(25) Hotels, motels and tourist courts

(26) Household appliances - sales and repair

(27) Jewelry stores and watch repair shops

(28) Key shops

(29) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments

(30) Leather goods store

(31) Meat market for storage and retail sales only

(32) Medical, dental, osteopathic and clinics

(33) Music stores

(34) Music studios

(35) Paint and wallpaper stores

(36) Plumbing, heating and air conditioning shops

(37) Printing shops

(38) Professional offices

(39) Public buildings and utilities, including administrative and sales office, equipment storage buildings and enclosed storage

(40) Radio and television sales and repair shops

(41) Real estate, insurance and financial institutions

(42) Refrigeration and air conditioning service and repair, electrical

(43) Restaurants, night clubs, cafes, taverns

(44) Shoe and hat repair shops

(45) Tailor and dressmaking shops

(46) Toy stores

(47) Variety stores

(48) Veterinarian clinics or hospitals, including overnight boarding and lodging

B. Combinations of the above uses.

2. **Permitted Accessory Uses**.

   A. Uses clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted. Outside storage must be located in the rear yard and must be completely obstructed from view by means of an enclosure and landscaping, as required by Section 6-02, (Screening).

   B. Dwelling Units, provided that said units are not located on the first floor and are conforming with the bulk requirements of this section.

   C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

   D. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

3. **Permitted Conditional Uses**..

   **A.** Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.

   B. Signs in accordance with Chapter 165 Article 1 of this Ordinance.

   C. Home Occupations are not an allowed conditional use.

4. **Bulk Regulations**. The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4.

   A. Lot Area. None

   B. Front Yard. None

   C. Side Yard. None except where side yard is adjacent to an "R" District, in which case the yard shall be at least 15 feet.

   D. Rear Yard. None

   D. Maximum Height. 65 feet

   E. Maximum Number of Stories. 4

**Summary of C-4 Bulk Regulations:**

| | |
|---|---|
| (A) Minimum Lot Area | None |
| (B) Front Yard Setback | None |
| (C) Side Yard Setbacks | None<br>15 ft. if adjacent to "R" |
| (D) Rear Yard Setback | None |
| (E) Maximum Height | 65 ft. |
| (F) Maximum Stories | 4 |

**Section 11. C-5 OFFICE PARK.** The purpose of this district is to provide areas for the development of primarily professional and administrative offices, and some service uses. *It is intended that this district be mapped primarily along arterial or collector streets in new, developing areas to reduce, limit, and contain strip retail development which has a more dynamic character, thereby enhancing proper movement of traffic, with appropriate setbacks, landscaping, and architecture to make such development reasonably compatible with nearby residential.*

1. **Principal Permitted Uses**. Only the uses of structures or land listed in this section shall be permitted.

   A. Office or service such as the following: (Retail & Office only)

      (1) Accounting, auditing and bookkeeping services.

      (2) Actuaries, chemists and other miscellaneous services.

      (3) Advertising agencies and Radio, television and Publishers' Advertising representatives.

      (4) Banking.

      (5) Blood banks.

      (6) Blueprinting and photocopying services.

      (7) Business associations, professional membership associations and other membership organizations.

      (8) Civic, social and fraternal associations.

      (9) Commercial photography, art and graphics

      (10) Computer programming and other software services, and data processing services.

      (11) Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies.

      (12) Credit agencies other than banks.

      (14) Engineering, Architectural and Surveying Services, including Landscape Architects.

      (15) Insurance agents, brokers and service.

      (16) Insurance.

      (17) Legal Services.

      (18) Management, Consulting and Public Relations Services.

      (19) Medical and dental laboratories.

(20) News syndicates.

(21) Noncommercial educational, scientific and research organizations.

(22) Noncommercial museums and art galleries.

(23) Offices of Manufacturers' sales representatives, subject to no outside display or storage of stock in trade. Indoor storage and display limited to 10% of total floor area of building.

(24) Offices of physicians, dentists, osteopathic physicians, chiropractors, optometrists and other health practitioners.

(25) Personnel Supply Services.

(26) Photographic studios, portrait.

(27) Political and religious organizations.

(28) Real Estate.

