

Grimes Planning and Zoning Commission

Grimes Community Complex
410 SE Main Street, Room 202
Grimes, Iowa 50111
Phone | 515.986.4050
www.grimesiowa.gov

Commission Members | Scott Almeida, Russ Lickteig, Craig Patterson, Danielle Smid, Courtney Strutt Todd
Council Liaison | Andrew Borcharding

Mission Statement

The mission of Grimes City Government is to provide excellent/exceptional city services and facilities in a financially responsible and community-friendly manner through a high performing city team that result in adding value to resident's lives.

Planning and Zoning Commission January 3, 2023 In Person at Grimes Community Complex, 410 SE Main Street, Room 202

Any person wishing to speak at the meeting will need to attend in person. Below is the Zoom information for those who wish to listen in on the meeting only.

Join Zoom Meeting

<https://us06web.zoom.us/j/81090531065?pwd=Vm9oaHhvTnp4blF1YUQ5NUJlVUVHUT09>

Meeting ID: 810 9053 1065

Passcode: 1234

GENERAL AGENDA ITEMS

1. Call to Order
2. Roll Call: Scott Almeida, Russ Lickteig, Craig Patterson, Danielle Smid, Courtney Strutt Todd, Council Liaison Andrew Borcharding
3. Approval of the Agenda
4. Approval of the Previous Minutes

PUBLIC AGENDA ITEMS

1. Zoning Ordinance Amendment to General Regulations

REPORTS

1. Department Update
2. Council Liaison Update
3. Old Business
4. New Business

ADJOURNMENT



101 NE Harvey Street, Grimes, Iowa 50111 | P: 515.986.3036

This meeting of the Grimes Planning and Zoning Commission was called to order Tuesday, December 6, 2022 at 5:30 P.M.

Roll Call: Present: Scott Almeida, Russ Lickteig, Craig Patterson (via Zoom), Courtney Strutt-Todd, Council Liaison: Andrew Borcharding

Staff: Evann Martin, Molly Mannel, Rachel Greving

Absent: Danielle Smid

A. GENERAL AGENDA ITEMS

1. APPROVAL OF THE AGENDA

Motion by Lickteig Second by Strutt-Todd, to approve the agenda

Roll Call: Ayes-All; Nays-0 Motion passes: 4-0

2. APPROVAL OF THE MINUTES

Motion by Patterson, Second by Lickteig, to approve the minutes from the November 1, 2022 meeting

Roll call: Ayes-All: Nays-0 Motion passes: 4-0

B. PUBLIC AGENDA ITEMS

Project #22-1038: Rider Logistics Center Plat 1 – Final Plat

Staff member Martin presents the details of the plat. The applicant is requesting approval of a final plat for Rider Logistics Center, which will allow for the subdivision of the 78-acre property. The plat will consist of one lot for industrial development where the first building is currently under construction, one outlot for future development, and two public street lots to be dedicated to the City for portions of SE Park Drive and SE 41st Street.

The Commission discussed the proposal and asked questions of staff.

Motion by Strutt-Todd, Second by Lickteig to approve Rider Logistics Center Plat 1 – Final Plat

Roll Call: Aye-All Nay-0 **Motion Passes 4-0**

Project #22-1039: M-Keds Home Place Plat 5 – Final Plat

Staff member Martin presents the details of the plat. The applicant is requesting approval of a final plat for M-Keds Home Place Plat 5, which will allow for the subdivision of the 11-acre property. The plat will consist of six lots for commercial or light industrial development, one outlot for the regional detention basin, and one public street lot to be dedicated to the City for the newly constructed portion of SE Gateway Drive.

Motion by Strutt-Todd, Second by Lickteig to approve M-Keds Home Place Plat 5 – Final Plat
Roll Call: Aye-All Nay-0 **Motion Passes 4-0**

C. PUBLIC FORUM – None

D. REPORTS

- 1. Department Update – Staff provided an update on development and capital projects around the City.**
- 2. Council Liaison Update – N/A**
- 3. Old Business – N/A**
- 4. New Business – N/A**
- 5. Next meeting January 3, 2023**

Meeting is adjourned at 5:40 p.m.

Chairperson Signature

Clerk Signature

Planning & Zoning Memo



TO: Planning and Zoning Commission
FROM: Molly Mannel, Assistant Planner
DATE: January 3, 2023
RE: Zoning Ordinance Amendment
to General Regulations

INTRODUCTION:

Staff has begun developing a draft for an amendment to the General Regulations within the Zoning Ordinance which includes a variety of topics including accessory buildings, fences, decks, communication towers, etc. Over the past few years, a number of issues have come up related to our current general regulations. These issues include missing components and unknown intents and purposes. Based upon our initial research, it also appears that our current ordinance is not consistent with our neighboring communities.

Our goal with this re-write is to create clear and comprehensive regulations that are comparable to other communities in the Des Moines Metro Area, while ensuring that the vision for our growing community is upheld.

Below is an outline of the proposed draft amendment for some of the general regulation sections to begin the discussion. Note that this is a complete re-write, therefore a redline copy has not been provided. For your reference, the existing ordinances are provided.

PROPOSED AMENDMENTS:

Accessory Buildings: This is an existing section that has been modified and expanded to better fit the vision of Grimes while allowing some flexibility.

- Create regulations that encompasses sheds and accessory garages.
- Permitted in the side and rear yards and must meet the minimum 5' setback, and minimum 10' setback for secondary front yards. This includes any concrete pads that may be poured around the perimeter of the accessory building.
- The accessory building shall not exceed a 15' maximum height.
- No more than 50% rear yard coverage shall be permitted in residential properties, and no more than 30% for side and front yards.
- Accessory buildings located in an A-1 zoning district shall be constructed no closer than 35' from the front or rear property line. All other A-1 setbacks shall apply.
- Accessory garages shall have a hard surface that leads up from an existing driveway or public street.

- Shall be standard construction or prefabricated buildings. The use of storage or shipping containers are not permitted.
- Accessory buildings located in multi-family, commercial, and industrial zones shall be subject to site plan approval.

Accessory Structures: There are currently no regulations for these types of structures within the code. These regulations are proposed to provide guidelines while still allowing flexibility.

- Create regulations that encompass decks, accessory paving, covered structures, pools, and fences and walls.
- Accessory structures must meet the 5' side and rear yard setback, with a 10' setback in secondary street frontage yards.
- No more than 50% rear yard coverage shall be permitted on residential properties, and no more than 30% for side and front yards.
- Accessory structures within the front yard shall be at least 15' from the front property line.
- Decks shall not project more than 8' from the front of the primary building and shall be connected to the non-garage portion of the building.
- Any deck covered by a permanent roof attached to the primary building shall comply with the primary building setbacks.
- Accessory paving includes patios, sport courts, and driveways. Driveways must meet a 2' side yard setback.
- Covered structures include pergolas, awnings, and canopies. The footings of a covered structure shall have a 5' side and rear yard setback.
- The roof of a covered structure may overhang the required setback line by no more than 24 inches.
- Pools and hot tubs must comply with the accessory structure setbacks and yard coverage. Additional requirements related to construction and safety standards can be found in the Building Code.
- Fences shall not exceed 6' in height in all residential zoning districts, and no more than 8' in all commercial or industrial districts.
- Fences constructed along secondary street frontages shall be 10' from the property line.
- Fences along trails or sidewalks must have a minimum setback of 3', unless otherwise stated.
- Existing multi-family properties that do not have a dumpster, shall be responsible to provide one that encloses both garbage and recycling containers. The enclosure may consist of a composite or architectural metal material with an opaque metal-framed gate.
- Fences constructed in Planned Unit Developments shall follow the standards established in the PUD documents.

Home Occupation: Home Occupation is an existing section within the ordinance and is intended to regulate the operation of businesses on residential properties. The State has recently passed new code regulations for home occupations. As such, we have drafted regulations that are consistent with the State regulations, and with the vision of the City of Grimes. Below is a highlight of those regulations.

- No-Impact Home-Based Business - A no-impact home-based business means a home-based business for which all the following apply:
 - Must remain principally residential (51% of the floor area used for dwelling purposes)
 - No alteration to the building which changes the residential character of the residence
 - No outdoor storage of equipment/materials used in the business
 - Businesses shall not be apparent from the street or neighboring properties
 - Business shall not produce noxious, offensive, hazardous noise, odor, vibration, smoke, glare, etc. or be a hazard to vehicular traffic.
 - Customer or client interaction occurring within the dwelling shall be between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday.
 - There shall be no off-premises signs, radio, television, newspaper, handbill, or similar types of advertising linking the premises with the home occupation.
 - There shall be no on-street parking or substantial increase in traffic within the residential area due to the business.
 - Home-based businesses that do not meet the requirements would require approval from the Board of Adjustment

Adult Uses: This is a new section that intends to regulate the location of certain uses that have objectional effects on adjoining uses or businesses. Certain cases in prior years have resulted in the courts allowing local authorities to implement locational zoning ordinances to regulate adult uses.

As such, we have drafted regulations the address the locating of adult uses, by implementing a location-based regulation.

- Allowed in M-1, M-2 and M-3 zoning districts.
- Not allowed in any overlay district.
- Must be 750-feet away from any residentially zoned or used property, childcare facility or school, religious institution, and park or recreation facility. This will be measured from the parcel boundary.
- Must be 750-feet away from any other adult use or business. Will be measured from the outer wall structure of the adult use or business
- All building openings, entries or windows must be covered or located in a manner that prevents viewing from the public or any semi-public area.

Outdoor Temporary Uses: This section has been moved into the zoning ordinance and modified to simplify the process for applicants and city staff. In addition, regulations have been added to encompass special events.

- Permit required except for the following:
 - Food trucks and pushcarts
 - Yard sales
 - Private parties on residential property
 - Sales held by non-profit organizations
 - Sales/events on public property with Council approval
 - Emergency response sites

- Temporary sales permitted up to 120 days per year, with no more than 12 sales periods.
- Special events permitted up to 7 days per event, with no more than 12 events per year.
- Establish flat fee for permits and remove bond requirement.
- Allow sales and events on any surface (grass, paving, gravel) but a minimum of 3 paved parking spaces is required.
- Bathroom facilities must be provided within 500 feet of the licensed facilities.
- Signage to meet the temporary sign requirements.
- All classes of mobile food vendor vehicles shall be permitted on a property for no more than 48 hours.

