

CHAPTER 165A

HIGHWAY 141 MIXED USE DEVELOPMENT CORRIDOR DISTRICT

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165A.01 STATEMENT OF INTENT. It is the intent of the City of Grimes that the permitted land uses for residential, business, commercial and light industrial development to be encouraged for areas of the community defined in Section 165A.07 and will be known as the Highway 141 Mixed Use Development Corridor District. The Highway 141 Mixed Use Development Corridor District provides for developing mixed uses along the Highway 141 transportation corridor. The Highway 141 Mixed Use Development Corridor District offers flexibility, allowing selected permitted uses to be integrated into a unified plan and shall enable the City of Grimes the opportunity to maintain its sense of community. The Highway 141 Mixed Use Development Corridor District is intended to:

1. Promote and permit flexibility that will encourage a more creative and imaginative approach in development and result in a more efficient, aesthetic, desirable and economic use of the land, while maintaining density and intensity of use consistent with the adopted Comprehensive Land Use Plan.
2. Provide minimal effect upon adjacent properties and existing development. To this end, the Planning and Zoning Commission may make appropriate requirements for fulfillment.
3. Promote development that can be conveniently, efficiently, and economically served by existing municipal utilities and services or by their logical extension.

4. Promote flexibility in design, placement of buildings, use of open space, pedestrian and vehicular circulation facilities, and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size or shape.
5. Provide, where it is shown to be in the public interest, for the preservation of historical features and such natural features as streams, drainage ways, flood plains, ponds/lakes, topography, unique areas of vegetation, stands of trees and other similar natural assets.
6. Provide for the enhancement of the natural setting through careful and sensitive placement of man-made facilities and plant materials.

Developers shall be encouraged to incorporate waterscapes, fountains and other architectural features with landscaping that add to aesthetics and visual attraction of the area. Developers shall also be encouraged to use natural instead of man-made materials in construction and developing aesthetic features to a site.

165A.02 ABROGATION AND GREATER RESTRICTIONS. It is not the intention by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or ordinances, previously adopted or issued pursuant to law. However, in the Highway 141 Mixed Use Corridor District wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

165A.03 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions outlined in this Ordinance shall be interpreted and applied as minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control. This Ordinance shall not be deemed a limitation or repeal of any other power granted by the Code of Iowa.

165A.04 VALIDITY. If a section, clause, provision, or portion of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, that decision shall not affect the validity of this Ordinance, as a whole or any part thereof other than the part so declared to be invalid.

165A.05 TITLE. This Ordinance shall be known as, referred to, or cited as the "Highway 141 Mixed Use Development Corridor District" of the City of Grimes, Iowa.

165A.06 EFFECTIVE DATE. This Ordinance shall be effective after adoption and publication by the Grimes City Council as required by Chapter 414, Code of Iowa, 1993.

165A.07 MIXED PERMITTED USES. Permitted uses allowed in the following zoning districts may be combined to create a unified development within the Highway 141 Mixed Use Development Corridor District, provided that all other City codes are met:

1. General and Highway Service Commercial District (C-1, C-2)
2. Planned Commercial Development District (C-3)
3. Limited Industrial District (M-1)
4. Commercial and Limited Light Industrial District (M-1A)
5. Single Family Dwelling District (R-1)
6. Single and Two Family District (R-2)
7. Multiple Family Dwelling District (R-3)

In Zone 1, non-permitted uses in the 141 Mixed Use Development Corridor District include any use governed by M-2, M-3 and A-1 zoning. In Zone 2, non-permitted uses include any use governed by M-2, M-3 and A-1 zoning.

The Corridor consists of two zones. Zone 1 includes all property within the Grimes City limits and within 600 feet to the East or West of the Highway 141 right-of-way. In addition, the entire portion of any lot that is located in part in Zone 1 is included in Zone 1. Zone 2 includes all property not included in Zone 1 which is located 600 feet to 1,200 feet to the East or West of the 141 right-of-way. In addition, Zone 2 includes the entire portion of any lot that is located in part in Zone 2 and located in part more than 1,200 feet from the Highway 141 right-of-way.

The Corridor shall not include the Park View West Mobile Home Park as long as it continues to be used as a mobile home park, and this exemption is limited to the following legally described area:

The Southwest Quarter of the Northwest Quarter and the Northwest Quarter of Section 9, Township 79 North, Range 25 West of the 5th P.M., less road and street, (subject to Easements of Record) all now included in and forming a part of the City of Grimes, Polk County, Iowa. By survey, 65.86 acres.