(29) Security and Commodity Brokers, Dealers, Exchanges and Services and Holding and other investment offices.

(30) Travel agencies and bureaus.

2. **Permitted Accessory Uses**.

A. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:

(1) Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the exterior, but shall access through a principal use or from a common enclosed mall or courtyard.

(2) Total area of all accessory uses shall not exceed 25% of the total floor area or gross leasable floor area of the building.

(3) No signage or merchandise shall be displayed where visible to the general public from outside the building.

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

C. Signs in accordance with Chapter 165 Article 1 of this Ordinance.

D. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

E. TV Dish Antennas in accordance with Chapter 165 Article 4 of the Zoning Code - General Regulations.

3. **Permitted Conditional Uses**.

A. General medical and surgical hospitals.

B. Extended care, intermediate care, or rehabilitation or residential care nursing facilities.

C. Outpatient care facilities.

D. Colleges, universities and professional schools, junior colleges and technical institutes.

E. Business and secretarial schools.

F. Wind Energy Conversion Systems (WECS), see Chapter 165 Article 4 of the Zoning Code – General Regulations.

4. **Bulk Regulations**. The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4.

A. Minimum Lot Area: 20,000 square feet.

B. Minimum Lot Width: 100 feet.

C. Front Yard Setback: 50 feet.

D. Side Yard Setback: 15 feet, except where side yard is adjacent to an "R" District, in which case the yard shall be at least 50 feet.

E. D. Rear Yard Setback: 25 feet.

F. Maximum Height. 65 feet

G. Maximum Number of Stories. 4

H. A minimum of 20% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

**Summary of C-5 Bulk Regulations:**

| | |
|---|---|
| (A) Minimum Lot Area | 20,000 sq. ft. |
| (B) Front Yard Setback | 50 ft. |
| (C) Side Yard Setbacks | 15 ft.<br>50 ft. if adjacent to "R" |
| (D) Rear Yard Setback | 25 ft. |
| (E) Maximum Height | 65 ft. |
| (F) Maximum Stories | 4 |
| (G) Open Space | 20% of Lot Area. |

## 5. Performance Standards.

A. No stock in trade shall be stored or displayed outside nor shall any assembly or manufacturing activities be conducted on the premises.

B. Parking or loading areas located in the front yard or yard adjacent to a street shall be screened from observation from by traffic on any and all public thoroughfares within 1,000 feet of such areas.

C. All refuse collection areas shall be fully enclosed by a 6 foot high opaque fence or masonry wall which matches the exterior of the principle building. Recycling facilities must be incorporated into the refuse collection area.

D. Where the lot abuts property zoned for residential uses, a 50 foot buffer shall be provided.

E. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline.

One additional drive access may be permitted for a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided.

**Section 12. C-6 Commercial Entertainment/Recreational.** The "C-6" District is intended to allow a variety of land uses comprised of services that have entertainment or recreational value serving local populations as well as regional. Lot development may vary from single use/single building to multiple use/multi building complexes. It is intended that this district be located in close proximity to Interstate 80. In the "C-6" District, the following regulations shall apply, except as otherwise provided herein:

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

   A. Entertainment or recreational uses such as the following"

      (1) Amusement Parks

      (2) Campgrounds

      (3) Casinos

      (4) Convention/Conference Centers

      (5) Horse Racing Facilities

      (6) Hotel/Motels

      (7) Movie Theaters

      (8) Restaurants

2. **Permitted Accessory Uses.**

   A. Multiple family dwellings/dorms for seasonal personnel employed on site.

   **"Outdoor Events".** The city council may grant permits for Outdoor Events such as athletic competitions, concerts, circus, theatrical programs (family oriented) or other entertainment / recreational activities that may not be found obtrusive to the health, safety and general welfare of persons residing or working in adjoining or surrounding property. This section is for events considered ancillary to, and not integral of the principle permitted uses outlined in Section 5-01. An Outdoor Event activity shall not be held within 500 feet of any residentially zoned property.

