

**NOTICE OF PLANNING & ZONING COMMISSION REGULAR MEETING**

**City of Cumming**  
**January 28, 2020 – 7:00 p.m.**  
Cumming City Hall  
649 N 44th Street  
Cumming, Iowa 50061

This is a tentative agenda only, which is subject to change. The final agenda will be posted at least 24 hours prior to commencement of the meeting.

- I. ROLL CALL**
- II. APPROVAL OF AGENDA** as presented and/or amended.
- III. SELECTION OF OFFICERS**
  - A. Chair
  - B. Vice Chair
  - C. Secretary
- IV. CONSENT ITEMS**
  - D. 11/18/19 Meeting Minutes
- V. ACTION/DISCUSSION ITEMS**
  - A. Great Western Crossing – Plat 4
  - B. Parcel 'M' Plat of Survey – Agrihood
  - C. Zone C-2 Noise Ordinance
- VI. UPCOMING PLANNING & ZONING MEETING:**
  - A. Regular meeting – February 25, 2020 at 7:00 p.m. at City Hall
- VII. ADJOURN**

**City of Cumming**  
**Planning & Zoning Commission Regular Meeting**  
**November 18, 2019**

The City of Cumming Planning and Zoning Commission held scheduled meeting on November 18, 2019 at 7:00PM. The meeting was held at the City Hall located at 649 N. 44<sup>th</sup> St. Cumming, IA.

The Meeting was called to order by Chair, Brad Hopkey, at 7:02PM.

**I. ROLL CALL**

Present: Brad Hopkey, Brent Highfill, Holly De Hamer, Ethan Roos, Karen McKinney, Matt Daniels

Absent: Jill Stanford

**II. APPROVAL OF AGENDA**

McKinney moved – Highfill second – unanimously approved

**III. CONSENT ITEMS**

10/22/19 meeting minutes

Highfill moved – Roos second – unanimously approved

**IV. ACTION/DISCUSSION ITEMS**

Proposal from Randy & Marilyn Miller to build a contractor's yard on their property off G14. Ultimately the property is not zoned for this use and P&Z did not have a special use permit process. The request was referred to the Board Of Adjustments.

**UPCOMING PLANNING & ZONING MEETING**

Regular meeting – December 18, 2019 at 7PM at City Hall

**V. ADJOURN**

McKinney moved – Roos second – unanimously approved

Adjourned 7:27PM



**VEENSTRA & KIMM, INC.**

3000 Westown Parkway • West Des Moines, Iowa 50266-1320

515-225-8000 • 515-225-7848 (FAX) • 800-241-8000 (WATS)

January 22, 2020

Angie Ritchie  
Deputy City Clerk  
City of Cumming  
649 N. 44<sup>th</sup> Street  
P.O. Box 100  
Cumming, Iowa 50061

CUMMING, IOWA  
GREAT WESTERN CROSSING PLAT 4  
PRELIMINARY PLAT

Veenstra & Kimm, Inc. has reviewed the preliminary plat of Great Western Crossing Plat 4 and offer the following comments:

1. The preliminary plat of Great Western Crossing Plat 4 corresponds to the PUD Amendment of the Great Western Crossing. The Plat 4 includes 39 single family residential lots, a 2.91 acre public park, and Lot 41 (Lot 176 on the PUD Amendment) for single family attached townhomes.
2. The lot frontages appear to correspond to the minimum lot sizes shown on the PUD Amendment of Great Western Crossing.
3. It is suggested that the following provisions of the PUD Amendment be summarized on the preliminary plat:
  - a. Lot 40 (park site) shall be dedicated to the City by warranty deed as a part of the final plat approval.
  - b. The park site shall be graded per City's subdivision ordinance with permanent seeding and water and sanitary sewer service stubs shall be provided per approved Master Plan.
  - c. The developer shall prepare a master plan for improving the park subject to approval by the City.

- d. The future private driveway access to Cumming Ave. for Lot 41 shall be no closer than 300 feet from the planned public streets and shall be right in/right out only.
4. Lot 41 should show the maximum number of attached townhomes allowed by the PUD. The original Great Western Crossing PUD plan shows 64 units for Parcel 2 (Lot 41).
5. It should be confirmed that the underlying zoning districts established for the PUD area correspond to the uses established in the Great Western Crossing PUD.
6. On Sheet 1, under "Notes", Item 1 should also include Lot D to be dedicated to the City as street right-of-way.
7. A temporary turnaround should be provided at the end of N. Brier Lane.
8. The future right in/right out entrance from Cumming Avenue to Lot 41 should be shown on the preliminary plat.
9. The future street adjoining the westerly lot line of Lot 41 should be a part of Plat 4 development to be able to provide access to Lot 41. The street should be constructed to the north lot line of Lot 41.
10. It is suggested that the northerly part of Lot 28 including the detention basin be deleted from Lot 28, and included in an outlot similar with the part of the detention basin located in Plat 3 to the east.
11. Private and public utility easements should be indicated on the plat, including areas where the utilities extend beyond the street right-of-way.
12. Show sidewalks and trails along the streets more clearly
13. Indicate the 100 year flood limits for the detention basin and sump areas, and the overflow routes.
14. Show the size of existing and proposed utilities.

Angie Ritchie  
January 22, 2020  
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If you have any questions about our comments, please contact us at 225-8000.

VEENSTRA & KIMM, INC.

A handwritten signature in blue ink, appearing to read "Anthony J. Bellizzi".

Anthony J. Bellizzi, P.E.

AJB:dml  
41233-030  
cc: Brad Cooper, Cooper Crawford & Associates, LLC

GWC - Plat 4  
1/24/20

Hey Angie,

Just a few comments and suggestions for this preliminary plat at this point.

Lot 40 is intended to be a public park according to the amended PUD Exhibit B (attached) and the original PUD(attached); could a note be added to the plan to address that dedication to the City?

Additionally, the PUD amendment and the original PUD state that the Developer would work with the City on a "Master Plan" for the park. That Master Plan should be included in this preliminary plat process. The PUD states the following on page 11:

"The developer of Parcel 5 and owner of Parcel 13 (the Neighborhood Park) shall work with the City of Cumming to prepare a master plan for improving the park with playfields, play courts, playground, shelter, restrooms and a parking lot to determine park dimensions. The park shall have an access corridor of no less than one hundred (100) feet in width with frontage on N. Cattail Creek and on N. 40th Street. The developer of Parcel 5 shall provide paved street improvements fronting the park's access corridor, provide public water and sanitary sewer service access for the park and grade the park according to the City's Subdivision Regulations."

Also, a Master Plan (or site plan) is required by the original PUD for Lot 41 (Parcel 2 in the PUD and Lot 176 in the amended PUD). This lot should be removed from this preliminary plat OR a Master Plan and platting should be provided that meets the requirements of the PUD. On page 8 the PUD states:

"Master Plan and Site Plan Required. Before Parcel 2 is subdivided into a lot or lots a Master Plan or Site Plan showing the subdivision of Parcel 2 into smaller lots shall be submitted as part of a plat submittal in compliance with the City Subdivision Regulations, and before any new building and associated site improvements are constructed within all or part of Parcel 2, a site plan showing in detail the proposed improvements to the land shall be submitted to the City for review and recommendation by the Planning and Zoning Commission and approval by the City Council. Unless otherwise specified within this ordinance, the regulations and standards of the City's Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within Parcel 2."