Outdoor Storage: Outdoor storage regulations are currently only in place within the Highway 141 Corridor. Regulations are now proposed to cover additional property outside of the Corridor to enhance aesthetics throughout the City.

- Permitted within industrial zoning districts only.
- All outdoor storage areas are required to be screened with opaque fence/wall or berm.
- Outdoor storage screening shall consist of an opaque fence/wall or berm of a height sufficient to completely screen the outdoor materials from adjacent properties and public and private right-of-way.
- If a berm is provided for screening, continuous evergreen shrub plantings could be placed on top of the berm to provide additional height to meet screening height requirements.
- For outdoor storage screening provided along public right-of-way and next to non-industrial uses, landscape plantings shall be provided along the fence/wall or berm.
- Outdoor storage areas next to other industrial property will not be required to install landscaping as part of the screening.
- Branded business vehicles are not considered outdoor storage if they meet the following requirements:
 - No more than 10% of the required parking spaces are used for branded business vehicles (businesses with less than 10 required spaces shall be permitted 1 space for branded vehicles); and
 - Branded business vehicles are parked within approved, standard size parking spaces; and
 - Branded business vehicles are devoted to the principal use on site.
 - Branded business vehicles parked within dock and loading areas are not considered outdoor storage.

Outdoor Product Display and Outdoor Sales: There are currently no regulations for these uses within the code.

- Products for display or sale in outdoor areas
- Items cannot be placed within parking stalls or drive lanes or interfere with site circulation
- Items to be 10 feet from property lines
- Items to be on a paved surface adjacent to the building or an approved accessory structure
- Alternative surfacing may be considered based on the nature of the product being displayed.
- Maintain minimum 5-foot walking paths
- Outdoor display and sales areas limited to 1% of the site but in no case more than 5000 square feet.

Vehicle Sales and Display Lots: The code currently permits these uses in commercial and industrial zoning districts and is considered outdoor storage. Therefore, with the Highway 141 Corridor, vehicles sales is either not permitted or required to be screened. The proposed regulations would not classify this type of use as outdoor storage but places restrictions on the site design.

- Minimum one acre lot
- Maintain minimum 25% open space
- Minimum 2000 square foot building for all operations, and not permitted as a tenant within a multi-tenant building
- Property must contain a parking lot capable of displaying a minimum of 15 vehicles in addition to the required parking spaces for the building.
- Vehicle display parking areas shall maintain a 15-foot setback from all property lines.

Communication Equipment: Communication Equipment is a new section within the ordinance and is intended to regulate the locating and siting of communication related equipment and towers within the City of Grimes. The Telecommunications Act of 1996 prohibits the discrimination of telecommunication carries for cities and impacted our complete authority to regulate. Under the act, local authorities may not prohibit towers, must act upon applications within a reasonable amount of time, must provide decisions in writing, may not regulate towers based upon radio frequency emissions, and allows companies to challenge denials within federal court.

As such, we have drafted regulations that are consistent with the Telecommunications Act of 1996, and with the vision of the City of Grimes. Below is a highlight of those regulations.

- Communication Equipment = Antennas, Receivers/Transmitters, Satellite Dishes
 - Communication Equipment is allowed in all districts but limited to 12-feet in height and restricted to rear yards if larger than 36" in diameter. Sch communication equipment shall be setback 5 feet from all rear and side property lines.
 - Communication equipment for emergency services shall not be required to meet the height requirements established within this section and shall be subject to review by the Zoning Administrator and site plan approval.
- Communication Towers = Macro Towers, Radio Towers, Equipment greater than 12-feet in height.
 - Communication Towers are restricted to M (Industrial) Districts, City Owned Property, and must be located outside of any overlay corridor.
 - Communication Towers require a site plan, are limited to 100-feet in height, and must be setback from all property lines an amount equal to the height of the tower.
 - When possible, towers shall be located atop existing structures (e.g., water tower or co-op grain tower) or screened and disguised as other objects that better blend in with the local environment. Communication equipment located on a city-owned water tower shall not be required to meet the 100-foot maximum height requirement. Communication towers that are not located atop another structure shall be disguised to reduce the visual impact of typical tower installations and be approved by staff.
 - Communication equipment located on a city-owned water tower shall not be required to meet the 100-foot maximum height requirement.
 - Communication Towers must be designed to accommodate one co-locate, if over 50-feet in height, and 2 users if over 100-feet in height.

- No more than 2 towers can be located on the same property and shall be at least 500 feet apart.

Renewable Energy: Renewable Energy is a new section that intends to regulate the installation of equipment that generates energy for onsite consumption, or grid feeding. These regulations are not intended to be applied towards large scale energy production, such as solar or wind farms. While staff is suggesting that the City encourage expansion of renewable energy through its regulations, the regulations also need to recognize and address the potential negative impacts on adjoining properties and the safety of its residents and businesses.

As such, we have drafted regulations the address these items, and recognize certain industry standards or requirements.

- Wind Energy Systems (WES)
 - WES are only allowed as accessory to the principal use, must be located in rear yards or building mounted.
 - For residential districts, 1 building mounted and 1 tower mounted WES may be installed. Must be vertical axis.
 - For commercial districts, 2 horizontal axis WES may be installed. The number of vertical axis WES shall be subject to site plan approval.
 - Tower mounted WES are limited to the establish maximum building height within the zoning district. Building mounted WES are limited to no more than 10-feet above the primary point of attachment.
 - Setback for tower-mounted WES is equal to the total height of the WES.
 - Building-mounted WES shall be setback from the roof edge equal to the height of the WES.
 - Building-mounted WES shall be located on the rear roof slope of the building and affixed with a monopole structure. No guy wires or other supports are permitted.
 - No WES shall be located over parking areas, driveways, or sidewalks.
- Solar Energy Systems (SES)
 - SES panels must be black or dark blue color.
 - All SES surfaces shall be non-reflective to minimize glare.
 - City reserves right to require an industry professional prepared glare analysis.
 - Building-mounted or building-integrated SES shall be allowed in all zoning districts. The SES shall not extend higher than 18 inches above the roof surface and shall match the roof slope.
 - Ground-mounted or free-standing SES shall be permitted in agricultural, commercial, or industrial zones; and any residential zoned properties larger than 1 acre in size.
 - Ground-mounted or free-standing systems shall be no taller than 12 feet in height, follow accessory structure setbacks and yard coverage requirements, shall not exceed the area of fifty (50) percent of the principal building footprint or six hundred (600) square feet, and shall be screened from the ROW using evergreen landscaping, berms, opaque fencing, or combination thereof.

In addition to the regulation amendments, staff has revised and added new definitions to be compatible with the new proposed regulations. These definitions have been provided for review in the draft code amendment accompanying the packet materials.

CITY OF GRIMES

Molly Mannel
Assistant Planner

12-5-1 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 title for the district in which the building or land is located.

12-5-2 Permits Previously Issued

Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any building or structure, or part thereof, for which approvals and required permits have been granted before the enactment of this title, the construction of which in conformance with such plans shall have been started prior to the effective date of this title and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control unless otherwise specified within Section [12-5-3](#).

12-5-3 Nonconformities

Within the various districts established by this title or amendments that may later be adopted, there exist buildings, structures and uses which were lawful prior to the adoption of the zoning ordinance codified in this title but which would be prohibited, regulated, or restricted under the provisions of this title. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this section to be incompatible with permitted uses in the districts involved.

- A. Continuing Existing Nonconforming Uses: The lawful use of land, building, or structure existing at the time of the enactment of the zoning ordinance may be continued even though such use may not conform with the regulations of this title, so long as it remains otherwise lawful, subject to the following provisions:
1. Any use in existence at the adoption of the zoning ordinance, which was not an authorized "nonconforming use" under previous zoning ordinances, shall not be authorized to continue as a nonconforming use in accordance with this title, or amendments in this section.
 2. If no structural alterations are made, any nonconforming use of a building or structure may be changed to another nonconforming use of the same or a more restricted classification. Such use shall not be changed to a less restrictive use.
 3. When a nonconforming use of building, structure, or premises is discontinued or abandoned for twelve (12) months, the building, structure, and premises in combination shall not be used except in conformance with the regulations in the district in which it is located.
 4. Where nonconforming use status applies to a building, structure and premises in combination, removal of the building or structure shall eliminate the nonconforming status of the land.
 5. Any nonconforming building or structure damaged more than fifty percent (50%) of its replacement cost exclusive of the foundations at the time of damage by any means shall not be restored or reconstructed, except in conformity with the provisions of this title. If the structure is less than fifty percent (50%) damaged above the foundation, it may be restored, reconstructed or used as before, provided that reconstruction is completed within twelve (12) months of such happening, and is built of like or similar materials as appropriate to the zoning district.
 6. No existing building or structure shall be enlarged, extended, reconstructed, moved, or structurally altered, unless in conformance with the established zoning regulations. However, whenever the recorded plat shows a setback building line along any frontage for the purpose of creating a front yard or secondary frontage yard line, the building line thus shown on the recorded plat shall apply along such frontage in place of any other yard line required in this title.
 7. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this title. No such use shall be extended to occupy any land outside such building or to occupy a larger square footage.
 8. 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 title, unless the proposed location does not increase the nonconformity of the use and does not decrease the compatibility of the use with neighboring properties, as determined by the Zoning Administrator.
 9. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided that the cubic content of the building as it existed at the

time of enactment or amendment of the zoning ordinance is not increased. This title shall not be construed to prohibit the improvement of any building or structure from a state of disrepair, neglect, or potentially harmful condition to a minimum level of safety as determined by the building official.