   B. **Permit process:** An application shall be submitted to City Hall requesting an Outdoor Event permit at least 45 days prior to the event date, but not more than 270 days prior. Information required for consideration will be 1) date, time and duration of event; 2) location map showing area designated for event; 3) detailed description of activities; 4) estimated and maximum permitted attendees. The City Council shall take into consideration recommendations from the City Administrator, Building

Code Official, Public Works Director, Zoning Administrator, Police Chief, Fire Chief and any other department supervisor in charge of municipal services, local ordinances or any other applicable rules and regulations. The council may also take into consideration public input or other information pertinent to the requested event.

3. **Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4. Setback requirements are for all buildings as well other structures anchored to the ground in a permanent or temporary fashion (excluding utilities).

A. Minimum Lot Area. 10 acres.

B. Minimum Lot Width. 300 feet.

C. Front Yard. 150 feet if property fronts on or is adjacent to an arterial street or "R" District; 50 feet if property is located on a local service street ( list example ) is considered a local service street per this ordinance.)

D. Side Yard. 50 feet for principle buildings, 10 feet for accessory buildings. If the side yard is adjacent to an "R" District the setback shall be 100 feet.

E. Rear Yard. 50 feet for principle buildings, 10 feet for accessory buildings. If the rear yard is adjacent to an "R" District the setback shall be 100 feet.

F. Maximum Height. No limit.

G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains or other ornamental features.

H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations immediately adjacent to an "R" District.

4. **Signs.** Signs in accordance with Chapter 165 Article 1 of this Ordinance.

5. **Off Street Parking and Loading.** Parking areas shall be located on the premises to adequately and conveniently serve the intended facilities. See Chapter 165 Article 4.

**~~168.~~13. M-1 LIMITED INDUSTRIAL.** The "M-1" District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces, and structures not more than four stories in height.

1. **Principal Permitted Uses**. Only the uses of structures or land listed in this section shall be permitted in the "M-1" District, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment shall take place within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading as required by Chapter 165 Article 4. No dwelling or dwelling unit is permitted. In addition, all open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris.

   A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products.

   B. Automotive and farm implement display, sales, service and repair.

   C. Boat dealers

   D. Body repair shops including painting

   E. Commercial trade schools.

   F. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.

   G. Laboratories, research, experimental and testing.

   H. 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 / metal hand stamps

(6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas

(7) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, cardboard, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, rods, strips of wire, paper, plastics, precious and semi-precious metals or stones, rubber (natural and synthetic), shells, textiles, tobacco, wax, wood and yarns, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.

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

(9) Manufacture or assembly of computers and computer related hardware.

I. Beverage bottling, distribution and warehousing facilities.

J. Contractors offices and storage buildings (not including outside storage yards); including general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations.

K. Dry cleaning and laundry facilities.

L. Ice production, storage, sales and distribution facilities. Cold storage facilities. Creamery and ice cream manufacturing.

M. Lumberyards and building materials sales yards, provided that outside storage not be located in the front yard and that it is opaquely screened from view.

N. Machine shops.

O. Mail order and distribution centers.

P. Motor vehicle dealers – new and used.

Q. Motorcycle dealers and snowmobiles.

R. Office buildings.

S. Office Warehouses.

T. Printing, lithographing or film processing plants.

U. Public utility facilities.

V. Publicly owned storage, warehouse and maintenance facilities.

W. Radio and television broadcasting stations and studios.

X. Recreational and utility trailer dealers

Y. Sawmill and planing mill, including manufacture of wood products not involving chemical treatment.

Z. Tire vulcanizing, retreading recapping, service and sales.

AA. Truck rental establishments

BB. Truck terminals, delivery services, moving and storage facilities and truck maintenance facilities.

CC. 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. Dwellings for watchman or caretaker.

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

D. Signs in accordance with Chapter 165 Article 1 of this Ordinance.

E. TV Dish Antennas and Communication towers in accordance with Chapter 165 Article 4 of this Code of Ordinances.

3. **Permitted Conditional Uses**.

**A.** Outside storage yards, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or another property.

B. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least Five-Hundred (500) feet from any residential use.

C. Home Occupations are not an allowed conditional use.

4. **Bulk Regulations**. The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4.