I advise P&Z to request the submittal of these Master Plans that are required by the PUD - 1)Public Neighborhood Park and 2)Townhomes and review them prior to recommending approval of the Preliminary Plat.

Thanks and please call or email with any questions!

-Chris

ORDINANCE 2017-

**AN ORDINANCE AMENDING THE GREAT WESTERN CROSSING PLANNED UNIT DEVELOPMENT. THIS AMENDMENT SHALL AFFECT PROPERTY OWNED BY DILIGENT GWC, LLC. THAT IS DESCRIBED AS FOLLOW:**

Parcel "M" and Parcel "N" of the plat of survey, recorded in Book 2016, Page 9567, Cumming, Warren County, Iowa. Said parcel contains 91.479 acres more or less, of which 1.981 acres is right of way for Hwy. G-14.

All remaining land in the Great Western Crossing Exhibit A Master Plan shall remain as previously zoned, except the parkland shall be incorporated into single family large lots, as a part of Parcel 12.

The following sections of Ordinance 2016-04 shall be amended as follows:

**SUB-SECTION 5D-PARCEL 13: Neighborhood Park.** Parcel 13 shown on the original Master Plan (Exhibit A) and designated as a Neighborhood Park shall be relocated to an area designated as "Park 95" as shown on the Exhibit B PUD Amendment Great Western Crossing Plan. Said park shall be 2.91 acres in area and be dedicated to the City of Cumming by warranty deed as part of the platting of the adjoining land that shall be developed with Phase 5 of the development. Said park shall have 2 access points as shown on Exhibit B. Parcel 13 shall be amended in the future, and incorporated into parcel 12.

The developer shall work with the City of Cumming to prepare a master plan for improving the park.

The developer shall grade the park per the City's subdivision ordinance, and also provide water and sanitary service to the park.

**SECTION 6. GENERAL PROVISIONS. 4.** One (1) private driveway access to Cumming Avenue shall be permitted for Lot 176, said private access shall not be closer than 300' from the planned public streets as shown in Exhibit B PUD Amendment Great Western Crossing.

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF CUMMING, IOWA: TITLE VI, COMMUNITY DEVELOPMENT AND ENVIRONMENT; CHAPTER 7, ZONING ORDINANCE; ARTICLE 2, DISTRICT REGULATIONS; BY AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CUMMING, IOWA AND THE OFFICIAL ZONING MAP IN ACCORDANCE WITH SECTION 6-7.0201, CHANGES IN OFFICIAL ZONING MAP AND ADOPTING A MASTER PLAN AND RULES, REGULATIONS AND GUIDELINES FOR LAND USE AND PERFORMANCE STANDARDS TO BE APPLIED TO DEVELOPMENT WITHIN THE GREAT WESTERN CROSSING PLANNED UNIT DEVELOPMENT.**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CUMMING, IOWA:**

**SECTION 1. AMENDMENT TO THE FUTURE LAND USE MAP AND OFFICIAL ZONING MAP.** The Future Land Use Map of the Comprehensive Plan is hereby amended for the property described in Section 2 of this Ordinance with the area shown as Low Density Residential changed to Medium Density Residential and the Official Zoning Map of the City of Cumming is hereby amended and the property described in Section 2 of this Ordinance is rezoned from A-1 to PUD, Planned Unit Development District.

**SECTION 2. PROPERTY DESCRIPTION.** The property owned by Reveiz Farms Inc., an Iowa corporation, within the following described property shall be referred to herein as the "Property" and is hereby subject to this rezoning:

*The SE ¼ of Section 8, Township 77 North, Range 25 West, of the 5<sup>th</sup> P.M., except the North 1,075.00 feet of the East 703.72 feet and the South 188.57 feet of the West 346.50 feet thereof, all within the City of Cumming, Warren County, Iowa. (The area of the "Property" is approximately 138.4 acres according to the Warren County, IA Assessor's Office.)*

**SECTION 3. NAME AND PURPOSE.** The Planned Unit Development shall be named Great Western Crossing Planned Unit Development and is herewith adopted and the Master Plan for the planned use of land within the Property identified as Exhibit "A", and the rules, regulations, guidelines and performance standards set forth herein shall apply to the development of the Property.

**SECTION 4. MASTER PLAN.** Pursuant to the PUD, Planned Unit Development District regulations, attached herewith, adopted and made a part of this ordinance is the Master Plan for the "Great Western Crossing Planned Unit Development" identified as Exhibit "A". It is recognized shifts or modifications to the Master Plan layout may be necessary and compatible with the need to create workable street alignments, lot layouts, site improvements and usable building sites, however the Master Plan layout shall be used as the implementation guide for development within the Great Western Crossing Planned Unit Development. All modifications to the Master Plan shall be in accordance with the Great Western Crossing Planned Unit Development rules, regulations, guidelines and performance standards set forth in Section 5, herein.

**SECTION 5. RULES, REGULATIONS AND GUIDELINES FOR LAND USE AND PERFORMANCE STANDARDS.** The following rules, regulations, guidelines and performance standards shall apply to development of Parcels 1 – 13 of the Great Western Crossing Planned Unit Development (hereinafter, also referred to as the "PUD") as described within Section 2 of this Ordinance and shown on Exhibit "A", Master Plan, with respect to permitted principal uses and structures, permitted accessory uses and structures, bulk regulations, height restrictions, site improvements, signage and architecture:



**SUB-SECTION 5A. PARCEL 1, Neighborhood Commercial Land Use.**

1. Principal Permitted Uses. Parcel 1 is intended to provide neighborhood commercial and retail uses to serve the most immediate shopping needs of the nearby residents and employment within a neighborhood with a trade area radius of approximately one (1) mile depending on the density of the residential and employment population of the neighborhood. Only the following listed use of structures or land are permitted in Parcel 1:

A. Professional and semi-professional office buildings for the following:

- Abstracting or title business
- Accountants, actuaries, auditors and bookkeeping
- Advertising office (no sign shops)
- Adjusters (insurance)
- Aerial survey and photography
- Appraisers and auctioneers (no auction sale of any type on site)
- Architects, civil engineers, landscape architects and planners
- Attorneys
- Banks and financial institutions
- Business or financial analysts and counselors
- Building contractors, office only (no shops or equipment and material storage)
- Counseling, child guidance and family service
- City, County, State or Federal Government office use only (no shops or equipment and material storage)
- Drafting and printing services
- Engineers, professional
- Insurance and bonds
- Manufacturer's agents
- Market research and marketing agencies
- Model agencies or schools
- Mortgage brokers
- Public libraries
- Real estate sales and management (office only)
- Stock broker exchanges, investment services or brokers
- Tax consultants
- Similar or general office users

B. Medical Doctors and medical practitioners, optometrists, chiropractors and medical services offices, clinics or group medical centers, including dental clinics, but not including animal clinics.

