

CHAPTER 165 Article 6**SITE PLAN PROVISIONS**

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Section 1. SITE PLANS. To assure that the design and location of commercial and industrial areas will be in conformance with the zoning standards of this Zoning Code and are properly related to and in harmony with the existing and future business and industrial development of the City, including generally accepted principles of commercial, industrial and civic design, a detailed site plan shall be submitted showing the proposed use and development of all commercial and industrial sites for recommendation by the Planning and Zoning Commission to the Council for their approval.

1. Procedure.

- A. A site plan review is required whenever a person or other group wishes to develop any tract or parcel of land within all zoning districts, except for any detached single-family residence and two-family residences including any accessory structure thereto; agriculturally zoned property; new construction of non-residential accessory buildings less than 1,000 square feet in gross floor area; and additions to existing non-residential buildings when the addition is less than ten (10) percent of the existing building's gross floor area or the addition does not exceed one thousand (1000) square feet, which ever is more restrictive. Also where no new curb cuts are required and where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the City Engineer. Said person shall cause to be prepared a site plan of such development, with associated utilities' approvals or recommendations attached, and shall submit fourteen (14) copies of said site plan to the City Clerk. The provisions of this section shall be applicable to the redevelopment, enlargement or extension of any commercial or industrial uses and structures existing at the time of adoption of the ordinance (**August 4, 2003**). The site plan shall contain such information and data as outlined herein.
- B. The Clerk shall refer a copy of the site plan to the City Engineer, or such other person as shall be designated from time to time by the Council, who shall review said site plan as to its compliance with the ordinances of the City, its effect upon public utilities and the public

street system, and submit findings as soon as possible to the Planning and Zoning Commission.

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

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

harmonious and attractive development of the site. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.

- D. The proposed development shall be designed with adequate water mains, provisions for sanitary sewage facilities, storm sewers (storm sewers to be designed for 5-year storm calculations) and drains and flood control, in accordance with the ordinances and regulations of the City and statutes and regulations of the State and good engineering practice to protect the public health and welfare and not overload any existing public utilities. Surface drainage shall be directed to storm sewers wherever practical, including the requirement to extend public storm sewer if deemed necessary.
- E. The proposed development shall be designed and the buildings and improvements located in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property and to such end shall have such buffers, screen fences and landscaping as may be proper and shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term “use and enjoyment of adjoining property” means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term “use and enjoyment of adjoining property” means those uses permitted under the zoning districts in which such adjoining property is located.
- F. The proposed development shall not unduly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.
- G. The proposed development and all structures therein shall be designed in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive.
- H. To such end as may be necessary and proper to accomplish the Design Standards of this section, a landscaping plan prepared by a registered landscape architect, nursery person or such other knowledgeable person shall be provided, along with plans which address erosion control and other applicable requirements of this chapter and other city regulations.

3. **Site Plan Requirements.** All site plans shall be drawn at a scale not less than 1" = 50'. Fourteen (14) copies of the site plan shall be submitted to the Clerk. The purpose of the site plan is to show all information needed to enable the engineer, Commission and the Council to determine if the proposed development meets the requirements of this Zoning Code.
4. **Information Required.** The site plan required shall include the following information concerning the proposed development:
 - A. Name, address, and phone number of all persons having an interest in the property including the Engineer, Architect, Landscape Architect, Land Surveyor or person preparing the site plan.
 - B. Legal description of property, point of compass, scale, date and revision dates.
 - C. Applicant's name, present and proposed land use and zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
 - D. If the applicant is other than the legal owner, the applicant's interest shall be stated.
 - E. The plan shall be accompanied by all associated utilities' letters of approval or recommendations attached.
5. **Required Illustrations.** The site plan shall clearly set forth the following information concerning the proposed development:
 - A. Property boundary lines indicated by a heavy line, dimensions and total area of the proposed development.
 - B. Existing and proposed contour lines of the proposed development at intervals of not more than two (2) feet. Soil erosion control practices must be shown where necessary
 - C. The availability, location, size, and capacity of existing utilities, and of proposed utilities, whether public or self-provided.
 - D. Existing and proposed utility lines and easements in accordance with the Standard Specifications and Subdivision Regulations.
 - E. The proposed location, size, height, shape, use and architectural theme of all buildings or structures in the proposed development.
 - F. The total square footage of building floor area, both individually and collectively in the proposed development.
 - G. Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams and wooded areas.
 - H. All required building setback lines.