12-5-4 Zoning Districts Dividing Property

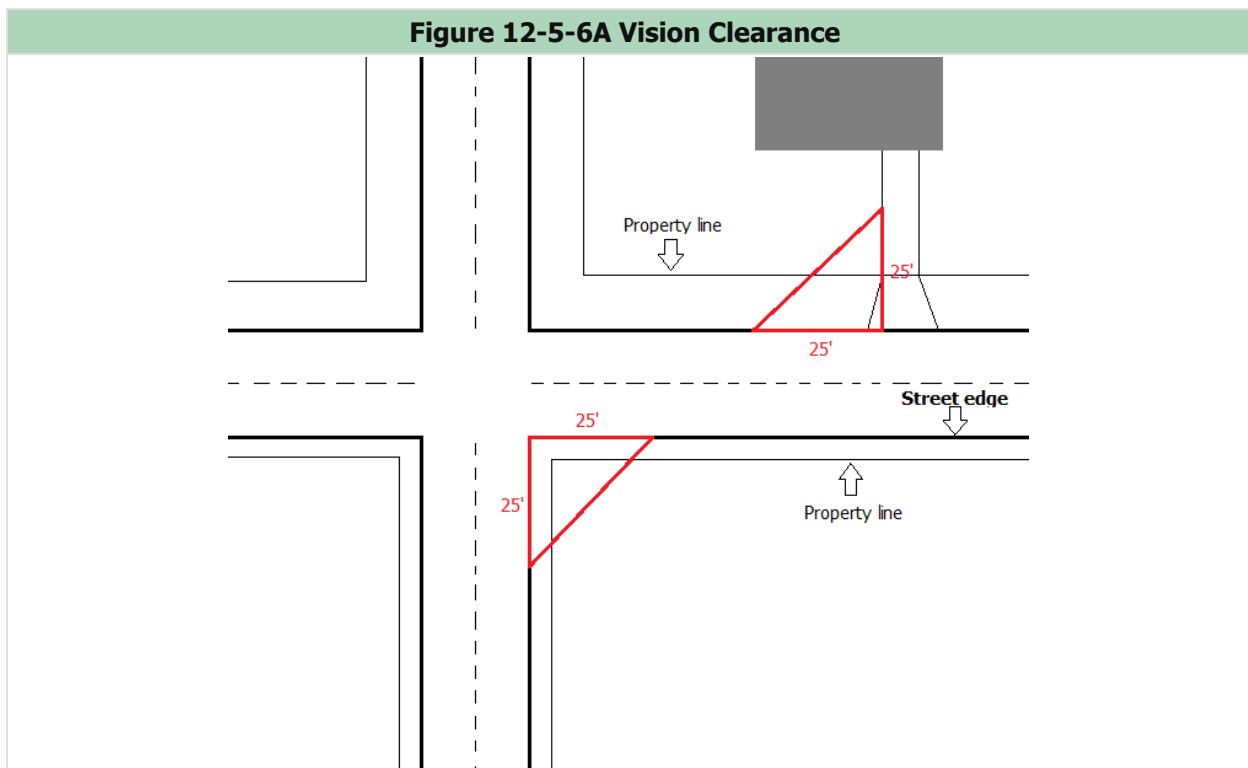
Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classification, each of these portions shall be used independently of the other in its respective zoning classification. For the purpose of applying the regulations of this title, each zoning district portion shall be considered as if it were an individual lot and therefore required to meet the bulk requirements of the zoning district.

12-5-5 Lot and Use Requirements

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 title shall be included as part of a yard, open space, or off-street parking or loading space required under this title for another building, structure, or use, unless such buildings, structures, and uses are located on the same parcel or a shared parking agreement is in place.

12-5-6 Vision Clearance

- A. Purpose. The purpose of this provision is to prevent obstructions on private property, which substantially impair or interfere with the visibility of pedestrian or vehicular movement on and along public streets and sidewalks, create an unreasonable risk of death, personal injury and/or property damage and otherwise interfere with the unobstructed and safe use of the public right of way.
- B. Placement. No sign shall be erected, placed, or allowed to be situated in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of intersecting streets or an intersecting street and private driveway in the area bounded by the street or driveway lines of such intersections and a line joining points along said street or driveway lines twenty-five (25) feet from the point of intersection. See Figure 12-5A.
- C. Analysis. Staff may require an engineering analysis to be performed and submitted for review before permits are issued. Based on the analysis, differing greater or lesser dimensions may be required based upon the current standards of the Institute of Transportation Engineers or the Association of American State Highway Officials.



12-5-7 Street Frontage Required

Except as permitted in Section [12-15-1](#) of this chapter, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least twenty (20) feet on at least one (1) 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. Easements provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings shall either be at least thirty (30) feet wide for driveway only or at least fifty (50) feet wide for driveway with common utility service lines.

12-5-8 Corner Lots

For corner lots and double frontage lots platted or recorded after the effective date of this chapter, the front yard regulations shall apply to each street side of the lot.

- A. For corner lots platted and recorded as of February 28, 2023, the minimum required lot width shall be increased by at least twenty (20) feet so as to allow for the additional required street secondary front yard, that is, for a minimum required lot width of sixty (60) feet, minimum width of a corner lot shall be at least eighty (80) feet.
- B. On corner lots platted and recorded as of February 28, 2023, the buildable envelope shall not be required to be reduced to a width less than twenty-eight (28) feet in order to meet the additional lot width required by Section 12-5-8A.
- C. On corner lots platted and recorded prior to December 7, 1959, the side yard regulations shall apply to the longer street side of the lot, except in the case of reverse frontage lots, where the corner lot faces the longer side of the lot. In the case of reverse frontage, there shall be a side yard on the shorter street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots to the rear of such corner lot. No accessory building on said corner lot shall project beyond the setback line of the lots in the rear. However, this regulation shall not be interpreted to reduce the buildable width of the corner lot facing the longer side of the lot, to less than twenty-eight (28) feet nor prohibit the erection of an accessory building.

12-5-9 Residential Yard Coverage

Residential Yard Coverage Area: No more than thirty (30) percent of front, side, and secondary frontage yards shall be impervious, and no more than fifty (50) percent of rear yards shall be impervious. This shall not prohibit the construction of a permitted driveway to support access to a garage, one (1) additional parking stall, or required sidewalks and walkways.

12-5-10 Accessory Buildings

A. Accessory Buildings on Agricultural Zoned Property

1. Accessory buildings shall follow the A-1 setback and height requirements, except the front and rear yard setback shall be thirty-five (35) feet.
2. An accessory building shall follow the yard coverage requirements in Section [12-5-9](#).
3. Accessory buildings shall be designed with neutral colors, such as black, white, brown, beige, gray, or green, or colors that match the primary building.
4. Accessory buildings shall be standard construction or prefabricated buildings. The use of storage or shipping containers shall not be permitted.
5. Accessory buildings shall not be located upon any property, unless a permitted principal use of the property is present and in use, or an appropriate lot-tie agreement has been approved.

B. Accessory Buildings on Residential Property

1. These regulations shall apply to the following zoning districts: R-1, R-2, R-2 60, R-2 70, R-5.
2. No accessory building shall be erected in a front yard.
3. Accessory buildings shall be at least five (5) feet from lot lines of adjoining lots. On corner lots and double frontage lots, accessory buildings shall conform to the ten (10) foot setback regulations along the street frontage.
4. An accessory building shall follow the yard coverage requirements in Section [12-5-9](#).
5. An accessory building shall not exceed fifteen (15) feet in height.
6. These regulations shall not be interpreted to prohibit the construction of a five hundred fifty (550) square foot garage on lots where no attached or detached garage is existing.
7. Accessory buildings shall be designed with neutral colors, such as black, white, brown, beige, gray, or green, or colors that match the primary building.
8. Accessory buildings shall be standard construction or prefabricated buildings. The use of storage or shipping containers shall not be permitted.
9. Accessory buildings shall not be located upon any property, unless a permitted principal use of the property is present and in use, or an appropriate lot-tie agreement has been approved.

C. Accessory Buildings on Multi-Family, Commercial and Industrial Property

1. These regulations shall apply to the following zoning districts: R-3, C-1, C-2, C-3, M-1A, M-1, M-2, M-3.
2. Accessory buildings shall be subject to site plan approval.
3. Accessory buildings shall be designed to match the building materials and colors of the primary building. The accessory building shall be primarily neutral in color.
4. Accessory buildings shall meet any respective overlay requirements in Section [12-11-1](#) or [12-11-2](#).
5. Accessory buildings shall not be located upon any property, unless a permitted principal use of the property is present and in use, or an appropriate lot-tie agreement has been approved.

D. Accessory Buildings within Planned Unit Developments (PUD)

1. Accessory buildings shall follow the standards established within the PUD documents.
2. If no specific standards are established within the PUD, accessory buildings shall follow the appropriate accessory building standards established within this section based on

the land use type within the PUD and any applicable overlay requirements in Section [12-11-1](#) or [12-11-2](#).

3. Accessory buildings shall not be located upon any property, unless a permitted principal use of the property is present and in use, or an appropriate lot-tie agreement has been approved.

12-5-11 Accessory Structures

A. Accessory Structures on Residential Property

1. General Regulations:

- a. Accessory structures are permitted within any yard unless otherwise specified in this section.
- b. All accessory structures shall meet a minimum five (5) foot side yard and rear yard setback.
- c. Any accessory structure constructed within a front yard shall comply with a minimum fifteen (15) foot front yard setback and a ten (10) foot minimum setback if installed within a secondary frontage yard.
- d. Yard coverage requirements stated in Section 12-5-9 shall still apply to structures listed within this section.
- e. Accessory structures shall meet any applicable overlay requirements in Section 12-11-1 or 12-11-2.

2. Permitted accessory structures include, but are not limited to, the structures listed below. Any structure not specifically listed shall be subject to review by the Zoning Administrator.

a. Decks.

- i. Permit required. No deck may be constructed without a deck permit issued by the Building Official. A permit application must be submitted along with plan drawings for the proposed deck.
- ii. Decks shall not project more than eight (8) feet from the front of the primary building and shall be connected to the non-garage portion of the building. See Figure____.
- iii. Any deck covered by a permanent roof attached to the primary building shall comply with the primary building setbacks.
- iv. Additional requirements related to construction and safety standards shall comply with the building code.

b. Accessory pavement, such as patios, sports courts, driveways, or similar structures.

- i. Driveways shall have a minimum side yard setback of two (2) feet. Additional requirements for driveways can be found in Section 12-15-4 of this title.

c. Covered structures, such as pergolas, awnings, canopies, or similar structures.

