persons or agents shall personally appear before the Council upon notice from the Council when said site plan is scheduled for action by the Council. If said owner or agent fails to appear as scheduled, the Council shall take no action on said site plan.

G. No building permit or certificate of zoning compliance for any structure within any district 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 Planning and Zoning Commission on any site plan, a copy of said site plan with the action of the Planning and Zoning Commission noted thereon and signed by the Chairperson of the Commission shall be filed with the Clerk.

I. If the Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project, or said owner's successor in interest, shall have provided the Zoning Administrator with proof satisfactory to the Zoning Administrator that the site plan will be complied with. The Zoning Administrator shall not issue a certificate of zoning compliance for any structure within the development while the building permit for the development has been suspended pursuant to this section. Any person aggrieved by any decision or action of the Zoning Administrator under this section may appeal such action of 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, said owner or developer may apply for an amendment of the site plan. The Planning and Zoning 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.

2. Short Form Site Plan. When ever a person shall place any temporary business structure said person shall cause to be prepared a short form site plan as otherwise required by this subsection. Temporary business structures are otherwise exempt for the site plan process except as required by this subsection.

A. An applicant shall submit the correct legal description, boundary dimensions, and the identity of the present record owner of the property along with all of the following:

- (1) Existing and proposed dimensions of all site improvements and setbacks for property lines;
- (2) A clear written description of the existing and proposed use of the property;
- (3) Parking layout (including stall dimensions, aisle widths, driveway widths and locations), sidewalk layout, and pedestrian flow;
- (4) A description of any screening and landscaping;
- (5) Existing and proposed utilities and easements, including any sanitary in-store sewers; and
- (6) Nearest fire hydrant.

Code of Ordinances, Grimes, Iowa

B. A person submitting a short form site plan need not submit the short form site plan to a separate engineering for certification. Nonetheless, the short form site plan is subject to review by the Zoning Administrator and the City Engineer upon the sole discretion of the Zoning Administrator.

C. The short form site plan shall be submitted to the Zoning Administrator for review and may be referred upon the sole discretion of the Zoning Administrator and City Engineer for review and comment. The Zoning Administrator (and the City Engineer if involved) shall have the authority pursuant to Grimes Municipal Code section 165.38(1)(C-J) to approve, reject, or modify the site plan. In the sole discretion of the Zoning Administrator, a short form site plan may be referred to the Planning and Zoning Commission for approval pursuant to section 165.38(1)(C-J) and approved, rejected, or modified accordingly.

2. Site Plan Review. In reviewing a proposed site plan, the Council and the Planning and Zoning Commission shall consider the location of the buildings on the site with respect to vehicular and pedestrian traffic to and from the buildings, traffic between the site and abutting streets, suitable layout and adequate provisions for off-street parking and loading, with due consideration given to the provision of traffic islands, pedestrian ways and landscaping within the parking area, provision for necessary screening between adjacent properties and the site, location and display of traffic signs to promote traffic patterns, location and display of business signs so as not to distract or confuse motorists and location and display of outdoor advertising so as to provide adequate visibility within the site during hours of night operation but not to have adverse effect on surrounding properties.

3. Site Plan Requirements. All site plan shall be drawn at a scale not less than 1" = 50'. Fifteen (15) copies of the site plan shall be submitted to the Zoning Administrator. The purpose of the site plan is all information needed to enable the Zoning Administrator, City Engineer, Planning and Zoning Commission and the Council to determine if the proposed development meets the requirements of this chapter.

Code of Ordinances, Grimes, Iowa

4. Information Required. The site plan required shall include the following information concerning the proposed development.
 - A. Names of all persons having an interest in the property, legal description of property, point of compass, scale and date.
 - B. Applicant's name, planned land use and present zoning.
 - C. If the applicant is other than the legal owner, the applicant's interest shall be stated.
 - D. Name and address of person who prepared the site plan.
5. Required Illustrations. The site plan shall clearly set forth the following information concerning the proposed development.
 - A. Property boundary lines, dimensions and total area of the proposed development.
 - B. Contour lines of the proposed development at intervals of not more than two (2) feet provided, however, that a minimum of two (2) contours shall be shown on any plat. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the site plan.
 - C. The availability, location, size and capacity of existing utilities, and of proposed utilities.
 - D. The proposed location, size, height, shape, use and architectural theme of all buildings or structures, including signs, in the proposed development.
 - E. The total square footage of building floor area, both individually and collectively in the proposed development.
 - F. Existing buildings, right-of-way, street improvements, railroads,

easements, drainage courses, streams and wooded areas.