165A.08 SITE PLAN REVIEW. Site plan review for uses in the Highway 141 Mixed Use Development Corridor shall be as specified in Section 165.38 of the Zoning Ordinance as adopted by the City of Grimes. Prior to the submission of the site plan within the Highway 141 Mixed Use Development Corridor District, a

pre-application conference is recommend with the City Administrator and Zoning Administrator.

165A.09 HEIGHT REGULATIONS. The maximum height for any building or structure in the Highway 141 Mixed Use Development Corridor District is ninety feet. Development of he property shall be in a cohesive and uniform manner creating a campus-like setting with all other buildings and the overall site as a single or unified development.

165A.10 VARIANCE REQUIREMENTS. SPECIAL REQUIREMENTS FOR LARGE BUILDINGS. Supporting documentation must be submitted to the Planning and Zoning Commission for construction approval for any building with a height or forty-five feet to ninety feet. Supporting documentation must be submitted to the Zoning Administrator, City Engineer and City Administrator two (2) weeks prior to the presentation date to Planning and Zoning Commission. The supporting material should include a comprehensive impact statement to the effect that the project will have on the surrounding area, increased traffic pattern work-up and increased sewer and water demands from the larger structure. It must also include detailed plans showing how the added height would aesthetically work in with the rest of the development park theme and a completion lay out may be required. Finally, that supporting material must set forth the types of businesses that will be located in the immediate vicinity of the proposed construction, the type of business that is proposed for the business site, and a showing of why the proposed business is consistent with businesses already located in the immediate vicinity.

165A.11 GRAPHIC REQUIRED. The applicant must also include graphic renderings that illustrate the proposed development. Copies shall also be submitted two (2) weeks prior to the presentation date to all appropriate City designees. These rendered graphic illustrations shall be used to ensure the approved appearance of the project is completed and maintained.

165A.12 SET BACK REQUIREMENTS. Buildings shall be set back a minimum of one hundred (100) feet from the adjacent Highway 141 right-of-way. Buildings shall be set back a minimum of twenty-five (25) feet from any public street right-of-ay, public street easement or parcel boundary. Set back requirements increase if a height variance is granted by Board of Adjustment. Structures greater than forty-five (45) feet in height require one hundred (100) foot set backs from any public street right-of-way, public street easement, or parcel boundary.

165A.13 SITE AREA REQUIREMENTS. The minimum lot size eligible for classification in Zone 1 of the Highway 141 Mixed Use Development Corridor District shall be one (1) acre.

165A.14 OFF-STREET PARKING AND LOADING REQUIREMENTS. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

1. The parking space requirements listed in Section 165.34 and 165.35 Off-Street Loading and Off-Street Parking regulation in the City of Grimes Zoning Ordinance shall be incorporated.
2. Any additional parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.
3. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project.
4. Required parking spaces shall have a minimum size of nine (9) feet wide by eighteen (18) feet long exclusive of access drives, aisles or ramps. The length of parking stalls may be reduced to sixteen and one-half (16 ½) feet including wheel stops if an additional one and one-half (1 ½) feet is provided for the overhang of wheels.

165A.15 RESERVED.

165A.16 GENERAL LANDSCAPE AND BUFFER REQUIREMENTS. The landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

1. INTERIOR OF LOT. In Zone 1, interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred-twenty (120) square feet. The use of ornamental shrubs and coniferous trees shall be

encouraged. The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

2. PERIMETER OF LOT ADJACENT TO ABUTTING PROPERTY. On the perimeter(s) of the lot adjacent to abutting residential property, a continuous, unbroken barrier is required for the purpose of buffering service bays, loading and unloading areas, and off-street parking or other vehicular use areas exposed to abutting property.

A. The barrier shall be located between the common lot line and the service bay, loading or unloading area, off-street parking or other vehicular use area. The barrier shall be a minimum of six (6) feet in height consisting of a natural material such as wood fence, an earth berm or an opaque hedge or any combination thereof. Additional buffer strip area may be required for developments greater than twenty-five thousand (25,000) square feet of building area.

B. At a minimum, one tree shall be provided every fifty (50) linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading or unloading area, off-street parking or other vehicular use area. The developer is strongly encouraged to use appropriate landscaping techniques to ensure the overall character of the site is maintained.