- I. Estimated number of employees for each proposed use where applicable and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.
- J. Complete traffic circulation and parking plan showing location, number, dimensions and design of off-street parking in the proposed development, including:
 - (1) Driveways, islands and planters;
 - (2) Striping and safety curbs;
 - (3) Loading facilities;
 - (4) Type and location of lighting; and
 - (5) Surface treatment.
 - (6) Grade and direction of drainage.
- K. Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other man-made features to be used in the landscape of the proposed development.
- L. Facilities for the collection and disposal of garbage and trash.
- M. Location and type of all plants, grass and trees to be used in the landscape of the proposed development. Landscaping to be used for screening purposes shall be illustrated in the elevation and perspective as well as the plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated.
- N. Location of entrances and exits from the proposed development onto public roads, and interior drives and proposed sidewalks in the development.
- O. Proposed drainage facilities and provisions for flood control.
- P. Location, height and area of all signs (directional signs, identification signs or temporary signs) in the proposed development.
- Q. Location of existing trees six inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred year storm.
- R. A "Vicinity Sketch" of legible scale showing the generalized street patterns, land use and zoning within 100 feet of the site plan boundary.
- S. Three (3) copies of architectural elevations of all proposed buildings, for the purpose of understanding the structures, the location of windows, doors, overhangs, projection height, etc., and the grade relationship to

floor elevation, and the number of stories of each existing building to be retained and of each proposed building.

T. Soil tests and similar information, if deemed necessary by the city engineer, to determine the feasibility of the proposed development.

6. **Expiration of Approval.** All site plan approvals shall expire and terminate one hundred eighty (180) days after the date of the Council approval unless a building permit has been issued for the construction provided for in the site plan. The Council may, upon written request by the developer, extend the time for the issuance of a building permit for sixty (60) days. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

Section 2. SCREENING.

1. **Intent.** The intent of screening regulations is to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from another; and/or establishing a sense of privacy from visual or physical intrusion. The provisions of this chapter are necessary to safeguard the public health, safety and welfare.
2. **General screening.** Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets and railroads.
3. **Compliance with general standard.** The following table illustrates the type of screen required between zoning classifications. Where such screening is required the applicant or burdened use is responsible for installation prior to receiving an occupancy permit for the use in questions. A description of the screen types (A, B and C) are described in the following subsection. Where screening is to be approved at site plan review (*), the screening objectives described in the Site Plan Ordinance, Section 6-02 are to be adhered. The City Council may require additional screening where deemed appropriate.

TABLE OF SCREENING REQUIREMENTS
Benefited Zoning Classification/Use

Zone	R-1	R-2	R-3	R4	R-5	C-1	C-2	C-3	C-4	C-5	C-6	M-1	M-2
R-1	-	-	A	A	*	B	B	*	B	*	*	C	C
R-2	-	-	A	A	*	B	B	*	B	*	*	C	C
R-3	A	A	-	-	*	A	B	*	B	*	*	C	C
R-4	A	A	-	-	*	A	B	*	B	*	*	C	C
R-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-1	B	B	A	A	*	-	A	*	A	*	*	C	C
C-2	B	B	B	B	*	A	-	*	-	*	*	C	C
C-3	*	*	*	*	*	*	*	*	*	*	*	*	*
C-4	B	B	B	B	*	A	-	*	-	*	*	C	C
C-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-6	*	*	*	*	*	*	*	*	*	*	*	*	*
M-1	C	C	C	C	*	C	C	*	C	*	*	-	B
M-2	C	C	C	C	*	C	C	*	C	*	*	B	-

* Screening to be approved with site plan review.