G. 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.

H. Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other manmade features to be used in the landscape of the proposed development.

I. Facilities for the collection and disposal of garbage and trash.

J. 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 elevation as well as plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated.

K. Location of entrances and exits from the proposed development onto public streets, and interior drives and proposed sidewalks in the development.

L. Proposed drainage facilities and provisions for flood control, if applicable.

M. The location, height and area of all signs (directional signs, identification signs, or temporary signs) in the proposed

Code of Ordinances, Grimes, Iowa

development.

6. Expiration of Approval. All site plan approvals shall expire and terminate one hundred eighty (180) days after the date of Council approval unless a building permits 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 the site plan expires or is canceled, then such site plan approval shall thereupon terminate.

7. Filing Fees. Before any action shall be taken as provided in this section, the person filing a site plan or said person's agent shall pay to the Clerk a filing fee to cover costs of the procedure. Under no conditions shall said fee or any part thereof be refunded for failure of said site plan to be approved. The amount of the fee shall be determined in accordance with the following fee schedule:

A. All site plans: fifty dollars (\$50.00).

B. All additional costs incurred by the City for review of site plans by the City Engineer and/or City Attorney shall be reimbursed to the City in full amount by the person who filed the site plan or by said person's agent.

165.39 BOARD OF ADJUSTMENT – PROCEDURE.

1. Board Created. The Board of Adjustment was established pursuant to the provisions of Ordinance No. 224, adopted May 14, 1985. Said Board consists of five (5) members appointed by the Council for terms as provided by Chapter 414, Code of Iowa. Members shall be removable for cause by the Council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Matter relating to the powers and duties of the Board shall be as provided by statute and the terms of this chapter.

2. Proceedings of the Board of Adjustment. The Board of Adjustment

Code of Ordinances, Grimes, Iowa

shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the Chairperson's absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon 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 of public record and be immediately filed in the office of the Board. The presence of three (3) members shall be necessary to constitute a quorum.

3. Hearing; Appeals; Notice. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeals shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time 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 attorney. Before an appeal is filed with the Board, the appellant shall pay a fee of twenty-five dollars (\$25.00) to the Clerk to be credited to the General Fund of the City.

4. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal is filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

165.40 BOARD OF ADJUSTMENT – POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.

2. Special Exceptions. To permit the following exceptions to the district regulations set forth in this chapter, provided all exceptions shall be their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent 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.

A. To permit erection and use of a building or the use of the premises or vary the height, yard or area 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.

B. To permit the use of property in residential districts for off-street parking purposes as accessory to permitted residential district uses where said parking lots do not immediately adjoin the permitted residential district use.

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

D. To issue permits and decide such matters as may be required by other sections of this chapter.

3. Variances; Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted or nonconforming use of lands, structures or buildings in other districts shall not be considered grounds for the issuance of a variance.

B. The Board of Adjustment shall make findings that the requirements of this subsection have been met by the applicant for a variance.

C. The Board of Adjustment shall further make a finding that the

Code of Ordinances, Grimes, Iowa

reasons set forth in the application justify the granting of a variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

D. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.46 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

165.41 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three (3) or the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith. Any taxpayer, or any officer, department board or bureau of the City, or any person or persons jointly or severally aggrieved by and decision of the Board of Adjustment may present to a

Code of Ordinances, Grimes, Iowa

court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. If any person or corporation fails to comply with the decision of the Board of Adjustment, said Board shall direct the City Attorney to institute proper action or proceedings in the name of the City, to enforce said decision or to institute action under Section 165.46 of this chapter.

165.42A CERTIFICATE OF ZONING COMPLIANCE. 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. 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 therefore 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. Nothing in this section shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property. Applications for Certificate of Zoning Compliance shall be applied for coincidentally with the application for the zoning/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 Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. 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 Zoning Compliance, and no building or premises shall be occupied until that Certificate is issued. A temporary Certificate of Zoning Compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations for partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public. A Certificate of Zoning Compliance shall be required of all nonconforming uses.

165.42B – The Certificate of Zoning Compliance shall apply to Chapters 165, 165A and 165B.