C. The provisions of the subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this Ordinance.

3. PERIMETER OF LOTS ADJACENT TO PUBLIC RIGHT-OF-WAY. On the perimeter(s) of the lot adjacent to public rights-of-way, a strip of land of at least ten (10) feet in depth located between the right-of-way and the off-street parking or other vehicular use area shall be landscaped to include one (1) tree for every fifty (50) feet or fraction thereof. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area and shall be planted singularly or grouped in a planting area of at least twenty-five (25) square feet. In addition, a hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier. The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

4. DEVELOPMENT WITHIN THE HIGHWAY 141 MIXED USE DEVELOPMENT CORRIDOR DISTRICT. The different land uses within the Highway 141 Mixed Use Development Corridor District shall be landscaped and buffered appropriately and in general compliance with the landscape and buffer standards set forth in this section.
5. VISUAL CLEARANCE. To insure landscaped areas do not constitute a driving hazard, safety triangle setback requirements are as follows:
 - A. At access ways the sight triangle shall be formed by measuring ten (10) feet along the intersection of each side of the access way and the public right-of-way line and connecting these two points.
 - B. At street intersections the sight triangle shall be formed by measuring thirty-five (35) feet along curb lines and connecting these points.
6. INSTALLATION OF LANDSCAPE. All landscaping shall be installed in an appropriate manner in order to maintain the health and quality of plant material. No certificate of use shall be authorized unless all landscaping requirements are met.
7. PROTECTION OF LANDSCAPED AREAS. The placement of barrier curbs or wheel stops is required to protect all landscaped areas from vehicular damage.
8. EXISTING PLANT MATERIAL. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.
9. LANDSCAPE VEGETATION STANDARDS. Landscape vegetation shall consist of species compatible with conditions in Central Iowa and shall meet the following standards. Landscaping to be used for screening purposes shall be illustrated in elevation and prospective as well as plan with the size and exact names of plants, shrubs or trees to be planted clearly indicated. On all site plans, the following requirements shall be met:
 - A. Minimum requirements: Two (2) trees or two (2) trees per three thousand (3,000) square feet of required open space, fifty (50) percent two (2) inch caliper and the remaining eight (8) feet to ten (10) feet in height and one and one-half (1 ½) inch caliper. The trees shall be balled or burlap stock. The minimum height for

evergreens shall be six (6) feet and may be counted as 2 inch caliper for requirements. The trees must live for at least twelve (12) months after planting or be replaced by the landowner.

B. Minimum requirements: One shrub shall be planted for every one thousand (1,000) square feet of open space, but no less than three shrubs per lot.

C. Enforcement: Landscaping plan to be submitted for approval as part of final site plan submittal. Landscaping plan is to show the following information:

- (1) Location of trees and shrubs.
- (2) Size and species of trees and shrubs.
- (3) Percentage of each size of tree.
- (4) Type of ground cover and form of maintenance.

D. Approval of landscaping in-place is to be requested by the developer at the time occupancy permit is requested. Any changes or deviation from the approved site plan landscape design shall be approved by the Zoning Administrator prior to installation. Landscaping materials shall be planted as each phase of a site is developed. Should completion of landscaping be delayed due to season of the year, a temporary occupancy permit may be issued if the developer posts a bond in the amount of the landscaping not completed. At the developer's option and at the time of site plan filing, he/she may submit a list of alternate or substitute species from the permitted or established list to be used should the preferred material not be available when needed and required.

E. Ground cover plants shall form a solid mat or cover over the ground within a twelve (12) month period. Sod shall be employed when grass is used as a ground cover in Zone 1. In Zone 2, the non-street portion of the public right-of-way and the front set back shall be sodded, all other areas may be seeded with Planning and Zoning Commission and Council approval. Non-living material shall not be used as the primary ground cover device, but may be used in conjunction with living plant material to develop an ornamental landscaping effect. Non-living material such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum

depth of three (3) inches and shall be used in conjunction with an appropriate landscape weed control fabric.

165A.17 PUBLIC SERVICE INFRASTRUCTURE. Adequate facilities shall be provided to meet the needs of the proposed mixed use development with respect to: drainage of surface waters, detention of storm surface waters, including storm sewers, gutters, sanitary sewerage; flood protection and levees when appropriate; underground utilities; requirements set out in the Grimes Zoning Ordinance and Subdivision Regulations; and any other provisions for public services necessary as determined by the City. No above ground electrical communication equipment may be located in any set back from a public street, and all above ground electrical and communications equipment must be screened from view by the general public by an opaque screen constructed of either wood or brick.