A. Front Yard. 50 feet from all streets or public Ingress/Egress easements.

B. Side Yard. Twenty (20) feet; provided that where adjacent to an "R" or "C-1" District a side yard of twenty-five (25) feet shall be required.

C. Rear Yard. 50 feet

D. Maximum Height. 65 feet

E. Maximum Number of Stories. 4

F. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

G. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial "M" District is immediately adjacent to a Residential "R" District.

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

| | |
|---|---|
| (A) Front Yard Setback | 50 ft. |
| (B) Side Yard Setbacks | 20 ft.<br>25 ft. if adjacent to street, "R", or C-1 district |
| (C) Rear Yard Setback | 50 ft. |
| (D) Maximum Height | 65 ft. |
| (E) Maximum Stories | 4 |
| (F) Open Space | 15% of Lot Area. |
| (G) Screening | Where Adjacent to 'R' Districts |

**Section 14. M-2 HEAVY INDUSTRIAL.** In the M-2 District, the following regulations shall apply, except as otherwise provided herein:

1. **Principal Permitted Uses**.

A. Uses permitted in M-1 Districts provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including but not limited to Security Guard of Night watchmen.

B. Any other use not otherwise prohibited by law, provided, however, that the following uses shall be permitted subject to approval by the Council after public hearing and after report and recommendation by the Zoning Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested:

(1) That 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;

(2) That such use shall not impair an adequate supply of light and air to surrounding property;

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

(4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and

(5) That such use shall be in accord with the intent, purpose, and spirit of this Zoning Code and the Comprehensive Plan of the City. No permit will be issued in M-2 District other than the requirements listed in "M-1" except as specifically approved by the Council.

C. Special Exception Uses. See Chapter 165 Article 7.

**2. <u>Permitted Conditional Uses</u>.**

A. Salvage yards and junkyards (See Chapter 124 of this Code of Ordinances for regulations concerning licensing and inspection of junkyards).

B. Outside storage yards, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or adjoining property.

C. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.

D. Home Occupations are not an allowed conditional use.

3. **<u>Required Conditions</u>.**

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where separated by an adjoining railroad right-of-way. No setback is required where adjacent to an active railroad right-of-way.

4. **Bulk Regulations**. The following minimum requirements shall be observed subject to the modifications contained in Chapter 165 Article 4.

   A. Lot Area. No minimum.

   B. Lot Width. No minimum.

   C. Front Yard. 150 feet if property fronts on or is adjacent to a major thoroughfare (collector rating or higher) or "R" District; 50 feet if property is located on an interior street (local) within an industrial park.

   D. Side Yard. 50 feet, except where adjacent to an "R" District in which case not less than 100 feet as specified in subsection 3 of this section.

   E. Rear Yard. 40 feet, unless adjoining an active railroad, in which case no rear yard is required.

   F. Maximum Height. No limit, except Conditional Use Permit required for any structure exceeding 65 feet in height.

   G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

   H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial "M" District is immediately adjacent to a Residential "R" District.

**Summary of M-2 Bulk Regulations:**

| | |
|---|---|
| (A) Minimum Lot Area | None |
| (B) Minimum Lot Width | None |
| (C) Front Yard Setback | 150 ft. if adjacent to major thoroughfare or "R" district<br>50 ft. if located in industrial park on an interior street |
| (D) Side Yard Setbacks | 50 ft.<br>100 ft. if adjacent to "R" district |
| (E) Rear Yard Setback | 40 ft.<br>None if adjacent to Railroad |
| (F) Maximum Height | No limit, except Conditional Use Permit over 65 ft. |
| (G) Open Space | 15% of Lot Area. |
| (H) Screening | Where adjacent to "R" Districts |

5. **Signs**. Signs in accordance with Chapter 165 Article 1 of this Ordinance.

6. **Off Street Parking and Loading.** See Chapter 165 Article 4.

ORDINANCE NO. 2034

AN ORDINANCE AMENDING THE MITCHELLVILLE, IOWA ZONING ORDINANCE (CHAPTER 165, ARTICLE 5) BY ADDING A COMMERCIAL-INDUSTRIAL MULTI-USE DISTRICT

Section 1. **C-I-M-U COMMERCIAL-INDUSTRIAL MULTI-USE** District is added to Chapter 165 of this Code of Ordinances as Section 5-15.