165.43 PLATS. Each application for a Certificate of Zoning Compliance shall be accompanied by a plat 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. A record of application and plats shall be kept in the office of the Zoning Administrator.

165.44 AMENDMENTS. The City Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Planning and Zoning Commission, amend, supplement, or change the boundaries of regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council.

1. Filing of Petition. Whenever any person desires that any amendment, or change be made in this chapter, including the text and/or map, as to any property covered by this chapter, 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 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 fifty (250) feet, it is the duty of the Council to vote upon such petition within a reasonable time after the filing of such petition with the Clerk.

2. Referral to Commission. Prior to voting or holding a public hearing upon the petition as submitted, the Council shall refer the petition to the Planning and Zoning Commission requesting its comments and recommendations. The Commission shall advise the Council of its recommendations and the vote thereon. Before advising the Council of its recommendation, the Commissions may in its discretion hold a public hearing, notice of which shall be given by publication in a newspaper in general circulation in the City or by placing in the United States mail appropriate form of notice setting the time and place at which said petition shall be considered by the Commission.

3. Petition Disapproved. In case the proposed amendment, supplement or change be disapproved by the Planning and Zoning Commission, or a written protest be filed with the Clerk against the change, duly signed by the owners of twenty percent (20%) or more of the area of lots included in the proposed change, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change is proposed, the change shall not become effective except by the favorable vote of at least three-fourths (3/4) of all members of the Council. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one (1) year shall have elapsed from the date of filing of the first petition.

4. Filing Fees. Before any action shall be taken as provided in this section, the owner or owners of the property proposed or recommended to be changed in the district regulations or district boundaries shall pay to the Clerk a filing fee to cover the costs of the procedure. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law. The amount of the fee shall be determined in accordance with the following fee schedule:

A. All amendments to zoning ordinances: fifty dollars (\$50.00) plus two dollars fifty cents (\$2.50) for each property owner to be notified by certified mail of public hearing.

B. All additional costs incurred by the City for review of zoning amendment requests by the City Engineer and/or City Attorney shall be reimbursed in full amount to the City by the person who filed the petition or said person's agent.

165.45 ZONING ADMINISTRATOR. There is hereby created the position of Zoning Administrator who shall be appointed by the Council. The Zoning Administrator shall administer and enforce the provisions of this chapter and shall have the following powers and duties, in connection therewith.

Code of Ordinances, Grimes, Iowa

1. The Zoning Administrator shall issue all permits and certificates required by this chapter.
2. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance or illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance or any illegal work being done. The Zoning Administrator shall direct the City Attorney, in addition to other remedies, to institute proper action or proceedings in the name of the City, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, or use, to restrain, correct or abate such violations, to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business, or use in or about the premises. The Zoning Administrator may also instruct the City Attorney in addition to other remedies authorized by this chapter, to institute action under Section 165.46 of this chapter.

The Council, may, by resolutions passed by a majority vote of the entire Council, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the City or may combine the powers and duties of this office with any other office or position.

165.46 VIOLATION AND PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, upon conviction shall be fined not more than one hundred dollars (\$100.00) for each offense. Each day that a violation is permitted to exist constitutes a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. 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 chapter.

165.47 AMENDMENTS TO OFFICIAL ZONING MAP. The official Zoning Map for

Code of Ordinances, Grimes, Iowa

the City of Grimes is hereby amended as follows:

1. Lots 21 and 22 of the Gateway Business Park, City of Grimes, Polk County, Iowa, zoning classification shall be modified from M-1A to M-2.