C. The following neighborhood retail commercial and service establishments and uses are permitted in Parcel 1:

- Apparel (specialty) shops
- Bakeries (retail), including baking for sale on premises only
- Beauty shops and barber shops, but not including schools
- Book stores and stationery stores
- Camera and photographic supply stores, including photo finishing services
- Candy, nut, and confectionery stores
- Coffee shops
- Convenience store, provided there is no vehicle washing or repair on site
- Drug stores
- Dry cleaning establishment using nonflammable solvents
- Florists, including potted house plants
- Gift, party supply and souvenir shops

- Grocery and specialty food
- Hobby and game shops
- Home accessories, such as small appliances, cookware, and glassware
- Home video equipment and movie rentals
- Jewelry stores
- Liquor stores
- Optical goods and medical supplies
- Restaurants and cafes, provided there is no drive-through or drive-in facility
- Sewing, needlework, linen and piece goods stores
- Shoe repair and tailor shops, including clothing alteration and repair

D. Professional business training school, whose functions are wholly contained within the structures, or otherwise effectively conceals its functions from visual, olfactory, or auditory observation outside the premises.

E. Day care center, day nursery or nursery school, licensed in the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from Parcel 3 and 4 or any other lot in an residential zoning district; and provided there is established and well maintained in connection therewith a completely fenced play lot of no fewer than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building, or as required by State law.

F. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and determined to conform to the intent of this sub-section.

G. Agricultural uses as permitted in the A-1, Agricultural District until such time the land is developed with uses as permitted by this Sub-section 5A herein.

2. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted uses:

A. The display of merchandise outside the building may be permitted when specifically approved by the City Council.

B. Communication towers or other tower or pole structures not over twenty (20) feet in height (except decorative poles for lighting). Electric and communication cable services for buildings and structures shall be placed under ground.

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

3. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height and no accessory structure shall exceed fifteen (15) feet in height.

4. Bulk Regulations. The following minimum lot size and setback requirements for principal permitted structures and buildings shall be observed in Parcel 1:

Parcel	Use	Lot Area	Lot Width	Public Street Right of Way Setback	Side Yard Setback (Least Width Any Side)	North Boundary Setback	West Boundary Setback
Parcel 1	All uses	40,000 sq. ft.	100 feet	30 feet (See Note 1)	10 feet (See Note 2)	35 feet	20 feet

Note 1: Cumming Avenue Setback. All setbacks from Cumming Avenue shall be measured from the planned future street right of way of the major arterial street.

Note 2: Adjacent Buildings in the Same Complex. If a building is planned to be attached or closely located to adjacent buildings in the same complex or part of a shopping center, the side or

sides which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback, if construction complies with building and fire codes.

Note 3: Outside Restaurant Seating and Display Areas. Outside restaurant seating and outside display areas shall not occupy any portion of required yard areas, open space, or parking areas, and shall be screened from public streets and adjacent property view. No outside music or speaker system shall be permitted.

5. Required Off-Street Parking and Design Standards. The minimum required off-street parking and loading spaces and design standards that are required by the Zoning Regulations shall apply to uses within Parcel 1.
6. Off-Street Parking Setback Requirements. No part of any parking space shall be closer than twenty (20) feet to any public street right-of-way including the planned street right of way for Cumming Avenue, or as may be necessary to provide adequate landscape screening with the use of earth berms and shrubs.

No part of any parking space or access roadway or parking bay aisle shall be closer than ten (10) feet from the west and north boundaries of Parcel 1. No part of any parking space shall be closer than five (5) feet from an adjoining lot line within Parcel 1, unless the parking space adjoining a lot line is part of a common parking lot of joint usage between adjoining lots. Parking on driveways in all zoned districts shall not be permitted within the public street right-of-way or across public sidewalks. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots.
7. Off-Street Parking Area Lighting. Lighting shall be provided to illuminate any off-street parking of more than two parking spaces or loading area and shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets. Lighting illumination shall not exceed one (1) foot-candle at the property line. Low pressure sodium lighting fixtures shall be prohibited.
8. Off-Street Parking Area Landscaping, Screening and Open Space Requirements. It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore, wherever practical all new parking areas shall be screened as practical from public street view by incorporating natural landscape and topography with the introduction of permanent earth berms of an adequate height, and additional landscape plantings to accomplish this desire. In any case, all parking areas shall include landscape areas and islands within the boundaries of the paved parking area equal to not less than ten percent (10%) of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs, or other acceptable plant life, unless an alternate ground cover is specifically approved as part of the site plan review by the City. Landscape islands within the parking area shall not be less than a minimum of eight (8) feet in width from back of curb to back of curb, and a minimum area of two hundred fifty (250) square feet, and no parking space shall be greater than seventy-five (75) feet from a landscaped open space. Parking spaces shall be separated from any adjoining roadway by a landscaped island or elevated separation (i.e. sidewalk) of a minimum of nine (9) feet in width, except the roadway or parking bay aisle providing direct access to the parking space.
9. Off-Street Parking Access to Public Streets and Internal Traffic Circulation. Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses from Parcel 1. The number of ingress/egress access points to public streets from off-street parking areas shall be approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve traffic safety and, as possible, not impair movement of vehicular traffic on public streets.
10. Common Access Roadways and Driveways. Any roadway or driveway that is planned for common use between different property owners within Parcel 1 or adjoining landowners shall have a "common use roadway or driveway easement" provided and recorded to maintain common

usage of the access roadway or driveway and to set forth the terms for the use and maintenance of the easement area.

11. Architectural Standards: As the gateway and the major transportation corridor carrying traffic through Cumming, land development fronting Cumming Avenue will have an impact on the community's image. Any building in Parcel 1 shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood. Buildings shall be residential in character, built with external materials of primarily stone, earth tone brick, marble, stucco, glass, decorative concrete, and concrete siding or other durable materials approved by the city. The roof shall be principally of gable, hip style or similar residential design. Sheet metal shall not be used as an exterior material. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, overhead doors or loading areas to the public.
12. Buffer Requirements. The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one land use to another contrasting land use in recognition of neighbor's rights, to lessen the impact of the transition of conflicting land uses and to protect the value of buildings and property. It is required that the developer of Parcel 1 install a buffer along the north boundary of Parcel 1 adjoining Parcel 3 and that part of the west boundary of Parcel 1 adjoining Parcel 4. Thirty (30) feet wide landscape buffer planted with a combination of evergreen trees and deciduous trees at a density of five (5) per 100 lineal feet of landscape buffer. Evergreen trees shall be a minimum of six to seven (6-7) feet in height and deciduous trees twelve (12) feet in height at the time of planting with a combination of three (3) evergreen trees for each two (2) deciduous trees. Any tree or shrub planted as part of the landscape buffer that may die or is diseased shall be replaced by the property owner.
13. Open Space and Landscape Requirements. On each lot within Parcel 1 there shall be provided an open space equal to at least 25% of the total lot area. Said open space shall be unencumbered with any structure, or off-street parking or roadways, ingress-egress access drives and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used for pedestrian walks, courtyards or plazas.
  - a) Minimum tree requirements at the time of planting for any development in: two (2) trees or one (1) tree of the following size per 1,500 square feet of open space that is not part of a landscape buffer area, whichever is greater:
    - i. 40 percent minimum: 1" to 1 1/2" caliper diameter deciduous and/or 6-7-foot height or greater evergreen.
    - ii. Balance: 6-foot height deciduous and/or 6-foot height evergreen.
  - b) Minimum shrub requirements at the time of planting for any development: 6 shrubs, or 1 shrub per 1,000 square feet of open space that is not part of a landscape buffer area, whichever is greater. Shrubs shall be a minimum of 18" height or minimum two (2) gallon potted.
  - c) To reduce erosion, all disturbed open space areas shall have ground cover of grass or native vegetation that is installed as sod, or seeded, fertilized and mulched. However, all lots shall be laid with sod from the front of the building to the street pavement.
14. Master Plan and Site Plan Required. Before Parcel 1 is subdivided into a lot or lots, a Master Plan or Site Plan showing the subdivision of Parcel 1 into smaller lots shall be submitted as part of a plat submittal in compliance with the City Subdivision Regulations, and before any new building and associated site improvements are constructed within all or part of Parcel 1, a site plan showing in detail the proposed improvements to the land shall be submitted to the City for review and recommendation by the Planning and Zoning Commission and approval by the City Council. Unless otherwise specified within this ordinance, the regulations and standards of the City's

Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within Parcel 1.