**Section 15. COMMERCIAL-INDUSTRIAL MULTI-USE.** The "C-I M-U" Commercial-Industrial Multi-Use District is intended and designed to allow a combination of commercial and industrial uses on larger parcels of land based on a "Concept Plan" of the "C –I M-U" District.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the "C-I M-U" District.

   A. Any use allowed in the "C-2" General Commercial District as specified in Article 5 of this Code of Ordinances.

   B. Any use allowed in the "C-5" Office Park District as specified in Article 5 of this Code of Ordinances.

   C. Any use allowed in the "M-1" Limited Industrial District as specified in Article 5 of this Code of Ordinances.

2. **Permitted Accessory Uses.** Permitted accessory uses are limited to those accessory uses allowed in each of the Districts, by district, identified in 1. "Principal Permitted Uses" above.

3. **Permitted Conditional Uses.** Conditional uses shall be allowed as proscribed in each district specified in 1. "Principal Permitted Uses" above.

4. **Performance Standards:** Performance standards shall apply by district to each district identified above under 1. "Principal Permitted Uses"

5. **Bulk Regulations.** The bulk regulations for each district listed in 1. "Principle Permitted Uses" above shall apply to structures and land in each district. Where different designated use areas about each other, the yard setback requirements specified in the "Limited Industrial District" (M-1) shall apply to each of the areas.

6. **Landscaping.** Landscaping requirements shall be as required for each of the districts listed under 1. "Principal Permitted Uses" above.

7. **Signage.** See Chapter 165, Article 1 of this Code of Ordinances.

8. **Off Street Parking and Loading.** See Chapter 165, Article 4 of this Code of Ordinances.

9. **Minimum Land Required For A C-I M-U District.** Any parcel or parcels of land must be a minimum of fifty (50) acres in size and be contiguous to be classified as a C-I M-U District.

10. **C-I M-U Concept Plan.** Before an area can be zoned as a C-I M-U District, a concept plan must be developed for the entire area designated as a C-I M-U District. The Plan must include the following:

    A. All land included in a C-I M-U District must be designated as either General Commercial, Office Park, or Limited Industrial use or a combination of those uses.

    B. The Concept Plan must designate by a drawing and with "meets and bounds" descriptions where General Commercial, Office Park or Limited Industrial uses will occur.

    C. The Concept Plan must designate a preliminary street system showing how traffic will flow in the C-I M-U District and where the street system will connect to existing and future City streets.

11. **Amendment Of Concept Plan.** The Concept Plan for the C-I M-U District may be amended by submitting an amended plan to the City to be reviewed by both the Planning and Zoning Commission and the City Council for their approval. Either the Planning and Zoning Commission and the City Council, or both may hold a public hearing on any amendment(s) before approving any amendment(s). Any amended Plan must address the items specified in paragraph 10. (C-I M-U Concept Plan) above.

12. **Site Plans.** Any property that is developed in the C-I M-U District must be in accordance with the approved Concept Plan. In addition, a Site Plan that meets all requirements specified in Article 6 of this Code of Ordinances must be submitted for approval by the City Council and its appropriate Boards and Commissions.

13. **Subdivision Regulations.** All properties developed in the C-I M-U District are subject to the City Subdivision Regulations as proscribed in Chapter 166, Article 1 of this Code of Ordinances.

**Section 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication

shall not affect the validity of his ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**Section 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed and approved this 18th day of October 2004.

Michael J. Kendall
Mayor

ATTEST:

Mildred Cunningham
Deputy City Clerk

| | |
|---|---|
| First Reading: | October 4, 2004 |
| Second Reading: | October 18, 2004 |
| Third Reading: | Waived October 18, 2004 |
| Published: | October 22, 2004 |

# ORDINANCE #2039

## AN ORDINANCE AMENDING MITCHELLVILLE ZONING ORDINANCE CHAPTER 165, ARTICLE 5, SECTION 15, SUBSECTION 1C- PERMITTED USES IN M-1 DISTRICT IN A CIMU, COMMERCIAL-INDUSTRIAL MULTI USE DISTRICT

WHEREAS, The City of Mitchellville has received concerns from citizens regarding permitted conditional uses in a M-1 Limited Industrial District in a CIMU, Commercial-Industrial Multi-Use District, and

WHEREAS, The Mitchellville Planning and Zoning Commission has recommended removing public detention and correctional facilities as a Permitted Conditional Use in an M-1 Limited Industrial Zone in a CIMU, Commercial-Industrial Multi-Use District,.