165A.18 BUILDING RESTRICTIONS, EASEMENTS AND COVENANTS. The Developer of property owner shall with the approval of the City Council of Grimes adopt building restrictions, easements and covenants pertaining to each parcel developed where the developer and the City deem appropriate.

165A.19 DEVELOPMENT STANDARDS. Each parcel shall be developed based upon a single Master Plan or Site Plan with buildings compatible in design and use of materials. The Master Plan shall contain, but not be limited to, parts such as an architectural project theme plan, landscape plan, master signage plan, water management plan, pedestrian and vehicular traffic plan and parking plan. All new developments shall be built in a cohesive and uniform manner creating a campus-like setting with all buildings and the overall site developed as a single or unified development. Any development within Zone 1 shall have a minimum open green space of twenty (20) percent. Any development in Zone 2 shall have a minimum open green space of fifteen percent (15%).

165A.20 TRANSPORTATION NETWORKS. Adequate ingress, egress and internal circulation shall be provided to accommodate vehicular and pedestrian traffic, that includes walks, access ways, service bays and access ways, and off-street loading areas.

1. All areas subject to vehicular traffic, including access ways, service bays and drives, and parking, storage, loading and unloading areas shall be hard surfaced with either concrete or asphalt.
2. Pedestrian walkways and vehicular traffic shall be separated with landscaped space. The design and or location of pedestrian walkways shall be determined at the platting stage with a Pedestrian Circulation Plan

being reviewed and approved as a component of the master site plan review.

3. The linking and coordination of parking areas between developments in the Highway 141 Mixed Use Development Corridor District shall be encouraged to reduce the number of turns onto and off of surrounding streets and reduce potential traffic conflicts.

4. Whenever possible the sharing and coordination of parking areas between developments in the Highway 141 Mixed Use Development Corridor District shall be encouraged to control the number of curb cuts and reduce potential traffic conflicts in the transportation network of the site and enhance the site as it relates to the surrounding developments.

165A.21 SERVICE BAYS AND DRIVE AREAS. The service bay drives, trash receptacles and dumpster areas located in Zone 1 shall not face Highway 141 and shall not face abutting residential property in either Zone 1 or Zone 2. The purpose of this is to mitigate the negative effect of such service areas, such as noise, odor, refuse, and visual pollution from residential development and for motor travelers entering the City of Grimes.

1. In Zone 1, all service bays, loading and unloading areas must be screened by an opaque fence of a height sufficient to adequately screen the bay or area from Highway 141 and consisting of wood or brick. In Zone 1 and Zone 2, no service bays, loading or unloading areas, trash receptacles and dumpsters may be located in or face any set back from a public right-of-way. In cases where a substantial green space exists a landscape/berm screen can be provided, which must provide a 75% opaque view within 18 months. The majority of the landscape material shall be coniferous to provide a year-round screen.

2. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private street.

165A.22 CURBS AND CURB CUTS. The number of curb cuts for any particular development shall be minimized to the greatest extent possible to provide for controlled ingress and egress within the Highway 141 Mixed Use Development Corridor District.

1. All curbs shall be vertical curbs. No roll over curbs shall be permitted in the Highway 141 Mixed Use Development Corridor District. No curb cut shall be greater than twenty-five (25) feet at the property line and thirty-

five (35) feet at the curb line in accordance with the established City standards.

2. No curb cut for freight lanes shall be greater than thirty-five (35) feet at the property line and forty-five (45) feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

165A.23 LIGHTING. The maximum height for any light fixture is thirty-five (35) feet, except on the side or sides of a development abutting a residential use, in which case the maximum height of twenty-five (25) feet shall be allowed.

1. All light structures shall be shaded or hooded and oriented inward so as to prevent intrusion into surrounding areas.

2. All lighting fixtures must be drawn to scale and submitted for review along with the project plans to allow for a uniform lighting plan in the area.