**SUB-SECTION 5B. PARCEL 2, Single-Family Attached Townhouse Land Use.**

1. Principal Permitted Uses. A maximum of sixty-four (64) single-family attached residential townhouse dwellings. Only the following listed uses of structures or land are permitted in Parcel 2:
  - A. Single-family attached residential townhouses with a maximum of four (4) horizontally attached dwelling units and lots per building in which the owner of the dwelling unit owns the lot beneath the dwelling unit and such lots shall be platted as part of a subdivision.
  - B. Agricultural uses as permitted in the A-1, Agricultural District until such time the land is developed with uses as permitted by this Sub-section 5B.
2. Temporary buildings or trailers for uses incidental to construction work, which buildings or trailers shall be removed upon completion or abandonment of the construction work.
3. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height and no accessory structure shall exceed fifteen (15) feet in height.
4. Bulk Regulations: The following minimum lot size and setback requirements for principal permitted and accessory structures and buildings shall be observed in Parcel 2:

Parcel	Parcel Area	Lot Width	Minimum Garage Driveway Length	Public Street Right of Way Setback	Minimum Building Separation	North Boundary Setback	East Boundary Setback
Parcel 2	8.0 Acres	NA.	25 feet	30 feet (See Note 1)	15 feet	30 feet	30 feet

Note 1: Cumming Avenue Setback. All setbacks from Cumming Avenue shall be measured from the planned future street right of way of the major arterial street and shall be a minimum of fifty (50) feet.

Note 2: Setback Requirements for Accessory Buildings and Structures. The following minimum requirements for setbacks shall be observed for accessory buildings and structures in Parcel 2:

(A) Setback from Public Street Right of Way: Thirty (30) feet. (All setbacks from Cumming Avenue shall be measured from the planned future street right of way of the planned major arterial street and shall be a minimum of fifty (50) feet.).

(B) Setback from North Parcel Boundary: Thirty (30) feet for accessory buildings and ten (10) feet for other accessory structures and site improvements.

5. Required Off-Street Parking and Design Standards. The following minimum required off-street parking design standards that are required in Parcel 1 shall apply to uses within Parcel 2, unless set forth herein. Parcel 2 shall have a minimum two (2) private garage spaces and one (1) driveway parking space per dwelling unit and a minimum of one (1) common off-street parking space for each four (4) dwelling units. Parking spaces and private roadways shall be setback a minimum of twenty (20) feet from planned future public street rights of way.
6. Architectural and Site Development Standards. As the gateway and the major transportation corridor carrying traffic through Cumming, land development fronting Cumming Avenue will have an impact on the community's image. The architecture of townhome buildings in Parcel 2 shall be acceptable to the City and accomplished in a manner compatible with adjoining residential uses in the neighborhood. Architectural design for townhouse buildings shall attempt to express a creative presentation of exterior building materials, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of planes within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. External materials shall consist primarily of proven durable materials including brick,

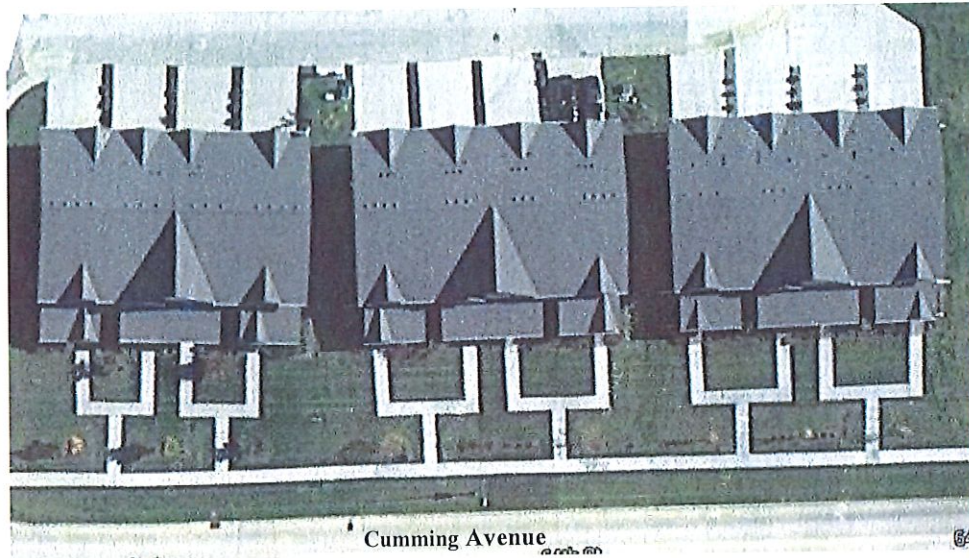
stone, stucco, glass, concrete siding and engineered wood products or other durable materials approved by the city. Multifamily townhouse buildings with single plane walls and boxy in appearance shall not be considered acceptable, unless the use of exterior materials such as brick or stone provides the elements necessary to enhance the buildings physical appearance and eliminate its plainness of appearance. Adequate treatment or screening of negative aspects of buildings (loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose overhead garage doors to Cumming Avenue and public streets, as well as screened from adjoining parcels as possible to enhance the appearance of the townhouse project and the image of the City of Cumming to the general public.

The following two illustrations of four (4) unit single-family attached townhouses that demonstrate how building and site design may provide the desired effect of enhancing the appearance of the townhouse project and the image of the City of Cumming along the Cumming Avenue frontage by not showing exposed overhead garage doors. The two illustrations may be used as a guide in the review and approval of the architectural presentation of the townhouse buildings in Parcel 2.



The following aerial view illustrates how a townhouse fronting Cumming Avenue may be designed and oriented in a site plan lay out to hide the view of overhead garage doors from Cumming Avenue to create an attractive appearance of the townhouse project. The illustration

may be used as a guide in the review and approval of the architectural and site plan presentation of townhouse buildings in Parcel 2.



7. Buffer Requirements. It is required that the developer of Parcel 2 install a buffer along the north boundary of Parcel 2 adjoining Parcel 3. Thirty (30) feet wide landscape buffer planted with a combination of evergreen trees and deciduous trees at a density of five (5) per 100 lineal feet of landscape buffer. Evergreen trees shall be a minimum of six to seven (6-7) feet in height and deciduous trees twelve (12) feet in height at the time of planting with a combination of three (3) evergreen trees for each two (2) deciduous trees. Any tree or shrub planted as part of the landscape buffer that may die or is diseased shall be replaced by the property owner.
8. Open Space and Landscape Requirements. Within Parcel 2 there shall be provided open space equal to at least 30% of the total lot area. Said open space shall be unencumbered with any building, or off-street parking or roadways, ingress-egress access drives and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used for pedestrian walks, courtyards or plazas. Landscape requirements shall be the same as required in Parcel 1.
9. Lighting. Lighting shall be provided to illuminate common areas and any off-street parking of more than two parking spaces and shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets. Lighting illumination shall not exceed one (1) foot-candle at the property line. Low pressure sodium lighting fixtures shall be prohibited.
10. Permitted Signs. One permanent townhouse project identification sign shall be permitted in Parcel 2 and shall be of materials and design compatible with the architectural character of the buildings in Parcel 2. Before project identification signs are installed, a plan for signs to be used within Parcel 2 shall be submitted to the City for review by the Planning and Zoning Commission and approval by the City Council. Building wall signs shall not be permitted.