2. A parcel of land in the fractional north $\frac{1}{2}$ of the fractional NE $\frac{1}{4}$ of Section 5, Township 79 North, Range 25 West of the 5th P.M. City of Grimes, Polk County, Iowa, and more particularly described as follows: Commencing as a point of reference at the NE corner of Section 5-79-25; thence N89°42'03"W, 2368.58 feet along the north line of said section to a point; thence S00°19'57"W, 89.55 feet to a point; thence southeasterly along a curve to the left having a radius of 300.00 feet, an arc length of 218.99 feet and a chord bearing of S20°34'46"E to a point of curvature; thence southeasterly along a curve to the right having a radius of 300.00 feet, an arc length of 218.99 feet, and a chord bearing of S20 degrees 34'46"E to a point of tangency; thence S00°19'57"W, 39.59 feet to a point; thence S89°42'03"E, 870.77 feet to a point; thence southeasterly along a curve to the left having a radius of 1025.00 feet, an arc length of 573.06 feet, and a chord bearing of S36°53'28"E to a point; thence S37°05'32"W, 63.18 feet to a point; thence southwesterly along a curve to the left having a radius of 300.00 feet, an arc length of 194.21 feet and a chord bearing of S18°32'46"W to a point; thence S00°00'00"E, 389.33 feet to a point on the south line of said fractional N $\frac{1}{2}$, fractional NE $\frac{1}{4}$; thence S89°53'01"W, 1550.00 feet to the SW corner of said fractional N $\frac{1}{2}$, fractional NE $\frac{1}{4}$; thence N00°19'57"E, 1507.54 feet to a point; thence S89°42'03"E, 132.22 feet to a point; thence N00°19'57"E, 120.32 feet to a point; thence S81°59'34"E, 148.45 feet to a point of beginning and containing 41.3 acres more or less shall be modified from A-1 to R-3 zoning.

A parcel of land in the fractional North $\frac{1}{2}$ of the fractional NE $\frac{1}{4}$ of Section 5, Township 79 North, Range 25 West of the 5th P.M., City of Grimes, Polk County, Iowa and more particularly described as follows: Commencing as a point of reference at the NE corner of Section 5-79-25; thence N89°42'03"W, 2368.58 feet along the north line of said section to a point, thence S00°19'57"W, 59.91 feet to the point of beginning on the south right-of-way line of said highway; thence S00°19'57"W, 89.55 feet

Code of Ordinances, Grimes, Iowa

to a point; thence southeasterly along a curve to the left having a radius of 300.00 feet, an arc length of 218.99 feet, and a chord bearing of S20° 34'46"E to a point of curvature; thence southeasterly along a curve to the right having a radius of 300.00 feet, an arc length of 218.99 feet, and a chord bearing of S20° 34'46"E to a point of tangency; thence S00° 19'57"W, 39.59 feet to a point; thence S89° 42'03"W, 870.77 feet to a point; thence southeasterly along a curve to the left having a radius of 1025.00 feet, an arc length of 573.06 feet, and a chord bearing of S36° 53'28"E to a point; thence S37° 05'32"W, 63.18 feet to a point; thence southwesterly along a curve to the left having a radius of 300.00 feet, an arc length of 194.21 feet, and a chord bearing of S18° 32'46"W to a point; thence S00° 00'00"E, 389.33 feet to a point on the south line of said fractional N ½, fractional NE ¼; thence N89° 53'01"E, 1063.45 feet along said south line to a point on the west right-of-way line of Highway 141; thence N00° 21'39"E, 866.73 feet along said right-of-way to a point thence N11° 30'03"W, 576.10 feet along Iowa Department of Transportation right-of-way but diverging from along Highway 141 to a point; thence N50° 06'03"E 232.60 feet along said right-of-way line of Iowa Highway 44; thence N89° 41'09"W, 986.60 feet along said right-of-way to a point; thence S88° 50'40"W, 202.27 feet along said right-of-way to a point; thence N89° 42'03"W, 613.00 feet along said right-of-way to a point; thence S00° 06'45"W, 15.00 feet along said right-of-way to a point; thence N89° 45'52"W, 112.28 feet along said right-of-way to a point; thence N76° 09'52"W, 128.55 feet along said right-of-way to the point of beginning and containing 52.2 acres more or less zoning classification shall be modified from A-1 to C-2.

3. Lot 4 and Outlot X of Crossroads Plat, Polk County, Grimes, Iowa, zoning classification shall be modified from M-1 to M-1A.

4. The Southwest One-quarter of the Northeast One-quarter of Section 17, Township 79 North, Range 25 West of the 5th P.M., Grimes, Polk County, Iowa, zoning classification shall be modified from A-1 to M-3.