- i. All footings for the structure must meet the required setbacks stated in this section. Any covered structure attached to the primary building shall follow the primary building setbacks.
- ii. The roof of a covered structure may overhang the required setback line by no more than twenty-four (24) inches.

d. Pools and Hot Tubs.

- i. Permit required. No person shall construct or allow to be constructed any alteration, addition, remodeling or other improvements to a swimming pool without a permit. Swimming pools shall be maintained in accordance with the provisions of this chapter.
- ii. Permitted pools and hot tubs shall not be constructed in the front yard. Additional requirements related to construction and safety standards shall comply with the building code.

e. Fences and Walls.

- i. General Regulations.
 - (A) Permit Required. No fence or wall may be constructed without a fence permit issued by the Zoning Administrator. A permit application must be submitted along with plan drawings for the proposed fence or wall.
 - (B) Prohibited Fences and Walls – All Districts.
 - (1) Fences and walls may not be installed anywhere within a twenty-five (25) foot vision triangle.
 - (2) A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited, unless specified otherwise herein.
 - (3) Fences and walls shall not be located upon any property, unless a permitted principal use of the property is present, or an appropriate lot-tie agreement has been approved.
 - (C) Construction and Maintenance. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator, or their designee, after ten (10) days notice to the owner, may order the removal of any fence or wall that is not maintained in accordance with the provisions of this code and assess the cost of fence or wall removal against the property where said fence or wall is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the property owner or renter.
- ii. Fence Design Requirements.
 - (A) Requirements. Fence height shall not exceed six (6) feet in all residential zoning districts. All fences must be constructed such that the finished side of the fence is facing the street or adjoining property.
 - (B) Front Yard. No fence may be constructed in a front yard, with the exception of ornamental-style fences. For the purpose of this ordinance, an ornamental fence shall be defined as a fence that is less than thirty-six (36) inches in height and is constructed of a style that is decorative and one that does not provide screening or security.
 - (C) Multiple Frontage Lot. Fences constructed within any secondary front yard other than the front shall be constructed no closer than ten (10) feet from the property line.
 - (D) Fences along Trails and Sidewalks: Fences constructed along trails or sidewalks shall be constructed with a minimum setback of three (3) feet from the trail or sidewalk pavement. However, if a trail or sidewalk runs along a public street, the setback shall be ten (10) feet from the property line.

Table 12-5__Residential Fence Regulations

Lot Type	Interior Lot	Corner Lot	Double Frontage	Triple Frontage
Max height	6 Feet	6 Feet	6 Feet	6 Feet
Front Setback	Front of House	Front of House	Front of House	Front of house
Side Setback	0 Feet	0 Feet	0 Feet	0 Feet

Table 12-5__Residential Fence Regulations

Lot Type	Interior Lot	Corner Lot	Double Frontage	Triple Frontage
Secondary Frontage Setback	N/A	10 Feet	10 Feet	10 Feet
Rear Setback	0 Feet	0 Feet	N/A	N/A

- (E) Fences along Trails and Sidewalks: Fences constructed along bike trails or sidewalks must be constructed with a minimum setback of three (3) feet from the public right-of-way. Fences that border trails or sidewalks that run in between two (2) properties must be constructed with a minimum setback of three (3) feet from the public right-of-way.
 - (F) Materials. Fences are to be constructed out of customarily used materials such as chain link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental woven wire, stone, masonry or other similar materials. Chain link type fences or ornamental woven wire fences shall not include plastic or wood slats or strips, bamboo, or reed that are intended to make the fence opaque. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
 - (G) Coloring. All fences and walls must be of an earth tone, neutral, or natural color such as white, black, gray, tan, brown, or green. Bright, fluorescent or metallic colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences, unless it is a sign that has been properly permitted under the sign ordinance.
 - (H) Temporary Fencing. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing.
 - (I) Prohibited Materials. A fence shall not be constructed or covered with paper sheets or strips; cloth or fabric tarps, sheets or strips; plastic or vinyl tarps, sheets, mesh, or strips; bamboo; reed; plywood sheeting.
- iii. Fencing and Walls for Accessory Structures.
- (A) Animal Runs. Domesticated animal runs in residential districts are permitted in rear yards with a five (5) foot setback from all lot lines. Adequate screening shall be provided to reduce visibility and noise to adjoining property owners. Domesticated animal runs shall not exceed six (6) feet in height.
 - (B) Pools and Hot Tubs. Pools and hot tubs with the capability of holding water at least twenty-four (24) inches in depth shall be surrounded by a fence at least four (4) feet in height. Pools with a power safety cover or spas with a safety cover complying with ASTM F 1346 shall not be required to have a fence.
- iv. Retaining Walls. Retaining walls are not required to follow the fence and wall yard, setback, and height requirements established in this section. However, retaining walls shall be subject to the requirements of the twenty-five (25) foot vision triangle. Retaining walls should not be installed in the front yard setback whenever possible.
- (A) Setback. Retaining walls shall be setback from side and rear property lines one (1) foot for every one (1) foot of height, unless a

mutual written agreement on the height and location of the retaining wall has been made with the adjoining property owner. Retaining walls shall be setback at least three (3) feet from any public right-of-way.

- (B) Retaining walls which are more than four (4) feet in height shall be structurally engineered. The written design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Building Official.
- (C) In the case of retaining walls supporting embankments in all zoning districts, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. Additionally, such wall retaining embankments of a vertical distance greater than thirty (30) inches shall have a handrail, guardrail, or landscaping to minimize the possibility of an accidental fall from the upper surface to the lower level approved by the Zoning Administrator.

B. Accessory Structures on Multi-Family, Commercial and Industrial Property

1. General Regulations.

- a. These regulations shall apply to the following zoning districts: R-3, C-1, C-2, C-3, M-1A, M-1, M-2, M-3.
- b. Accessory structures shall be subject to site plan approval.
- c. Accessory structures shall meet any applicable overlay requirements in Section [12-11-1](#) or [12-11-2](#).
- d. Accessory structures shall not be located upon any property, unless a permitted principal use of the property is present and in use, or an appropriate lot-tie agreement has been approved.

2. Fences and Walls

a. General Regulations.

- i. For commercial or industrial zoned areas, the permit application for a proposed fence or wall must include a revised site plan which demonstrates that the proposed fence or wall is compliant with Grimes Zoning Ordinances.
- ii. Prohibited Fences and Walls – All Districts.
 - (A) Fences and walls may not be installed anywhere within a twenty-five (25) foot vision triangle.
 - (B) A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited, unless specified otherwise herein.
- iii. Construction and Maintenance. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator, or their designee, after ten (10) days notice to the owner, may order the removal of any fence or wall that is not maintained in accordance with the provisions of this code and assess the cost of fence or wall removal against the property where said fence or wall is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the property owner or renter.

b. Fence Design Regulations.

- i. Requirements. Fence height shall not exceed eight (8) feet in all commercial or industrial districts, with the exception of secondary front yards and double or triple-fronted lots. Fences within R-3 districts shall not exceed six (6) feet in height.
- ii. The fence must be constructed such that the finished side of the fence is facing the street or adjacent property.
- iii. Multiple Frontage Lot. Fences constructed within any front or secondary front yard shall be constructed no closer than ten (10) feet from the property line.
- iv. Front Yard. No opaque fence may be constructed in any front yard.
- v. Additional Industrial Requirements. Facilities listed below shall have a soil berm, or a brick or wood privacy fence no less than six (6) feet in height, which completely obscures the property. There shall be a maximum of one (1) opening in the berm, wall or fence facing any public street for each two hundred (200) feet of length.
 - (A) Mini storage and warehouse facilities
 - (B) Automobile, tractor, or machinery wrecking and used parts yards
 - (C) Salvage, iron or rags, storage or bailing, and waste paper yards
 - (D) Other similar activities/uses as permitted by the Zoning Administrator
- c. Materials. Fences are to be constructed out of customarily used materials such as chain link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental woven wire, stone, masonry or other similar materials. Chain link type fences or ornamental woven wire fences shall not include plastic or wood slats or strips, bamboo, or reed that are intended to make the fence opaque. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
- d. Coloring. All fences and walls must be of an earth tone, neutral, or natural color such as white, black, gray, tan, brown, or green. Bright, fluorescent or metallic colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences, unless it is a sign that has been properly permitted under the sign ordinance.
- e. Temporary Fencing. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing.
- f. Prohibited Materials. A fence shall not be constructed or covered with paper sheets or strips; cloth or fabric tarps, sheets or strips; plastic or vinyl tarps, sheets, mesh, or strips; bamboo; reed; plywood sheeting.
- g. Fencing and Walls for Accessory Structures
 - i. Dumpster Enclosures.
 - (A) Dumpster enclosures shall have a minimum setback of five (5) feet from side and rear property lines and a minimum setback of ten (10) feet from street frontages.
 - (B) All trash and recycle containers and enclosures shall be located within an enclosed masonry surrounding wall between six (6) and eight (8) feet in height, with an appropriate opaque, metal-framed gate. Gates shall not be constructed with chain link and slats. The gate shall not face a public street and shall be mounted on durable metal posts to withstand heavy use or damage. The enclosure shall be consistent in

architecture and materials to the principal structure. The enclosure shall screen garbage and recycling containers.

(C) As of February 28, 2023, all multi-family properties that did not provide a dumpster enclosure upon site plan approval, shall be responsible to provide an enclosure. The enclosure shall screen both garbage and recycling containers, and may consist of an opaque composite or architectural metal material with an opaque metal-framed gate.

- ii. Animal Runs. Domesticated animal exercise yards in commercial or industrial districts may be indoors or outdoors. If outdoors, the structure shall be screened with solid fencing, eight (8) feet in height, and shall be set back at least ten (10) feet from any adjacent property line. Domesticated animal exercise yards in R-3 districts shall follow the residential animal run fencing and screening requirements.
- h. Retaining Walls. Retaining walls are not required to follow the fence and wall yard, setback, and height requirements established in this section. However, retaining walls shall be subject to the requirements of the twenty-five (25) foot vision triangle. Retaining walls should not be installed in the front yard setback whenever possible.
 - i. Setback. Retaining walls shall be setback from side and rear property lines one (1) foot for every one (1) foot of height, unless a mutual written agreement on the height and location of the retaining wall has been made with the adjoining property owner. Retaining walls shall be setback at least three (3) feet from any public right-of-way.
 - ii. Retaining walls which are more than four (4) feet in height shall be structurally engineered. The written design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Building Official.
 - iii. In the case of retaining walls supporting embankments in all zoning districts, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. Additionally, such wall retaining embankments of a vertical distance greater than thirty (30) inches shall have a handrail, guardrail, or landscaping to minimize the possibility of an accidental fall from the upper surface to the lower level approved by the Zoning Administrator.