A maximum of one (1) free standing "low profile" monument style identification sign six (6) feet or less in height and eight (8) feet or less in length anchored to the ground or on a pedestal identifying the name of the townhouse project The free standing identification sign shall be a minimum of ten (10) feet from street rights of way including the planned future right of way of Cumming Avenue.
11. Master Plan and Site Plan Required. Before Parcel 2 is subdivided into a lot or lots a Master Plan or Site Plan showing the subdivision of Parcel 2 into smaller lots shall be submitted as part of a plat submittal in compliance with the City Subdivision Regulations, and before any new building and associated site improvements are constructed within all

or part of Parcel 2, a site plan showing in detail the proposed improvements to the land shall be submitted to the City for review and recommendation by the Planning and Zoning Commission and approval by the City Council. Unless otherwise specified within this ordinance, the regulations and standards of the City's Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within Parcel 2.

12. Homeowner Association. The developer of Parcel 2 shall establish one homeowners association for all of Parcel 2 that shall be responsible for maintenance of common areas, payment of property taxes assessed to the common areas, and levying of homeowner association fees necessary for payment of association cost. The association will also need to make decisions regarding common area improvements, establishing a budget, determining fees to be levied and making decisions representing the community of homeowners. Documents establishing the homeowner association (Property Owners Association) shall be submitted in accordance with the City Subdivision Regulations for review as part of the approval of the preliminary plat.

**SUB-SECTION 5C. PARCELS 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12: Single-Family Detached Residential Land Use.**

1. Principal Permitted Uses. Single-family detached residential dwelling units. Only the following listed uses of structures or land are permitted in Parcels 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in which said Parcels are intended to provide for detached single-family residential homes:
  - A. Single-family detached residential dwelling with a maximum of one (1) dwelling unit and lot per principal building in which the owner of the dwelling unit owns the lot beneath the dwelling unit and such lots shall be platted as part of a subdivision. No temporary buildings, trailers, mobile homes, tents, boats, portable or potentially portable structures shall be used for dwelling purposes.
  - B. Agricultural uses as permitted in the A-1, Agricultural District until such time the land is developed with uses as permitted by this Sub-section 5C.
2. Permitted Accessory Uses. Permitted accessory uses and structures permitted in the R-1, Single-Family Residential District are permitted in Parcels 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.
3. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in building height and no accessory structure shall exceed fifteen (15) feet in height.
4. Bulk Regulations: The following minimum lot size and setback requirements for principal permitted and accessory structures and buildings shall be observed in Parcels 3-12:

Parcel	Minimum Lot Area	Lot Width (See Note 3)	Public Street Right of Way Setback
Parcel 3	7,800 sq. ft.	65 feet	30 feet
Parcel 4	7,800 sq. ft.	65 feet	30 feet
Parcel 5	8,400 sq. ft.	70 feet	30 feet
Parcel 6	9,000 sq. ft.	75 feet	30 feet
Parcel 7	10,000 sq. ft.	80 feet	35 feet
Parcel 8	18,000 sq. ft.	120 feet	50 feet
Parcel 9	10,000 sq. ft.	80 feet	35 feet
Parcel 10	10,600 sq. ft.	85 feet	35 feet
Parcel 11	12,000 sq. ft.	90 feet	35 feet
Parcel 12	15,000 sq. ft.	100 feet	35 feet



Parcel	Side Yard Setback	Rear Yard Setback	Maximum # of Single Family Units
Parcel 3	8 feet	35 feet	13
Parcel 4	8 feet	35 feet	24
Parcel 5	8 feet	35 feet	90
Parcel 6	8 feet	35 feet	16
Parcel 7	10 feet	35 feet	26
Parcel 8	12 feet	40 feet	10
Parcel 9	10 feet	35 feet	31
Parcel 10	10 feet	35 feet	22
Parcel 11	12 feet	35 feet	16
Parcel 12	12 feet	40 feet	22

Note 1: Except for the south 300 feet of Parcel 4, lots adjoining the west boundary of Parcels 4 and 9 shall have a minimum rear yard setback of fifty (50) feet adjacent to the west boundary.

Note 2: Parts of Parcel 12 may not have access to public sanitary sewer and lots that do not have access to public sanitary sewer shall be required to have a minimum lot size of 30,000 square feet and associated minimum lot width and setbacks, or a minimum lot size as needed for proper on-site disposal of wastewater.

Note 3: Corner Lots. Corner lots at the intersection of two streets shall have an additional twenty (20) feet of lot width.

Note 4: Setback Requirements for Accessory Buildings and Structures. The following minimum requirements for setbacks shall be observed for accessory buildings and structures in Parcel 3-12:

(A) Setback from Public Street Right of Way: Same as for principal permitted uses.

(B) Side and Rear Yard Setback: Five (5.0) feet for accessory buildings and other accessory structures and site improvements.

5. Required Off-Street Parking, Design Standards and Driveway Access Restrictions. Parcels 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall have a minimum of two (2) private attached garage spaces and one (1) driveway parking space per dwelling unit. No other off-street parking is required.
6. Driveway Access Restrictions. Driveway access to Cumming Avenue shall not be permitted. As required by the City Subdivision Ordinance, driveways shall be designed in Parcel 8 with a turnaround to permit the forward movement of vehicles to access N. 35<sup>th</sup> Street. Furthermore, lots in Parcel 8 located at the corner of N. 35<sup>th</sup> Street and N. Cattail Creek shall be permitted access to N. Cattail Creek only.
7. Landscaping – Single family lots shall comply with the landscaping requirements of Section 170.29.

**SUB-SECTION 5D - PARCEL 13: Neighborhood Park.** Parcel 13 shown on the Master Plan (Exhibit "A") and designated as a Neighborhood Park shall be reserved for dedication to the City of Cumming without payment from the City. Parcel 13 shall not be less than three (3.0) acres in area and shall be platted and deeded to the City by warranty deed as part of platting the adjoining land within Parcel 5 and the paving of N. Cattail Creek to provide public street access. The City of Cumming may take any and all

actions, including legal action necessary to compel the owner of the property being Parcel 13 to dedicate and deed such land to the City of Cumming in accordance with this Sub-section 5D with all cost of such actions to be paid by the owner of the land designated as Parcel 13.

The developer of Parcel 5 and owner of Parcel 13 shall work with the City of Cumming to prepare a master plan for improving the park with playfields, play courts, playground, shelter, restrooms and a parking lot to determine park dimensions. The park shall have an access corridor of no less than one hundred (100) feet in width with frontage on N. Cattail Creek and on N. 40<sup>th</sup> Street. The developer of Parcel 5 shall provide paved street improvements fronting the park's access corridor, provide public water and sanitary sewer service access for the park and grade the park according to the City's Subdivision Regulations.