5. The following described property located in Grimes, Polk County, Iowa zoning classification is changed from A-1 to R-3:

The West 33 ½ acres of the Southeast Quarter (SE ¼) (EXCEPT the

Code of Ordinances, Grimes, Iowa

South 458 feet), Section 31, Township 80 North, Range 25 West of the 5th P.M., Polk County Iowa; AND

The East ½ of the Southwest ¼ (EXCEPT the North 425 of the South 458 feet of the East 418, and that part conveyed to the State of Iowa for road purposes and for use as a public highway), all in Section 31, Township 80 North, Range 25 West of the 5th P.M., Polk County, Iowa all being more particularly describes as follows:

Commencing at the South ¼ corner of Section 31, Township 80 North, Range 25 West of the 5th P.M., Polk County, Iowa; thence North 90°00'00" East, 418.6 feet; thence North 00°00'00" East, 33 feet to the POINT OF BEGINNING; thence North 89°58'15" West, 223.6 feet; thence North 83°40' West, 400.5 feet; thence North 88°40' West, 400.5 feet; thence North 88°06' West, 287.1 feet; thence North 00°32'45" West, 2544.3 feet; thence North 89°46'30" East, 1875.8 feet; thence South 00°25'15" East, 2180.4 feet; thence South 89°58' West, 545.7 feet; thence North 89°59'15" West, 417.9 feet; thence South 00°37' East, 424.9 feet to the POINT OF BEGINNING; EXCEPT the following described tract of land shall remain as A-1 zoning:

Commencing at the South ¼ corner of Section 31, Township 80 North, Range 25 West of the 5th P.M., Polk County, Iowa; thence North 90°00'00" East 418.6 feet; thence North 00°00'00" East 33.0 feet; thence North 00°37' West, 424.9 feet to the POINT OF BEGINNING; thence North 00°37' West, 400.02 feet; thence South 89°59'15" East, 426.51 feet; thence North 89°58' East, 538.46 feet; thence South 00°25'15" East, 400.00 feet; thence South 89°58' West, 545.70 feet; thence North 89°59'15" West, 417.9 feet to the POINT OF BEGINNING.

Said tract of land contains 93.10 acres more or less.

6. The following described property located in Grimes, Polk County, Iowa, zoning classification is changed from R-1 to C-2:

Lot 2, Block 10 in Channon's Second North Addition to Grimes and the East-West Alley abutting Lots 2,3, and 4 in Block 10, Channon's North Addition, Grimes, Polk County, Iowa.

7. The following described property located in Grimes, Polk County, Iowa,

Code of Ordinances, Grimes, Iowa

zoning classification is changed from A-1 to R-2:

The West 184 feet of the South 246 feet of that part of the Southwest Quarter of the Northwest Quarter of Section 5, Township 79 North, Range 25 West of the 5th P.M., Polk County, Grimes, Iowa.

8. The following described property located in Grimes, Polk County, Iowa, zoning classification is changed from R-3 to C-2:

The North ½ of the Southeast ¼ of Section 5, Township 79 North, Range 25 West of the Fifth P.M., Grimes, Polk County, Iowa, which abuts Highway 141.

9. The following parcel shall be changed from R-2 to C-2: 408 First Street, Grimes, Polk County, Iowa, more particularly described as follows: Lots Two (2), Three (3), Four (4), Five (5) in Block One (1) and the 16 foot North/South alley lying East of and adjacent to Lot 2, all in the Town of Grimes, now included and forming a part of the City of Grimes, Polk County, Iowa.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map pursuant to Section 165.05 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:

ZONING MAP AMENDMENTS

<u>ORDINANCE NO.</u>	<u>DATE ADOPTED</u>
236	6/9/87
244	9/13/88
247	9/13/88
250	11/22/88
251	1/24/89
258	5/9/89
274	6/25/90

Code of Ordinances, Grimes, Iowa

ZONING REGULATIONS

CHAPTER 165

275	6/25/90
282	10/22/90
291	4/22/91
299	9/23/91
320	6/22/92
348	6/28/93
350	11/9/93
357	2/8/94
361	6/14/94
362	6/14/94
405	7/22/97
425	5/25/99
426	5/25/99
436	4/25/00
439	6/27/00
440	1/23/01
441	2/27/01
450	1/17/02
451	02/12/02
452	02/12/02
454	07/09/02
461	04/22/03
462	07/08/03
464	08/12/03
465	08/26/03
467	00/00/03
468	10/14/03
469	03/18/04
470	12/25/03
480	03/18/04
486	05/13/04
489	08/12/04
491	07/29/04
494	08/12/04
496	10/07/04
513	03/22/05
514	03/22/05

Code of Ordinances, Grimes, Iowa