C. Accessory Structures within Planned Unit Developments

- 1. Accessory structures shall follow the standards established within the PUD documents.
- 2. If no specific standards are established within the PUD, accessory structures shall follow the appropriate accessory structure standards established within this section based on the land use type within the PUD and any applicable overlay requirements in Section [12-11-1](#) or [12-11-2](#).
- 3. Accessory structures shall not be located upon any property, unless a permitted principal use of the property is present and in use, or an appropriate lot-tie agreement has been approved.

D. Specific Exceptions.

- 1. Barbed wire and electric fences shall not be allowed to enclose any property without the consent of the City Council, and may be granted only for property that consists of ten (10) or more acres and is used primarily as agricultural land.
- 2. An exception may be approved by the Zoning Administrator, or their designee, for sun and/or wind screen material applied to fences directly associated with sports or recreation facilities including tennis courts, baseball fields, basketball courts, football fields, running tracks and soccer facilities.

3. Temporary construction and special event fences, barricades, railings, or other similar barriers installed to provide temporary site security and/or safety in conjunction with construction work or special events may be allowed in any district during periods of construction or the duration of the special event. Any such temporary fences shall be removed upon completion of the construction work or special event. Permit applications under this section shall specify the duration and purpose for which the fences, barricades, railings or other barriers will be in place. Time extensions may be given after review and approval by the Zoning Administrator or their designee.
4. Fences or walls installed as a method of screening mechanical equipment may exceed height limitations of the specific zoning district to effectively screen mechanical equipment. The fence or wall shall be located in direct proximity to the equipment. All requested fences or walls shall be opaque in design and be built out of materials consistent with the architecture and materials of the principal building. Any open area required for ventilation of the equipment shall be designed to prevent full view of the equipment. The design of the screen fence or wall and the height required for full screening shall be provided at the time of a building permit or site plan application, and are subject to recommendation of the Zoning Administrator and approval by the City Council.

12-5-12 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 section. 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.

Accessory Use: Home occupations shall be permitted as an accessory use in all residential zoning districts subject to compliance with the regulations within this section and any other applicable law.

A. No-Impact Home-Based Business. A no-impact home-based business means a home-based business for which all the following apply:

1. Use Limitations. In addition to all 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. All home occupation uses shall be registered, licensed, and operated in compliance with all federal, state or county regulations.
 - b. The total number of on-site employees and clients shall not exceed the city occupancy limit for the residential property.
 - c. Fifty-one (51) percent of the floor area of the dwelling unit shall be devoted to the usage of a primary residence.
 - d. Customer or client interaction occurring within the dwelling shall be between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., Monday through Friday.
 - e. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - f. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted accessory structure thereto, and in no event shall such use be apparent from any public way or adjoining property.
 - g. There shall be no outdoor storage of equipment or materials used in the home occupation.
 - h. There shall be no on-street parking or substantial increase in traffic within the residential area due to the business.
 - i. 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.
 - j. 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.
 - k. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling shall be permitted for a home occupation.
 - l. There shall be no off-premises signs, radio, television, newspaper, handbill or similar types of advertising linking the premises with the home occupation.

- m. Deliveries to or from the property shall be limited to the services provided by routine residential carriers.
- B. Home Occupations Permitted. Customary home occupations 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.
 - 1. Providing instruction to students.
 - 2. Office facilities when no retail or wholesale sales are made or transacted on the premises.
 - 3. Studio of an artist, photographer, draftsman, writer or composer.
 - 4. Shop of a beautician, barber, hair stylist, dressmaker, or tailor.
 - 5. Daycare services when hours of operation are limited to between six o'clock (6:00) A.M. and seven o'clock (7:00) P.M., Monday through Friday.
 - 6. Repair and maintenance of automobiles, yard equipment, appliances and other similar products, when all maintenance and storage activities occur within the dwelling or an approved accessory building.
 - 7. Other similar uses as determined by the Zoning Administrator.
- C. Any home occupation use that is not similar to the uses listed in Section B above, as determined by the Zoning Administrator, shall require a special use permit to be issued by the Board of Adjustment.

12-5-13 Adult Uses

In adopting the zoning ordinance, it is recognized that adult-use businesses have certain objectionable side effects which render these businesses incompatible when the adult businesses are located close to or adjacent to residential, public, and other family-oriented uses. This section seeks to ensure that adult-use businesses will be located in a manner which is determined to be compatible with residential, public, family-orientated businesses and the public health and welfare of Grimes residents.

- A. Location: No person, whether as principal or agent, clerk or employee, either for themselves or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any adult-use business in the following locations:
 - 1. In any zoning district other than M-1 Limited Industrial, M-2 Light Industrial, or M-3 Heavy Industrial.
 - 2. In any overlay district.
 - 3. Within seven hundred and fifty (750) feet of any residentially zoned or used property, or any property designated on the City's comprehensive plan as residentially orientated.
 - 4. Within seven hundred and fifty (750) feet of any parcel of real property upon which is located any of the following facilities:
 - a. Any residentially zoned or used property.
 - b. A children's daycare, nursery school, preschool, elementary school, junior high school, or senior high school.
 - c. A church which conducts religious programs.
 - d. Park or recreational facilities operated and improved by the City, Polk or Dallas County, the Polk or Dallas County conservation board or the State of Iowa.
 - e. Within seven hundred and fifty (750) feet of any other adult entertainment facility.
- B. Measurement of Distance:
 - 1. From Adult Uses. The distance between any two (2) adult-use businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
 - 2. From Other Uses. The distance between any adult-use businesses and any religious institution, school or public park, governmental office, supermarket, restaurant, or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment facility to the closest property line of the religious institution, school, public park, government office, supermarket, restaurant or the property designated for residential use or used for residential purposes.
- C. Restrictions: All building openings, entries, windows, etc., shall be located, covered, or screened in such a manner to prevent a view into the interior from public or semipublic area; and for construction, and whenever else it seems feasible by the city, the building shall be orientated so as to minimize any possibility of viewing the interior from public or semipublic areas.

12-5-14 Outdoor Temporary Uses

- A. Permit Not Required. the following outdoor temporary uses do not require a City permit; however, such activities shall follow the general operating requirements, site requirements, inspections, and obtain approvals from Federal, State, and county entities as established within this section:
 - 1. Sales activities by a charitable, educational or religious organization which is exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious objective for which the charitable or religious society exists, provided that such sales are not conducted by such organization in excess of three (3) consecutive days in any seven-day period at the same location.
 - 2. Yard Sales. The casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four (4) consecutive days and no more than two (2) times annually.
 - 3. Public Property. The temporary sales and special events on public property with permission of the Grimes City Council.
 - 4. Emergency Response Sites. Sales of food and beverages at the site of an emergency or disaster with the permission of the Sheriff, Fire Chief or Grimes City Administrator.
 - 5. Mobile Food Vendors and pushcarts.
 - 6. Private events on residential zoned property.
- B. Permit Required.
 - 1. Except for those exempt activities identified above, every outdoor temporary use shall obtain a permit from the Development Services Director or their designee at least seven (7) days prior to the start of the event or sales period.
 - 2. Temporary Sales. No more than twelve (12) sales periods shall be permitted per year for up to one hundred twenty (120) total days per year.
 - 3. Special Events. Each special event shall be granted for no longer than seven (7) consecutive days. Each property owner or tenant shall be permitted to hold up to twelve (12) special events per year.
- C. Site Requirements. An outdoor temporary use permit shall not be issued unless the premises upon which the outdoor temporary use is located satisfies the following requirements:
 - 1. All applicable requirements of this article, the City Code, the Iowa Code and the Iowa Administrative Code.
 - 2. Temporary sales premises shall be within a commercial or industrial zoning district. Special events may be held within residential zoning districts upon determination by the Zoning Administrator, or their designee, that the event is compatible with residential uses.
 - 3. All trailers, vehicles, tents, equipment, and areas used for the storage, display or sale of food or merchandise shall be setback at least ten (10) feet from property lines, and outside any required fire lanes and drive approaches. Due to extenuating circumstances, location and/or additional setback may be required.
 - 4. The outdoor temporary use premises must provide at least three (3) paved off-street parking spaces served by a paved driveway from the public right-of-way. The outdoor temporary use may share parking required for use by an existing business on the site if the available parking is sufficient to serve the normal operations of both. The available parking shall be presumed to be insufficient to serve the normal operations of

both businesses if within the past year the operation of an outdoor temporary use at the site has caused an overflow of customer or employee parking into the street or other private parking lots in the vicinity. Parking arrangements shall be provided to serve the outdoor temporary use and not disrupt the traffic and parking needs for public streets and neighboring property owners.

5. Bathroom facilities must be provided for the business workers on the licensed premises or by agreement for the use of bathroom facilities located within five hundred (500) feet of the licensed facilities.
6. An outdoor temporary use permit shall not be issued for the operation of more than one (1) special event or temporary sale on a parcel on the same day. However, any number of mobile food vendors and pushcarts may operate on a single parcel with a special event or temporary sale provided all site requirements are met.