NOW, THEREFORE, Be It Ordained by the City Council of Mitchellville, IA that Subsection 3B of Chapter 165, Article 5, Section 15, Subsection 1C of the Mitchellville Municipal Zoning Ordinance be stricken in its entirety and replaced with the following:

"1C. Any use allowed in the "M-1" Limited Industrial District as specified in Article 5 of this Code of Ordinances, except for public detention facilities and correctional institutions."

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Should any section, part or provision of this ordinance be adjudged invalid, such adjudication shall not affect the validity of the remainder of this ordinance.

This ordinance shall be in full force and effect upon its passage and publication as required by law.

First Reading- February 21, 2005
Second Reading- March 7, 2005
Third Reading- March 21, 2005

Michael Kendall, Mayor

ATTEST:

Andrew J. Lent, City Clerk

Published in the *Polk County Press Citizen* on March 25, 2005

ORDINANCE NO. 2040

AN ORDINANCE AMENDING CHAPTER 165, ARTICLE V OF THE ZONING ORDINANCE OF THE CITY OF MITCHELLVILLE, IOWA, PROVIDING FOR A CHANGE OF DISTRICT TO BE MADE TO THE OFFICIAL ZONING MAP OF THE CITY OF MITCHELLVILLE REGARDING PROPERTY OWNED BY BERNHART C. HERMAN AND VIRGINIA L. HERMANN LIVING TRUSTS

WHEREAS, the City Council of the City of Mitchellville approved Resolution #2004-27 to initiate rezoning of the property owned by an undivided one-half interest in Bernhart C. Hermann as trustee of the Bernhart C. Hermann Living Trust u/a dated October 26, 1994, and an undivided one-half interest in Virginia L. Hermann as trustee of the Virginia L. Hermann Living Trust u/a dated October 26, 1994, and legally described as (See Appendix A) from A-1 Agricultural District to CIMU, Commercial-Industrial Multi-Use District, and

WHEREAS, the Planning & Zoning Commission held a Public Hearing on January 11, 2005, to review the conceptual plan for the rezoning and recommend approval to rezone said property, and

WHEREAS, The City Council has held a Public Hearing on January 17, 2005, which hearing was continued and concluded on February 21, 2005 and has considered all comments received, both oral and written.

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

SECTION 1. Purposes. The purpose of this ordinance is to amend the Official Zoning Map of the City of Mitchellville to reflect a new district designation for the property identified.

SECTION 2. Amendment. The Official Zoning Map of the City of Mitchellville shall be amended to reflect that the property legally described as: (See Appendix A) which is currently zoned as A-1 (Agricultural District) shall be rezoned and designated as CIMU (Commercial-Industrial Mixed-Use District).

SECTION 3. Repealer. All ordinances of parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed and approved this 21 day of March, 2005.

Michael J. Kendall
Mayor

ATTEST:

Andrew J. Lent
City Clerk

First Reading: February 21, 2005
Second Reading March 7, 2005
Third Reading: March 21, 2005
Published: March 25, 2005 in the *Polk County Press Citizen*

# Appendix A

TITLEHOLDER:
AN UNDIVIDED ONE-HALF INTEREST IN BERNHART C. HERMANN AS TRUSTEE OF THE BERNHART C. HERMANN LIVING TRUST U/A DATED OCTOBER 26, 1994, AND AN UNDIVIDED ONE-HALF INTEREST IN VIRGINIA L. HERMANN AS TRUSTEE OF THE VIRGINIA L. HERMANN LIVING TRUST U/A DATED OCTOBER 26, 1994.