165A.24 ARCHITECTURAL DESIGN AND TREATMENT OF BUILDINGS. Any architectural design and building treatment must be approved by the City Council upon recommendation of the Planning and Zoning Commission. Illustrations of the proposed building must be submitted to the Planning and Zoning Commission and to the City Council which represents the physical appearance of the building. In considering the architectural design and treatment of the proposed building, the Planning and Zoning Commission and the City Council shall determine if the proposed structure meets the external material requirements for the Zone where it is located, is consistent with the intent of this Chapter to create an attractive appearance of construction in the Highway 141 Mixed Use Development Corridor District. With regard to the Zone where the building will be located, the proposed structure must meet the following requirements:

1. Zone 1 – All buildings located in Zone 1 must be constructed so that all of the walls of the building shall have as a primary covering either earthtone colored brick, marble, stucco, glass, stone or decorative concrete. If the underlying building has metal or concrete form walls, the metal or concrete portion of the external walls must be completely covered with the materials listed in this paragraph, but this requirement may be waived in all or in part by application for approval of an alternative design to the Planning and Zoning Commission and the City Council if it is demonstrated by the property owner that:

A. Covering the metal or concrete building with appropriate materials for all or part of the building side is inconsistent or

unnecessary based upon the proposed use of the structure, the appearance of other buildings in the immediate vicinity, and the attractiveness of the proposed alternative design.

B. Visibility of the side of the building to the general public will be limited by terrain, thick vegetation, or by the placement of current or proposed building structures.

2. Zone 2 – All buildings located in Zone 2 must be constructed so that the front building face has as its primary covering either earthtone colored brick, marble, stucco, glass, stone, or decorative concrete. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the walls on the front of the building face must be totally covered with the materials listed in this paragraph. The front building face for the purposes of Zone 2 shall be that side or sides of the building which face the street and are located at the front end of the building at or near the front set back. The above requirements for the non-front sides of any building in either Zone 1 or Zone 2 may be waived in whole or in part by application for approval of an alternative design to the Planning and Zoning Commission and City Council. The alternative design may be approved by the Planning and Zoning Commission and the City Council if it is demonstrated by the property owner that:

A. Covering the metal or concrete building with appropriate materials for all or part of the building side is inconsistent or unnecessary based upon the proposed use of the structure, the appearance of other buildings in the immediate vicinity, and the attractiveness of the proposed alternative design.

B. Visibility of the side of the building to the general public will be limited by terrain, thick vegetation, or by placement of current or proposed building structures.

3. In Zone 1, all heating, ventilation, and air conditioning mechanical units shall be screened from public view by an opaque fence consisting of wood or brick.

165A.25 FEES. Fees for development in the Highway 141 Mixed Use Development Corridor District shall be: Site Plan Review, \$150.00; Amendment to an Approved Hwy 141 Mixed Use Development Corridor District Site Plan, based on a flat fee per amendment, \$250.00; and Additions or Renovations to Development Existing Prior to the Hwy 141 Mixed Use Development Corridor District, \$250.00.

165A.26 SIGN ORDINANCE. The intent and purpose of this section is to regulate the size and aesthetic qualities of signs located within the Highway 141 Mixed Use Development Corridor.

1. DEFINITIONS. All words and phrases used in this Ordinance shall have the meanings set forth in this Ordinance. Words and phrases not defined in this Ordinance but defined in the Zoning Ordinance of the City of Grimes shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

A. FREESTANDING SIGN. Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any other building or structure.

B. POLE SIGN. A freestanding sign resting on or supported by means of poles or beams.

C. PROJECTING SIGN. Any sign that projects from and is supported by a wall of a building or structure.

D. ROOF SIGN. Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

E. MONUMENT SIGN. Any freestanding sign that is constructed with and supported exclusively with brick, stone, or concrete or concrete block.

2. SIGNS PROHIBITED. In addition to signs prohibited by Section 165.18(7) of the Zoning Ordinance, the following signs are also prohibited.

A. Pole signs, except as specifically approved by the Planning and Zoning Commission and City Council, but this exception only applies to Zone 2.

B. Roof signs.

C. Projecting signs except for wall signs that comply with the requirements of Section 3.

D. Freestanding rate signs. Rate signs or price signs are allowed only when incorporated into the freestanding monument signage as provided in Section 26.3.

3. SIGN AREA.

A. Wall signs are permitted as follows:

- (1) For Single Tenant Structures, up to 10% of the area of each wall on street frontage.
- (2) For Multi-Tenant Structures, up to 10% of the wall area in which the main entrance is located and between tenant demising walls. These signs shall also be a part of an overall plan to standardize the signage for these types of structures.