D. Mobile Food Vendor Vehicles.

1. Class I, II, III and IV are allowed on private property.
2. All classes of mobile food vendor vehicles shall be permitted on a property for no more than forty-eight (48) hours.
3. Class I or Class II Mobile Food Vendor Vehicles engaging in intermittent sales in the public right-of-way shall also be subject to the following:
 - a. The mobile food vending units shall not exceed five (5) miles per hour while playing music.
 - b. Sales are restricted to pedestrians and only at such a time when the food vehicle has come to a complete stop and is legally parked. All sales must occur with the customer located on the curb side of the Mobile Food Vendor Vehicle and off the paved road surface.
 - c. Hours of operation shall be no earlier than 10:00 a.m. and no later than 8:00 p.m. or sunset, whichever occurs first.
 - d. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food vehicle is permitted to draw attention to the sales operation but shall not be of a magnitude to create a disturbance in the surrounding area.
 - e. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one (1) square foot.
 - f. The following roads shall not be stopped on or sales conducted: SE 37th Street N./S. James Street, Highway 44 (E./W. 1st Street), NE/SE Little Beaver Drive, NE/NW Beaverbrooke Boulevard, SE/SW 11th Street, SE/SW 19th Street, SE/SW 28th Street, NW/SW Brookside Drive, NE/SE Gateway Drive, NE Heritage Drive between NE Station Crossing and NE Gateway Drive, NE 10th Street between NE Heritage Drive and Highway 141, and any other street with a speed limit of over 25 mph.
4. A Fire Department Inspection of the Mobile Food Vehicle or vending area is required for all types of Mobile Food Vehicles. Inspections are valid if they have been completed within one (1) year and obtained from the fire department of a neighboring major Des Moines Metro municipality.
5. The business shall comply with the requirements established by Iowa Administrative Code §481-31 for a mobile food unit/pushcarts.

E. Permit Fee.

1. The applicant for an outdoor temporary use permit shall pay a fee at the time of filing the application in accordance to the City fee schedule as adopted by resolution from time to time by City Council.

2. In the event the application for an outdoor temporary use permit is denied or withdrawn by the applicant, either all or a portion of the license fee in an amount set in the Schedule of Fees adopted by the City Council shall be retained by the City to defray the administrative costs incurred.
- F. Permit Issuance. An outdoor temporary use permit shall be denied to any applicant who has operated an outdoor temporary use in material violation of any of the requirements of this section or any other chapter of this Code within the prior one hundred eighty (180) days.
- G. Transferability of Permit. Transient merchant licenses issued under this section shall not be transferable to another site, person, or business.
- H. Suspension or Revocation of Permit.
1. Whenever the City Clerk or the City Clerk's designee finds that the licensee or the licensee's employees or agents has furnished any false information required under this section or has violated or failed to comply with any of the requirements of this section or any other chapter of this Code, the City Clerk or the City Clerk's designee may give notice to the licensee of the City's intent to suspend or revoke the license.
 2. Notice of the City's intent to suspend or revoke a license shall be served upon the licensee by personal service or by service upon a cashier for the business at a licensed premises, or by regular mail addressed to the licensee at the licensee's business address as shown on the application a minimum of five (5) days prior to the date set for the hearing. Such notice shall inform the licensee of the time, date and place of a hearing before a hearing officer where the suspension or revocation shall be considered and shall set out briefly the reasons therefore.
 3. If, after such hearing, the hearing officer makes a finding based on substantial evidence that a violation of this section or another chapter of this Code did in fact take place as alleged, the hearing officer may suspend or revoke the license or deny its renewal; the determination of whether to so suspend, revoke or deny such license shall be in the discretion of the hearing officer and shall be dependent upon the circumstances surrounding the violation and its severity. The hearing officer may continue the hearing for good cause shown.
 4. The applicant may appeal the decision of the hearing officer to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days after the decision is entered of record. Failure to timely file such written notice of appeal shall constitute a waiver of the right to appeal the decision of the hearing officer. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk.
 5. The hearing on an appeal to the City Council shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the City Council may affirm or reverse the decision of the hearing officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the hearing officer, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the hearing officer, and any other information the City Council deems necessary.
 6. A licensee whose license has been revoked shall not be eligible for another such license for a period of one hundred eighty (180) days after such revocation.
- I. Prohibited Acts.
1. No outdoor temporary use shall sell to any person situated in a motor vehicle upon any public street, alley, driveway access, or public way.

2. No outdoor temporary use shall exceed the temporary sign regulations within Chapter [12-14](#). Such signs shall be permitted in addition to any temporary signage permitted for the principal business on the site. Such signs shall be securely anchored to prevent displacement by weather. Vehicle signs painted directly to the body of a vehicle or tent shall not be subject to this limitation.
 3. No outdoor temporary use shall display wares or products without anchoring or affixing such wares or products in such a manner to prevent their displacement by weather conditions. No permanent affixing or staking shall be permitted on paved surfaces.
 4. No outdoor temporary use shall operate the business in a manner that violates any applicable food and sanitation laws.
 5. No outdoor temporary use shall operate the business in a manner that creates excessive noise. Outdoor temporary uses intending to have music shall require approval from the City Council.
 6. No outdoor temporary use shall operate between 11:00 p.m. and 7:00 a.m.
- J. Exception. It is unlawful for any person to offer for sale, expose for sale, sell at retail without a state issued license and during the dates as established by the State Fire Marshal, or use or explode any fireworks; provided the city may, upon application in writing, grant a permit for the display of fireworks by a city agency, fair associations, amusement parks and other organizations or groups of individuals approved by city authorities when the fireworks display will be handled by a competent operator.

12-5-15 Outdoor Areas and Activities

- A. Outdoor Storage Areas. Outdoor storage areas shall meet the following requirements:
1. Outdoor storage areas shall be permitted within industrial zoning districts only.
 2. Outdoor storage areas, where permitted, shall provide an effective screen, completely obscuring the enclosed material using opaque fencing/walls or berm.
 3. Outdoor storage screening shall consist of an opaque fence/wall or berm of a height sufficient to completely screen the outdoor materials from adjacent properties and public and private right-of-way.
 4. If a berm is provided for screening, continuous evergreen shrub plantings could be placed on top of the berm to provide additional height to meet screening height requirements. See Figure____.
 5. Outdoor storage screening shall be provided to obscure visibility to all adjoining properties and public view.
 6. For outdoor storage screening provided along public right-of-way and next to non-industrial uses, landscape plantings shall be provided along the fence/wall or berm. For every one hundred (100) feet of screening or fraction thereof, a minimum of two (2) overstory trees and one (1) understory tree shall be required along the exterior of the screening. See Figure____.
 7. The landscape planting requirement above shall not apply to outdoor storage screening adjacent to industrial uses or where landscape buffers already exist.
 8. Outdoor storage screening shall require site plan approval.
- B. Outdoor Display and Outdoor Sales. Products or items for display or sale may be placed in outdoor areas with the following criteria:
1. Items shall not be placed in any parking stalls or drive lanes;
 2. Items shall not interfere with site safety, circulation, and visibility;
 3. Items shall be at least ten (10) feet from all property lines;
 4. Items shall be on a paved surface adjacent to the building or approved accessory structure. Alternative surfacing may be considered for product display based on the nature of the product being displayed.
 5. Minimum sidewalk width;
 - a. A minimum aisle width of five (5) feet must be maintained if the outdoor product display or sales area is adjacent to a sidewalk.
 - b. A minimum aisle width of six (6) feet must be maintained if the outdoor product display or sales area is adjacent to a sidewalk that abuts head-in parking stalls.
 6. Outdoor display and outdoor sales areas shall be limited to one percent (1%) of the site but in no case more than five thousand (5000) square feet.
- C. Outdoor Service Areas. A restaurant or drinking place may utilize an outdoor service area, provided the following conditions are met and a site plan/site plan amendment has been approved:
1. Outdoor services areas associated with the serving of food and beverages shall maintain a minimum forty-two (42) inch tall enclosure with code compliant pedestrian ingress and egress. Such enclosure shall be constructed of materials compatible with the principal structure.
 2. Minimum sidewalk width;
 - a. A minimum aisle width of five (5) feet must be maintained if the outdoor product display or sales area is adjacent to a sidewalk.

- b. A minimum aisle width of six (6) feet must be maintained if the outdoor product display or sales area is adjacent to a sidewalk that abuts head-in parking stalls.
 - 3. See Chapter [12-15](#) for parking requirements related to outdoor service areas.
- D. Outdoor Sound Systems. Commercial establishments using an outdoor sound system shall not place the outdoor sound system within three hundred (300) feet of a dwelling or a building that contains a dwelling. Location requirement shall not include equipment utilized for drive-thru transactions. The use of any sound system shall follow the provisions in the Code of Iowa Sec. 723.4.
- E. Exceptions.
 - 1. Branded business vehicles shall not be considered outdoor storage if they meet the following criteria:
 - a. Branded business vehicles are devoted to the principal use on site; and
 - b. Branded business vehicles are parked within approved, standard size parking spaces; and
 - c. No more than ten (10) percent of the required parking spaces are used for branded business vehicle parking. If a business has less than ten (10) required parking spaces, a maximum of one (1) parking space may be used for branded business vehicle parking.
 - 2. Branded business vehicles parked within dock and loading areas are not considered outdoor storage.

12-5-16 Vehicle Sales and Display Lots

- A. Site Plan Approval. Prior to the issuance of a certificate of zoning compliance or building permit for an vehicle sale and display and equipment sales and display uses, a site plan for the property and proposed use shall be approved.
- B. Restrictions. In addition to all other requirements of this title, the following additional restrictions for vehicle sales and display and equipment sales and display uses shall apply and be reviewed during the site plan review process:
 - 1. The property shall be a minimum of one (1) acre in size.
 - 2. The property shall maintain a minimum of twenty-five (25) percent open space.
 - 3. The property shall maintain a minimum two thousand (2000) gross square foot building dedicated to the office and service needs of the operations.
 - 4. The property shall contain a parking lot capable of displaying a minimum of fifteen (15) vehicles in addition to the required employee/customer parking for the building.
 - 5. The vehicle display parking areas shall maintain a fifteen (15) foot setback from all property lines.
 - 6. The display of vehicles shall only occur within the parking lot and other display areas specifically approved on the site plan.
 - 7. The property shall be compliant with all other provisions of the current zoning ordinance prior to occupancy unless specific deferments are approved during the site plan approval process.

12-5-17 Prohibited Storage of Motor Vehicles

Outdoor storage of motor vehicles for sale 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.