## **SECTION 6. GENERAL PROVISIONS**

1. Fences and Walls. Fences and walls shall not be higher than four (4) feet in height in the front yard setback (Setback area from the public street right of way) and not higher than six (6) feet in height behind the front yard setback. All fences and walls shall be setback to maintain adequate visual sight distance for vehicles at street intersections as required by the City. If a pool is located on the property, access to the pool from the outside shall be blocked by a six (6) foot non-climbable fence.
2. Maintenance of Buffers. Any tree or shrub planted as part of the landscape buffer that may die or is diseased shall be replaced by the property owner as required by the City.
3. Regulatory Compliance. Unless otherwise specified within this ordinance, the regulations and standards of the City's Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within the Great Western Crossing Planned Unit Development.
4. Cumming Avenue Access Restricted. Private driveway access to Cumming Avenue shall not be permitted, except a private common access driveway at the most westerly extent of Parcel 1 as shown on the Master Plan (Exhibit "A"). All other access from the PUD shall be by public street as shown on the Master Plan.
5. Sidewalks. Sidewalks with a minimum width of four (4) feet will be required along the frontage of all public streets located within and adjoining the PUD.
6. Storm Water Management. The development of land within the PUD shall include adequate storm water management improvements including storm water detention basins as needed to meet the State Urban Design Standards as adopted by the City of Cumming.
7. Improvements to be Inspected. All public improvements and storm water management, sanitary sewer, and water facilities within private property shall be constructed in compliance with City standards for public improvements and inspected as required by the City of Cumming.
8. Public Street Right of Way and Improvements as well as the Dedication of Right of Way for Cumming Avenue and N. 35<sup>th</sup> Street. Except for N. Cattail Creek between N. 40<sup>th</sup> Street and N. 35<sup>th</sup> Street and N. 40<sup>th</sup> Street between N. Cattail Creek and Cumming Avenue, all internal streets shall be functionally classified as "local streets" for the subdivision of land within the PUD. N. Cattail Creek between N. 40<sup>th</sup> Street and N. 35<sup>th</sup> Street as well as N. 40<sup>th</sup> Street between N. Cattail Creek and Cumming Avenue shall be functionally classified as "minor collector streets".

In addition to public street right of way to be deeded to the City as part of the subdivision and platting of land within the boundaries of the PUD, as part of the subdivision of land fronting Cumming Avenue and N. 35<sup>th</sup> Street, the developer shall deed fee simple title sufficient land for street right of way to establish sixty (60) feet of right of way north of the section line and centerline of Cumming Avenue and sixty (60) feet west of the section line and centerline of N. 35<sup>th</sup> Street to provide adequate right of way for the City to improve Cumming Avenue and N. 35<sup>th</sup> Street in the future.

The entire Property described in Section 2 herein shall be considered to proportionally benefit from the future paving of Cumming Avenue and N. 35<sup>th</sup> Street in accordance with Chapter 384 of the Code of Iowa where such streets front the Property as part of an area wide benefitted special assessment district. The Property shall not be assessed for more than its proportion share of the cost to pave a street that is thirty-one (31) feet wide from back of curb to back of curb, and associated storm sewer improvements. Any special assessment for the paving of Cumming Avenue or N. 35<sup>th</sup> Street shall equally assess each of the platted and planned single-family lots in the PUD based on housing type (single-family detached versus single-family attached), and assess the commercial property in Parcel 1 of the PUD based on lot area. Land within the PUD that has not been platted into individual lots for development at the time of the special assessment proceedings shall be permitted to defer the assessment payment for up to ten years after the effective date of the assessment, or until such time the land is platted.

9. Site Plan Requirements. Parcels 1 and 2 are required to have site plans and such site plan submittal shall meet the following criteria and provide the following information:
  - A. Information Required. The site plan shall include the following information concerning the proposed development
    - (1) Names of the owner of the property, legal description of property, point of compass, scale, and date.
    - (2) Applicant's name, address, project location, proposed land use and present zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
    - (3) If the applicant is other than the legal owner, the applicant's interest shall be stated.
    - (4) Name and address of persons who prepared the site plan.
  - B. Required Illustrations. The site plan shall clearly set forth the following information concerning any site improvements associated with the proposed development.
    - (1) Property boundary lines, dimensions, and total area of the proposed development.
    - (2) Existing and proposed contour lines of the proposed development and fifty (50) feet beyond the boundaries of the proposed development at intervals of not more than two (2) feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the site plan.
    - (3) Temporary erosion control measures and methods required by the City and any other State or Federal requirements.
    - (4) The availability, location, size, and capacity of existing utilities, and of proposed utilities.
    - (5) The proposed building materials, location, size height, shape, use, elevation, building sign type and illustration of all building or structures in the proposed development.
    - (6) The total square footage of building floor area, both individually and collectively in the proposed development.
    - (7) Existing buildings, rights-of-way, public and private sidewalks, street improvements, railroads, utility easements, drainage courses, streams and wooded areas.
    - (8) The number of dwelling units, offices, etc. as required to determine ordinance compliance.
    - (9) A vicinity sketch showing adjacent existing land uses within two hundred fifty (250) feet of the property.
    - (10) Location, number, dimensions and design of off-street parking in the proposed development, including:

- a. Driveways, islands, and planters.
- b. Striping and curbs.
- c. Loading facilities.
- d. Type and location of lighting.
- e. Surface treatment.

(11) Open spaces, yards, recreational areas, public sidewalks, walkways, driveways, outside lighting, walls, fences, monuments, statues, and other man-made features to be used in the landscape of the proposed development.

(12) Facilities for the collection and disposal of garbage and trash, and screening structures.

(13) Walls, fences or other artificial screens shall be shown in elevation and prospective as well as plan with proposed height and structural material to be used indicated.

(14) Free standing identification signs; location, setback, dimensions, height and illustration.

(15) Location and type of all plants, grass, trees, or ground cover to be used in the landscape. All trees and shrubs shall be shown with the size and exact names of plants, shrubs or trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines.

(16) Planting of landscaping shall be completed before the issuance of an occupancy permit or acceptance of plat improvements (weather permitting) or proper guarantees provided.

10. Architectural Standards for Parcels 3 to 12. At the time of platting, the Planning and Zoning Commission and the City Council shall review and approve the restrictive covenants for each plat. The restrictive covenants will detail the types of materials that will be used for building exteriors, roofing, driveways, sidewalks and fencing.

**SECTION 7. AMENDMENTS OR MODIFICATIONS.** It is recognized shifts or modifications to the Master Plan layout may be necessary and compatible with the need to create workable street alignments, lot layouts, site improvements and usable building sites, however the Master Plan layout shall be used as the implementation guide for development within the Great Western Crossing Planned Unit Development. All modifications to the Master Plan shall be in accordance with the Great Western Crossing Planned Unit Development rules, regulations, guidelines and performance standards set forth in Section 5, herein. Any proposed amendment to the Great Western Crossing Planned Unit Development Ordinance 2016 - \_\_\_\_\_ and the rules, regulations, guidelines and performance standards as set forth therein and attached Master Plan (Exhibit "A") shall first be reviewed by the Planning and Zoning Commission. Said proposed amendment or modification along with a report from the Planning and Zoning Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed amendment or modification and their decision shall be final.