B. Freestanding Monument Signs. The area of the sign shall include the entire area of the surface the sign is mounted in or on, limited to the following area:

- (1) For Development of Subdivision Signs, up to the fifty (50) square feet.
- (2) For Single Tenant Structures, up to fifty (50) square feet.
- (3) For Multi-Tenant Structures, up to one hundred (100) square feet.

4. SIGN HEIGHT. In Zone 1, the height of all permitted freestanding monument signs shall be limited to twenty (20) feet at a minimum setback of fifteen (15) feet. In Zone 2, the maximum height for all permitted freestanding signs shall be twenty (20) feet, but additional height may be attained at the rate of one (1) foot per each additional foot of setback up to a maximum of thirty-five (35) feet in total height from the average grade at the base of the sign structure. Signs which are located in a planter or landscaped area with a minimum of forty (40) square feet shall be deemed to have satisfied the additional setback requirements. The landscaped area shall be planted with trees and/or shrubs to qualify for the additional height. The landscaped area shall only be given credit for additional height and not construed to help satisfy other landscape provisions of this ordinance.

5. GENERAL PERMIT PROCEDURES. The following procedures shall govern the application for and issuance of all sign permits under this Ordinance, and the submission and review of Master Signage Plans.

A. Applications. All applications for sign permits of any kind and for approval of a Master Signage Plan shall be submitted to the Planning and Zoning Commission in accordance with application requirements for the City.

B. Fees. Each application for a sign permit or for approval of a Master Signage Plan shall be accompanied by the applicable fees, which shall be established by the Grimes City Council from time to time by resolution.

C. Completeness. If the Planning and Zoning Commission finds that it is complete, the application shall then be processed. If the Planning and Zoning Commission finds that it is incomplete, the Planning and Zoning Commission shall send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable section of this Ordinance.

D. Action. If the application is determined complete, the Planning and Zoning Commission shall either:

(1) Issue sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance and of the applicable Master Signage Plan, or

(2) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this Ordinance and of the applicable Master Signage Plan. In case of a rejection, the Planning and Zoning Commission shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

6. SIGN PERMITS. The owner of a lot containing signs requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual lots, notwithstanding the fact that a particular lot may be included with other lots in a Master Signage Plan.

A. Initial Sign Permit. If for a temporary sign, a sign permit shall be issued with an expiration date based on the date of issuance.

B. Sign Permits, Subsequent. Temporary sign permits shall be issued for periods not to exceed twelve (12) months and may, if approved, be renewed upon submission of a renewal application form and the applicable fees.

C. Renewal applications shall contain a representation by the applicant that no changes to signage under the permit has been made or shall contain dimensions, drawings, and photos of any changes.

7. VIOLATIONS. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance, by the Zoning Ordinance, and by State law:

A. To install, create, erect, or maintain any sign requiring a permit without such a permit;

B. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance, or for which the sign permit has lapsed; or to continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Ordinance.

D. Each sign installed, created, erected, or maintained in violation of this Ordinance shall be considered a separate violation of this Ordinance and shall be considered a separate violation when applying the penalty portions of this Ordinance.

8. ENFORCEMENT AND REMEDIES. Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Ordinance shall be considered a violation of the Zoning Ordinance of the City of Grimes. The remedies of the City shall include the following:

- A. Issuing a stop-work order for any and all work on any signs on the same lot;
- B. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
- C. Imposing any penalties that can be imposed directly by the City under the Zoning Ordinance;
- D. Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance; and
- E. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City under the applicable provision of the Zoning Ordinance and Building Code for such circumstances.
- F. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation of a part thereof, such remedy shall remain available for other violations or for other parts of the same violation.

9. FEE SCHEDULE. The fees for sign permits and plans shall be: Master Signage Plan, Application Fee \$100.00; Sign Permit, Initial, including inspection, per lot \$75.00; Re-Inspection Fee, \$35.00; Sign permit, Continuing, per lot, \$10.00; and Temporary Sign permit, Private Property, per sign, \$25.00.

165A.27 WAIVER OF REQUIREMENTS. Any one or more of the requirements set forth in this Chapter 165A may be waived by the City Council after consideration by the Planning and Zoning Commission. Any person seeking a waiver under this Chapter shall submit a written application to the City detailing the reasons for the waiver. In addition, the requirements in this Chapter do not apply to any areas zoned R-4 (Planned Unit Development District).