LEGAL DESCRIPTION:
A TRACT OF LAND, PARCEL "A", THAT IS LOTS 1, 2, 3 AND 4 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 2 AND THE ENTIRE UNPLATTED PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 2, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH PRINCIPAL MERIDIAN LOCATED NORTH OF SAID LOTS 3 AND 4, EXCEPTING THEREFROM ROADS AND RAILROADS, IF ANY, AND EXCEPTING FROM LOT 1 A PARCEL LEGALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH PRINCIPAL MERIDIAN, THENCE DUE WEST A DISTANCE OF 658.8 FEET, THENCE DUE NORTH A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE DUE NORTH A DISTANCE OF 100 FEET, THENCE DUE WEST A DISTANCE OF 75 FEET, THENCE DUE SOUTH A DISTANCE OF 100 FEET, THENCE DUE EAST A DISTANCE OF 75 FEET TO THE POINT OF BEGINNING; AND FURTHER EXCEPTING FROM LOT 1 A PARCEL DESCRIBED IN BOOK 5558 PAGE 447 OF THE POLK COUNTY, IOWA RECORDER'S OFFICE; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2; THENCE NOO° 00' 38"E A DISTANCE OF 2493.13 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY (S. ROW) LINE OF INTERSTATE 80 AND THE WEST LINE OF SAID SECTION 2; THENCE S89° 05' 11"E ALONG SAID S. ROW LINE A DISTANCE OF 480.42 FEET; THENCE S89° 41' 00"E ALONG SAID S. ROW LINE A DISTANCE OF 2473.41 FEET; THENCE S87° 05' 08"E ALONG SAID S. ROW LINE A DISTANCE OF 608.52 FEET; THENCE S70° 15'52"E (M), S70° 34' 17"E (R) ALONG SAID S. ROW LINE A DISTANCE OF 269.58' (M), 268.10 (R) FEET; THENCE S55°18'57"E (M), S55° 16' 00" E (R) ALONG SAID S. ROW LINE A DISTANCE OF 688.08' (M), 683.50 (R); THENCE S70° 27' 17"E (M), S70° 06' 04"E (R) ALONG THE LONG CHORD OF A CURVE CONCAVE NORTHERLY (RADIUS=655 FEET, I=29°39'55") A DISTANCE OF329.31' (M), 335.37 (R) FEET; THENCE S00° 04' 18"W A DISTANCE OF 926.49 FEET; THENCE N89° 50'41"E A DISTANCE OF 539.15 FEET TO A POINT ON THE WEST LINE OF COUNTY ROAD "P" (COTTON AVE NW.) ; THENCE S00° 00' 21"W ALONG THE WEST LINE OF COUNTY ROAD "P" A DISTANCE OF 873.86 FEET TO A POINT ON THE NORTH LINE OF NE 62ND AVE.; THENCE S89° 50' 41"W ALONG SAID NORTH LINE A DISTANCE OF 608.80 FEET; THENCE N00° 09' 19"W A DISTANCE OF 100 FEET; THENCE S89° 50' 41"W A DISTANCE OF 75 FEET; THENCE S00° 09' 19"E A DISTACE OF 100 FEET TO A POINT ON THE NORTH LINE OF NE 62ND STREET; THENCE S89° 50' 41"W ALONG SAID NORTH LINE A DISTANCE OF 568.40 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE IAIS RAILROAD (N. ROW IAIS RR); THENCE N71° 49' 26"W ALONG THE LONG CHORD OF A CURVE CONCAVE SOUTHERLY (RADIUS=3116.34 FEET, I=16°28'50") A DISTANCE OF 893.30 FEET; THENCE N80° 03' 52"W ALONG THE N. ROW IAIS RR A DISTANCE OF 3176.26 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 2; THENCE N 00° 00' 38"E ALONG SAID WEST LINE A DISTANCE OF 1620.62 FEET TO THE POINT OF BEGINNING, CONTAINING 220.79 ACRES MORE OR LESS AND SUBJECT TO ROAD EASEMENTS OF RECORD, ALL IN POLK COUNTY, IOWA.

SOURCE: PLAT OF SURVEY BY BARKER LEMAR, PREPARED MARCH OF 2004, AND SIGNED BY JOHN SOMMERS, L.S. (LICENSE NO. 8996).