No amendment or modification may be considered that is more than a ten percent (10%) increase in density or change of uses on the Property without a public hearing as required of a rezoning procedure. Any changes in use or bulk regulations within Parcels 4,8 and 9, or changes in the required minimum size or location of the park in Parcel 13 shall require a public hearing and notification to owners of property located outside of the PUD Property in Cumming and adjoining the specific Parcel subject to such amendment or modification. A public hearing may be required before the City Council on any amendment or modification, if determined by the Council. All modifications and amendments shall be recorded at the Office of the County Recorder as required of the original rezoning.

**SECTION 8. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby superseded by the provisions herein.

**SECTION 9. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 10. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval and posting as provided by law.

**PASSED AND APPROVED** by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_, Tom Becker, Mayor

ATTEST: \_\_\_\_\_, City Clerk

I certify the foregoing was posted as Ordinance 2016-\_\_\_\_\_ on the \_\_\_\_\_ day of

\_\_\_\_\_, 2016. Signed: \_\_\_\_\_, City Clerk

# EXHIBIT 'B' P.U.D. AMENDMENT GREAT WESTERN CROSSING

Cumming, Iowa

OWNER / DEVELOPER  
DILIGENT GWC, LLC  
12119 STRATFORD DR.  
CLIVE, IA 50325  
515-309-0705

ZONING  
EXISTING: P.U.D.  
PROPOSED: P.U.D.

### LEGAL DESCRIPTION

PARCEL 'M' AND PARCEL 'N', OF THE PLAT OF SURVEY, RECORDED BOOK 2016, PAGE 9567, CUMMING, WARREN COUNTY, IOWA.

SAID PARCEL CONTAINS 91.479 ACRES MORE OR LESS, OF WHICH 1.981 ACRES IS RIGHT-OF-WAY FOR HWY. G-14.

SAID TRACT OF LAND BEING SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

### NOTES

1. PARK (LOT 95) SHALL BE DEDICATED TO THE CITY WITH PHASE 5.
2. ALL PHASES AFTER PHASE 1 SHALL BE DETERMINED AT THE TIME OF PLATTING BASED ON MARKET CONDITIONS AND ARE SUBJECT TO CHANGE. PHASING SHALL BE APPROVED WITH PRELIMINARY PLATTING.
3. AN 8' WIDE BIKE TRAIL SHALL BE CONSTRUCTED ALONG CUMMING AVENUE ADJOINING LOTS SHALL BE RESPONSIBLE FOR CONSTRUCTION.
4. PUBLIC STREET ACCESS TO CUMMING AVE. SHALL HAVE TYPICAL STREET WIDTH.
5. STORM WATER MANAGEMENT SHALL MEET SUDAS AS ADOPTED BY THE CITY OF CUMMING.

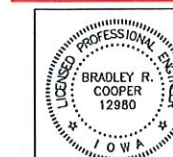
### STREET CLASSIFICATION

1. MAJOR ARTERIAL
  - CUMMING AVENUE (R.O.W. WIDTH -' AND PAVEMENT WIDTH PER CITY DESIGN)
2. MINOR ARTERIAL
  - N. 35TH STREET (R.O.W. WIDTH OF 100' AND PAVEMENT WIDTH PER CITY DESIGN)
3. MINOR COLLECTOR
  - N. CATTAIL CREEK FROM N. 40TH STREET EAST, N. 35TH STREET AND N. 40TH STREET FROM N. CATTAIL CREEK SOUTH TO CUMMING AVENUE (TYPICAL R.O.W. WIDTH OF 60' AND PAVEMENT WIDTH OF 31' FROM BACK OF CURB TO BACK OF CURB).
4. LOCAL STREETS
  - ALL STREETS EXCEPT THOSE DESIGNATED AS MAJOR ARTERIAL, MINOR ARTERIAL OR MINOR COLLECTOR (TYPICAL R.O.W. WIDTH OF 60' AND PAVEMENT WIDTH OF 26' FROM BACK OF CURB TO BACK OF CURB).

### LEGEND

#### EXISTING/PROPOSED

- PLAT BOUNDARY
- ST<sup>M</sup> STORM SEWER & SIZE
- SAN<sup>M</sup> SANITARY SEWER & SIZE
- W<sup>M</sup> WATER MAIN & SIZE
- MANHOLE
- STORM INTAKE
- FIRE HYDRANT
- VALVE
- F.E.S.
- EXISTING CONTOURS
- PROPOSED CONTOURS
- SILT FENCE OR APPROVED FILTRATION SOCK



I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

BRADLEY R. COOPER, IOWA LICENSE NO. 12980  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017  
PAGES OR SHEETS COVERED BY THIS SEAL:  
SHEETS 1-5

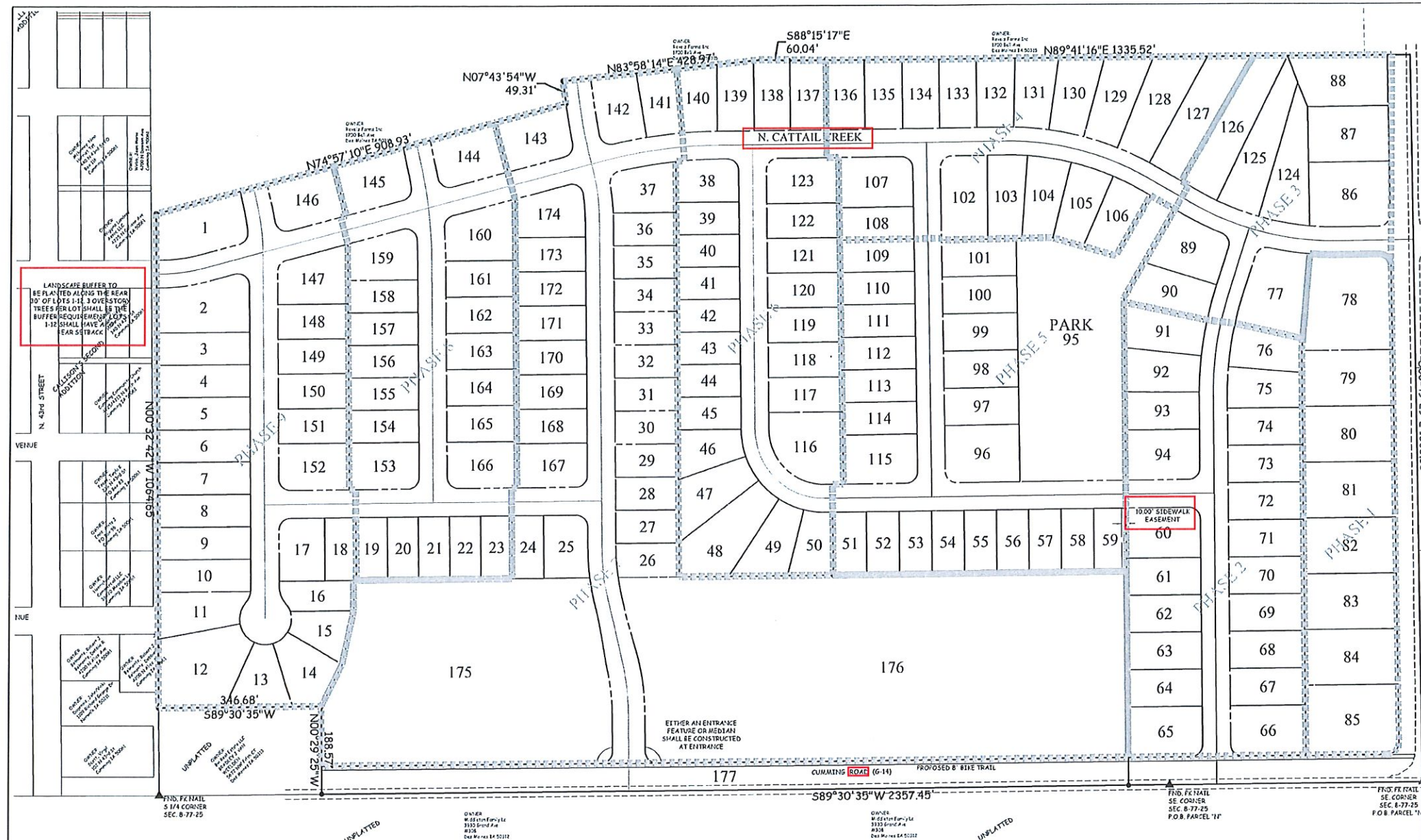
**COOPER CRAWFORD  
& ASSOCIATES, L.L.C.**  
CIVIL ENGINEERS  
475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265  
PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 6-8-2017  
REVISIONS:  
JOB NUMBER  
**CC  
1895**  
SHEET  
1 OF 1