- No screening required.

A, B, C Described below.

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

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

B. **Semi-opaque Screen, Type B.** A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of

planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

- C. **Opaque Screen, Type C.** A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.
5. **Storage areas.** The outdoor storage of materials, equipment or supplies, when permitted in any commercial or industrial district, shall be so located or screened, fenced or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage are by persons traveling on public right-of-ways or standing at grade level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type "C" as described in Section 17.67.040(C). (Ord. 1056 §1 (part), 1989).
6. **Mechanical Units.** The following standards apply to the location and screening of mechanical equipment.
- A. Screening of ground mounted mechanical units: For all uses requiring the submittal of a Site Plan, all ground-mounted mechanical units, including but not limited to: air-conditioning

condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from any adjacent public thoroughfare shall be visibly screened from public view by the use of a screening wall built out of materials compatible and consistent with the architecture and materials of the principal building, landscape plantings of predominantly evergreen materials to provide year-round screening, or a combination of the above. The type of screening shall be identified as part of the site plan.

B. Screening of roof mounted mechanical units: All roof-mounted mechanical units shall be screened from adjacent public thoroughfares by the use of an opaque screening material compatible with the architecture of the building or architecturally designed screening, such as a parapet wall. The screening of the roof-mounted units shall be designed to blend with the building and roof materials. Additional screening may be required due to topographic differences in adjoining properties.

C. Screening of trash receptacles: For any development of properties where three (3) or more residential dwelling units are using a common trash receptacle and all nonresidential uses; trash receptacles and dumpsters shall be screened on all sides by the use of a permanent enclosure, with gates for disposal truck access.

- (1) The enclosure shall be constructed to visibly screen the receptacle from public view and views from the adjoining properties.
- (2) The screening wall shall be constructed of permanent materials, such as block or brick (wood is not permitted), compatible and consistent with the architecture and materials of the principal building.
- (3) The enclosure shall be landscaped to minimize the visual impact of the enclosure on surrounding properties and public thoroughfares.
- (4) A gate is required for all enclosures. The gate must be constructed with a metal frame (wood is not permitted). The gate must be covered with an opaque material, such as wood, to screen the contents of the enclosure.

- (5) Concrete-filled steel pipe bollards must be used to protect the enclosure.

Section 3. CERTIFICATE OF OCCUPANCY.

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

Section 4. AMENDMENTS.

1. The Council may, from time to time, on its own action or on petition, amend, supplement, or change the boundaries or regulations herein or subsequently established. However, no such amendment, supplement, restriction, change of boundaries, or regulations shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and

in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The notice shall be published in a paper of general circulation in the City. Such amendment, supplement, or change shall not become effective except by a favorable vote of a majority of all of the members of the Council. In case, however, of a written protest against a change or repeal which is filed with the Clerk and signed by the owners of 20% or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all of the members of the Council. The provisions of Section 414.4 of the Code of Iowa relative to public hearings and official notice apply equally to all changes or amendments.

2. Whenever any person desires that any amendment or change be made in this Zoning Code, including the text and/or map, as to any property in the City, it shall be by written petition to the City Council. The petition requesting such change or amendment shall clearly describe the property and its boundaries as to which the change or amendment is desired and shall be 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. Also, it shall be duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof (intervening streets and alleys not to be included in computing such two hundred [200] feet). It shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk
3. Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district boundaries shall deposit with the City Clerk the sum of Seventy-Five dollars (\$75.00) to cover the approximate costs of this procedure. Under no condition shall said sum or any part thereof, be refunded for failure of said amendment to be enacted into law.
4. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council, then no new petition for the same property or any part thereof shall be filed with or considered by the City until one (1) year after the date of the filing of the first petition.

Section 5. COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis

thereof shall be filed with the administrative official. Said administrative official shall record properly such complaint, immediately investigate and take action thereon as provided by this Zoning Code.

Section 6. ENFORCEMENT; PENALTIES.

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