12-5-18 Subdivision Associations

- A. Formation. A subdivision association shall be formed for residential and commercial developments when common areas and common features exist within the subdivision. The subdivision association shall be properly formed and operated per the requirements of the Code of Iowa, Chapter 504 and maintained in good standing with the Office of the Secretary of State of Iowa.
- B. Covenants. Covenants shall be established to provide for the maintenance of common uses and structures or features within common areas owned by the association including, but not limited to:
 - 1. Walls and fences;
 - 2. Structures such as gatehouses and decorative fountains;
 - 3. Ground-mounted signs, directional signs and signs identifying the development;
 - 4. Monuments;
 - 5. Underground irrigation;
 - 6. Hedges, shrubs and trees;
 - 7. Berms and buffers;
 - 8. Private streets; and private utilities including but not limited to street lights, storm sewer, storm sewer intakes, decorative lighting, and other similar utilities;
 - 9. Stormwater management facilities, including but not limited to the land surrounding the stormwater management facilities, outlet and inlet structures, aeration devices, fountains, and lighting if applicable.
- C. Maintenance. If any common structure or use provided under the covenants becomes in a state of disrepair as determined by the City, the City may require improvement of the condition of the structure or use. If the structure or use is not improved, then such use shall be construed as a site plan violation and enforced as such.
- D. Responsibilities. Provisions set forth in the covenants shall become the responsibility of the subdivision association when seventy (70) percent of the lots are developed, unless otherwise stated in the covenants and governing documents of the subdivision association.
- E. Contact. All subdivision associations within the City shall provide contact information to the Development Services Department, including mailing address and phone number.

12-5-19 Communication Equipment

- A. Purpose: The purpose of this section is to establish general guidelines for the siting of communication equipment and communication towers. The goal of this section is to encourage the location of communication towers and equipment in areas of the city which would be least adversely impacted by the visual, aesthetic, and safety implications of their siting; minimize the total number of communication towers throughout the city; strongly encourage the joint use of new and existing tower sites; and enhance the ability of the providers of telecommunication services to provide such services to the community quickly, efficiently, and effectively.
- B. Siting Criteria: The Telecommunications Act of 1996 prohibits the city from establishing policies that discriminate against one or a group of telecommunication providers in favor of another group of providers or potential group of providers. The following criteria will be applied consistently to all telecommunication providers that request a permit:
 - 1. Communication Equipment: Communication equipment shall be permitted in any agricultural, residential, commercial or industrial district. Communication equipment shall:
 - a. Be screened from adjoining properties by the use of landscape plantings, screen fences, walls, and/or parapet extensions when located on a building. The city is aware of the operating needs of these types of structures and acknowledges that it may be impossible to totally screen communication equipment or a tower; however, every effort must be made by the communication equipment owner to minimize visual impact of the communication equipment on surrounding properties.
 - b. Communication equipment larger than thirty-six (36) inches in diameter shall be permitted in rear yards only and is permitted a maximum height of twelve (12) feet. Such communication equipment must be set back at least five (5) feet from all rear and side property lines.
 - c. Ground mounted communication equipment shall not exceed twelve (12) feet in height. Building mounted communication equipment shall not exceed the height limit determined for principal structures in the applicable district.
 - d. Communication towers, including television antennas and amateur radio antennas, not used for commercial purposes, may be utilized in residential districts, provided they do not exceed the height limit determined for principal structures in the applicable district and are setback at least the total height of the tower from any lot lines. Total height shall be measured as the distance from the average grade at the base of the supporting structure to the top of the highest point of the tower, including beacons and antennas.
 - e. Communication equipment for emergency services shall not be required to meet the height requirements established within this section and shall be subject to review by the Zoning Administrator and site plan approval.
 - 2. Communication Towers Permitted Districts: Communication towers shall be permitted in any, M-1, M-1A, M-2, M-3 zoning districts and city owned property. No tower shall be located in any overlay district within the City.
 - 3. Site plan: Consistent with the requirements of this chapter, a site plan shall be required for all new communication tower and communication equipment facilities, expansion of existing facilities, or major modifications of existing facilities.
 - 4. Required Information: In addition to site plan requirements as set forth herein, the following information must be provided for review of a communication equipment development request:

- a. Map showing the location of the applicant's proposed facility and any existing communication facilities within three (3) miles of the proposed site location.
 - b. Report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANS/EIA/TIA 222, latest revision standards.
 - c. Evidence that a valid Federal Communication Commission (FCC) license for the proposed activity has been issued.
 - d. A written agreement signed by the communication facility owner and property owner to remove the tower, foundation, and any other accessory equipment within sixty (60) days after the legal date of abandonment. As defined in this ordinance, a communication tower is considered abandoned when it has not been used for its intended and approved purpose for a period of more than one hundred eighty (180) days.
 - e. Establish that the use of and frequencies emitted from the tower and equipment will not interfere with the transmissions of law enforcement, fire, emergency response, public works, or other service agencies.
 - f. Additional information, as required, to determine that all applicable zoning and siting regulations are met.
5. Communication Tower and Communication Equipment Standards: Communication towers and communication equipment shall meet the following design standards:
 - a. Communication towers shall be set back from all property lines and all other principal structures a distance equal to the tower height.
 - b. Communication towers shall have a maximum height of one hundred (100) feet in any permitted zoning district.
 - c. Communication towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).
 - d. When possible, towers shall be located atop existing structures (e.g., water tower or co-op grain tower) or screened and disguised as other objects that better blend in with the local environment. Communication equipment located on a city-owned water tower shall not be required to meet the one hundred (100) foot maximum height requirement.
 - e. Communication towers that are not located atop another structure as recommended in paragraph "d" of this subsection shall be disguised to reduce the visual impact of typical tower installations. Appearance of the tower must be approved by staff.
 - f. Lights and signage shall not be permitted on any tower unless specifically required and permitted by the FCC, FAA, and the city.
 - g. Opaque security fencing eight (8) feet in height shall surround the communication tower, equipment structure, and any guywires.
 - h. Communication tower equipment enclosures and accessory structures shall be designed with architectural compatibility with the surrounding built environment.
 - i. Communication facilities mounted to a building wall shall be painted to blend with the color and materials of the surface to which it is attached. All wiring and accessory equipment shall be concealed from view. Communication facilities located above the roof of the structure shall be appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the City.
6. Number of Towers Limited: In order to minimize the overall number of towers within the City, providers can be required to collocate and enter into collocation agreements.

- a. All new communication towers, and any pre-existing communication towers, owned by a licensed carrier, upon which this section permits collocation of additional communication facilities, shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically collocated thereon. At a minimum, all communication towers approved for construction must be capable of accommodating at least one additional user if over fifty (50) feet in height, and at least two additional users if over one hundred (100) feet in height. However, nothing in this section shall prevent the tower owner from charging a reasonable fee for the collocation of additional communication facilities upon said tower which does not exceed the fair market value for the space occupied. If the tower owner cannot agree on a reasonable fee with a licensed FCC provider seeking to place equipment on the owner's tower, the tower owner must agree to submit the fee determination to arbitration within 90 days of reaching impasse on fee negotiations with the licensed FCC operator. The parties will select an arbitrator agreeable to both parties, or if either party indicates to the Grimes City Administrator that an arbitrator cannot be agreed upon, an arbitrator selected by the Grimes City Administrator. The parties to the reasonable fee dispute will split the cost of arbitration.
 - b. All licensed carriers shall cooperate with each other in collocating additional communication facilities upon such towers. All licensed carriers shall exercise in good faith in collocating with other licensed carriers and in the sharing of towers, including technical information to evaluate the feasibility of collocation. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this section for a new communication tower, as well as an agreement to the arbitration procedure included in Section 6(a).
 - c. No more than two (2) towers shall be permitted on the same property. Such towers shall be at least five hundred (500) feet apart.
7. Compliance with Federal Regulations: Communication towers and equipment shall meet or exceed the current standards and regulations of the federal aviation administration, and any other agency of the federal government with the authority to regulate communication towers and equipment.

12-5-20 Renewable Energy Systems

- A. Purpose: The purpose of this section is to establish general guidelines for the location and operation of wind and solar energy systems and associated equipment. The intent of this section is to balance the need for clean, renewable energy with the necessity to protect the health, safety and general welfare of the community.
- B. General Regulations.
 - 1. Restriction on Use of Electricity Generated. Energy generated by renewable energy systems shall be used exclusively to supply electrical power for on-site consumption, except that when a parcel on which a renewable energy system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance to State of Iowa and local utility company requirements.
 - 2. Interconnection. The renewable energy systems shall meet the requirements for interconnection and operations as set forth by the supplier of the electrical power and the Iowa Utilities Board. No building permits shall be issued until the applicant has provided a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.
 - 3. Lighting. Lights shall not be permitted on any renewable energy system unless specifically required and permitted by the Federal Aviation Authority or other federal or state agencies, and the City.
 - 4. Signage. No signage shall be permitted on any renewable energy system other than signage required by State and Federal regulations. No temporary signage shall be permitted to be mounted or otherwise affixed to any renewable energy system. One sign, limited to four (4) square feet, shall be posted at or near the base of any ground mounted solar energy system or any wind energy system. The sign shall include a notice of no trespassing, a warning of high voltage danger (if applicable), and the phone number of the property owner/operator to call in case of emergency.
 - 5. Maintenance. Facilities shall be well maintained in an operational condition that poses no potential safety hazard. Should the renewable energy system fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the system may be deemed a public nuisance and may be abated in accordance with Chapter 6-8 of this code.
 - 6. Electromagnetic Interference. All renewable energy systems shall be designed and constructed so as not to cause radio and television interference. If it is determined that the system is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a renewable energy system may be revoked if electromagnetic interference from the system becomes evident.
 - 7. Removal. If the renewable energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, collector panels, and related equipment from the property. Should the owner/operator fail to remove the renewable energy system within thirty (30) days after written notice to the owner/operators, the system will be considered a public nuisance and will be abated in accordance with Chapter 6-8 of this code.
- C. Wind Energy Systems. No solar energy systems (SES) shall be installed within the City of Grimes without first obtaining a building permit. The following criteria will be applied consistently to all wind energy systems (WES) providers that request a permit:

1. Construction Permits: Applications for the construction of a WES shall be accompanied by standard drawings of the wind turbine, including the tower, base, and footings. An engineering analysis, certified by an Iowa licensed professional engineer, shall be provided demonstrating that the tower is compliant with the applicable building code. For roof-mounted structures, an engineering analysis, certified by an Iowa licensed professional engineer, shall be provided demonstrating that the mounting method is compliant with the applicable building code.

Applications shall also be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the electrical code. All electrical components must be listed as meeting code-recognized test standards.

2. Bulk Regulations:

- a. Setback Requirements:

- i. Tower WES shall be set back from all property lines a minimum distance equal to the total height of the WES.
 - ii. Building-mounted WES shall be setback from the edge of the roof a minimum distance equal to the height of the WES.

- b. Maximum Height:

- i. Tower and building-mounted WES shall have a maximum total height consistent with the applicable height restrictions within the zoning district for principal buildings.
 - ii. Building mounted WES in residential zoning districts may be a maximum of ten (10) feet taller than the primary point of attachment to the building on which they are attached.

- c. Number of Systems Allowed:

- i. No more than one (1) vertical axis WES, either tower or building-mounted, shall be installed on any parcel zoned R-1, R-2, R-2 60 R-2 70, R-3 and R-5.
 - ii. No more than two (2) horizontal axis WES shall be installed on any parcel zoned A-1, C-1, C-2, C-3, M-1, M-1A, M-2, and M-3. The number of vertical axis WES installed on any parcel zoned C-1, C-2, C-3, M-1, M-1A, M-2 and M-3 shall be subject to site plan review.
 - iii. Horizontal axis WES shall be prohibited on any parcel zoned R-1, R-2, R-2 60 R-2 70, R-3 and R-5.
 - iv. Properties zoned Planned Units Development (PUD) shall follow the PUD documents. If no specific requirements are established, the regulations within this section shall apply based on the land use within the PUD.

- d. Location:

- i. Building-mounted WES in residential zoning districts shall not be mounted to the roof pitch facing the front yard so as to hide the mounting equipment from the street.
 - ii. No part of a WES shall be located within or over a drainage, utility or other established easements, parking, driveway, sidewalk, or on or over property lines.

- e. Planned Unit Developments (PUD). Properties within a PUD zoning district shall follow any WES requirements outlined within the PUD documents. If no specific requirements are established, the WES requirements established within the section shall be followed based on the land use types within the PUD.

- D. Design Standards: WES and associated equipment shall meet the following design standards:

1. Mounting Type
 - a. Towers. Only monopole towers shall be permitted for tower-mounted WES. Lattice, guyed or towers of any other type shall not be permitted. The monopole tower must be designed to prevent climbing within the first ten (10) feet.
 - b. Building-mounted. Building-mounted WES shall be affixed to the building with a monopole structure. Guy wires or any other supports shall not be permitted.
 2. Color
 - a. The WES shall be painted a non-contrasting gray, black or white color that would minimize its visibility, unless otherwise required by the Federal Aviation Administration (FAA).
 - b. In the case of a building mounted WES, the WES shall be painted neutral colors to blend in with the building or with a non-contrasting gray, black or white color to minimize visibility.
 - c. In all cases, the surface of the WES shall be a non-reflective, matte finish.
 3. Screening
 - a. A privacy screen fence eight (8) feet in height shall surround any ground-mounted WES equipment in commercially or industrially zoned properties.
 - b. A privacy screen fence or evergreen landscaping six (6) feet in height shall surround any ground-mounted WES equipment in residentially zoned properties.
 4. All WES shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system. The control system shall be capable of stopping all turbine rotation in the event of a power outage in order to prevent back feeding of the electrical grid.
 5. No WES shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. If it is determined that the WES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the city of Grimes.
 6. The enactment of this section does not constitute the granting of an easement by the city. The owner/operator shall obtain covenants, easements, or similar documentation to assure sufficient wind to operate the WES.
 7. No WES shall be installed and operated in a manner that causes a shadow flicker to fall on any occupied adjacent structure.
- E. Owner Responsibilities:
1. The property owner of any WES shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system.
 2. At least every twenty-four (24) months, every tower-mounted WES shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronics Industries Association (EIA) standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures". Inspection record shall provide verifiable proof of ongoing energy production. A copy of the inspection record shall be provided to the City of Grimes.
 3. The owner/operator of a wind energy conversion system must demonstrate adequate liability insurance. Upon the granting of a permit, applicant shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and

costs of any kind, including reasonable attorney fees related to or caused by the erection, location, use, or removal of a facility, whether on public or private property, and shall agree to hold the city harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the facility.

- F. Solar Energy Systems. No solar energy systems (SES) shall be installed within the City of Grimes without first obtaining a building permit. The following criteria will be applied consistently to all solar energy system providers that request a permit:
1. Engineer Certification: Applications for any SES shall be accompanied by standard drawings of the receiving structure if newly constructed, including the supporting frame and footings. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer, shall be submitted.
 2. Color. The SES shall be a black or dark blue color. All surfaces shall be nonreflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare. The City of Grimes reserves the right to require a glare analysis, prepared by industry professionals. The results of the glare analysis shall be incorporated into any necessary permit or site requirements.
 3. Building-integrated and building-mounted systems shall be allowed in all zoning districts.
 - a. Location. Placement of building-integrated SES and building-mounted SES systems shall adhere to all local fire and building code regulations.
 - b. Height.
 - i. The collector panel surface and mounting system shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof.
 - ii. For building-mounted SES, the collector panel must match roof slope whenever possible. For building-integrated SES, the collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.
 - c. Design. The SES shall be designed to minimize their visual presence to surrounding properties and public rights-of-way. Panel arrangement shall take in account the proportion of the roof surface and place the panels in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.
 4. Ground-mounted or free-standing systems.
 - a. Location. Ground-mounted or free-standing SES shall be permitted on the following properties:
 - i. Agricultural, commercial or industrial zoned properties.
 - ii. Residential zoned properties one (1) acre or more in size.
 - b. Height. Ground-mounted or free-standing systems shall be no taller than twelve (12) feet, measured from the grade at the base of the support pole to the highest edge of the system.
 - c. Setbacks and Yard Coverage. Ground-mounted or free-standing systems shall follow the accessory structure and yard coverage requirements.
 - d. Size. A system shall not exceed either the area of fifty (50) percent of the principal building footprint or six hundred (600) square feet, whichever is smaller.

- e. Design. The SES shall be designed to minimize the visual presence of the support structure to surrounding properties and public rights-of-way through the use of evergreen landscaping, berms, opaque fencing or walls in compliance with Section [12-5-11](#), or combination thereof. See Figure for reference.

Figure 12-5-20 Ground-Mounted SES Screening



Accessory: A use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure.

Building: Any structure, permanent or temporary, designed or intended for the support, enclosure, shelter or protection of persons, animals or property and is fully enclosed with walls and a roof.

Outdoor storage: The placement of business inventory, equipment, branded business vehicles and trailers, materials, containers, boxes, above ground liquid or gas storage tanks, or supplies utilized by the business for construction, manufacturing, product or material delivery, or for lease or rent in an area on the business property that is not protected by an enclosed building . Automobile sales shall not be considered outdoor storage.

Structure: Anything constructed or erected that requires location on or in the ground or attachment to something having a location on the ground, including, but not limited to signs, communication equipment, renewable energy systems, buildings, s pools, decks, patios, pergolas, retaining walls and fences.

Outdoor Display: Merchandise, products, or goods for display outside of a permanent structure, for the purpose of product demonstration and viewing and located within an approved outdoor display area. Outdoor display does not include vehicle sales, or products in shipping boxes, crates, on pallets, or other shipping containers .

Vehicle sales: An establishment engaging in the retail sale or lease of new or used vehicles, including the sale or lease of cars, trucks, truck tractors, semi-trailers, buses, mobile homes, utility trailers, recreational vehicles (RVs), motorcycles, all terrain vehicles (ATVs), boats, personal watercraft, boat trailers, and similar vehicles.

Outdoor temporary use: Outdoor uses which intend to sell or promote specific merchandise or products, or events for short term or seasonal periods of time, including but not limited to, tent sales, food trucks, special events, and garage sales.

Outdoor Sales: Storage of merchandise, products, or goods for sale outside of a permanent structure, for the purpose of immediate purchase by consumers irrespective of whether the payment for such is made outdoors or within a permanent structure.

Outdoor temporary sale: Outdoor sale of merchandise or products for short term or seasonal periods of time, including but not limited to, tent sales, garage sales, and food trucks.

Special Event: A temporary, short-term use occurring outdoors and outside of the day-to-day operations of the principal use, including but not limited to, concerts, fairs, festivals, fundraisers, promotions, community events, and block parties.

Outdoor service area: A paved patio, deck, or similar area located outside and adjacent to a business for the purpose of serving food and/or beverages.

Outdoor storage area: A paved surface area for outdoor storage in compliance with an approved site plan.

Outdoor display area: A surface area for outdoor display in compliance with an approved site plan.

Branded business vehicles: Vehicles used by a business for transportation, distribution, construction, or hauling that are marked with business logos and/or branding colors and lettering or advertising materials and products.

Adult use: A business that offers a service or the selling, renting, or exhibiting of devices or any other items intended for sexual activities.

Communication equipment: Any structure or device intended to broadcast and receive signals, including but not limited to, sirens, directional antennae, microwave and satellite dishes, and omni-directional antennae.

Communication tower: A ground-mounted guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, emergency warnings or sirens, or similar forms of electronic communication.

Wind energy system (WES): Equipment that converts and then stores or transforms kinetic energy from the wind into usable forms of energy. Such equipment includes, but is not limited to, turbines, towers, associated controls or conversion electronics, or any other components used in the system. A WES may include equipment that is used for pond aeration and/or pumping water.

Solar energy system (SES): A system designed to convert solar radiation into usable energy for space, water heating, or other uses.

Wind energy system, horizontal axis: A wind energy system in which the turbine is fixed to an axis that is horizontal or parallel to the ground.

Wind energy system, vertical axis: A wind energy system in which the turbine is fixed to an axis that is vertical or perpendicular to the ground.

Wind energy system, building-mounted: A wind energy system that is attached to, constructed on, or supported by a building.

Wind energy system, tower-mounted: A wind energy system that is attached to the ground and is free-standing on a support pole or base.

Renewable energy systems: Equipment that creates energy from resources that are quickly replenished, including but not limited to, sunlight, wind, water, biomass, and geothermal resources.

Deleted Definitions

Wind generator: 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.