APPROVED: (X-X-2003) INITIALED: XXX AS-BUILT: (X-X-2003)  
P.U.D. AMENDMENT  
GREAT WESTERN CROSSING

### MINIMUM LOT SIZES

1. 65' WIDTH
  - LOTS 1-27, 48-59
2. 70' WIDTH
  - LOTS 28-47, 96-123, 127-174
3. 80' WIDTH
  - LOTS 60-77, 86-94, 124-126
4. 120' WIDTH
  - LOTS 78-85



LANDSCAPE BUFFER TO BE PLANTED ALONG THE REAR 50' OF LOTS 1-12 (QUESTION) TREES PER LOT SHALL BE THE BUFFER REQUIREMENT OF LOT 1-12 SHALL HAVE 2' FROM REAR SETBACK

100' SIDEWALK EASEMENT

NEITHER AN ENTRANCE FEATURE OR MEDIAN SHALL BE CONSTRUCTED AT ENTRANCE

CUMMING ROAD (G-14) PROPOSED 8' BIKE TRAIL

UNPLATTED

UNPLATTED

UNPLATTED

# EXHIBIT "A"

## MASTER PLAN

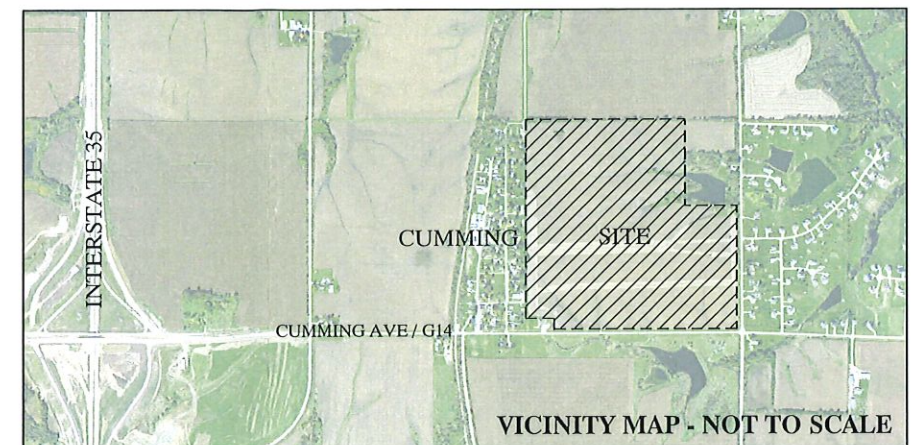
### GREAT WESTERN CROSSING PLANNED UNIT DEVELOPMENT CUMMING, IOWA

ADDENDUM TO ORDINANCE 2016 - \_\_\_\_\_

Pursuant to the PUD, Planned Unit Development District zoning regulations for the City of Cumming, Iowa and according to Section 4 of Ordinance 2016 - \_\_\_\_\_, adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the City Council of the City of Cumming, Iowa, this Exhibit "A", being the Master Plan for the Great Western Crossing Planned Unit Development is made a part of Ordinance 2016 - \_\_\_\_\_ that establishes the rules, regulations, guidelines and performance standards for development of the Great Western Crossing Planned Unit Development. It is recognized shifts or modifications to the Master Plan layout may be necessary and compatible with the need to create workable street alignments, lot layouts, site improvements and usable building sites, however the Master Plan layout shall be used as the implementation guide for development within the Great Western Crossing Planned Unit Development. All modifications to the Master Plan shall be in accordance with the Great Western Crossing Planned Unit Development rules, regulations, guidelines and performance standards set forth in Section 5 and compliance with Section 7 of Ordinance 2016 - \_\_\_\_\_.

#### PROPERTY DESCRIPTION

The SE ¼ of Section 8, Township 77 North, Range 25 West, of the 5th P.M., except the North 1,075.00 feet of the East 703.72 feet and the South 188.57 feet of the West 346.50 feet thereof, all within the City of Cumming, Warren County, Iowa. (The area of the "Property" is approximately 138.4 acres according to the Warren County, IA Assessor's Office.) (Owner: Reveiz Farms Inc.)



#### LEGEND

PARCEL BOUNDARY

PERMITTED CUMMING AVENUE ACCESS LOCATION ↑

DRAINAGE AREA:

(ADT) AVERAGE DAILY TRIPS AT FULL DEVELOPMENT

#### TRAFFIC MITIGATION

- No direct access to Cumming Avenue permitted except as designated.
- Permitted Cumming Avenue access locations shall have two egress lanes with left turn lane stacking determined at time of platting and according to traffic study required by City Subdivision Ordinance.
- Driveways shall be designed in Parcel 8 with a turnaround to permit the forward movement of vehicles to access N. 35th Street. Furthermore, lots in Parcel 8 located at the corner of N. 35th Street and N. Cattail Creek shall not be permitted driveway access to N. 35th Street.

#### FUNCTIONAL CLASSIFICATION OF STREETS

- Major Arterial: Cumming Avenue (Right of way width - 120' and pavement width per City design)
- Minor Arterial: N 35th Street (Right of way width of 100' and pavement width per City design)
- Minor Collector: N Cattail Creek from N. 40th Street east N 35th Street and N 40th Street from N Cattail Creek south to Cumming Avenue (Typical right of way width of 60' and pavement width of 31' from back of curb to back of curb)
- Local Streets: All streets except those designated as Major Arterial, Minor Arterial or Minor Collector (Typical right of way width of 60' and pavement width of 26' from back of curb to back of curb)

**Note:** Where roadway design for an additional lane provides for a wider pavement width than typical, the right of way boundary shall not be closer than 14.5' from the back of curb.

#### STORM WATER MANAGEMENT

The development of land within the Planned Unit Development (PUD) shall include adequate storm water management improvements including storm water detention basins as needed to meet the State Urban Design Standards as adopted by the City of Cumming. At the time of the submittal of the first plat to subdivide land within the PUD, a storm water management plan shall be submitted to the City for the entire PUD.

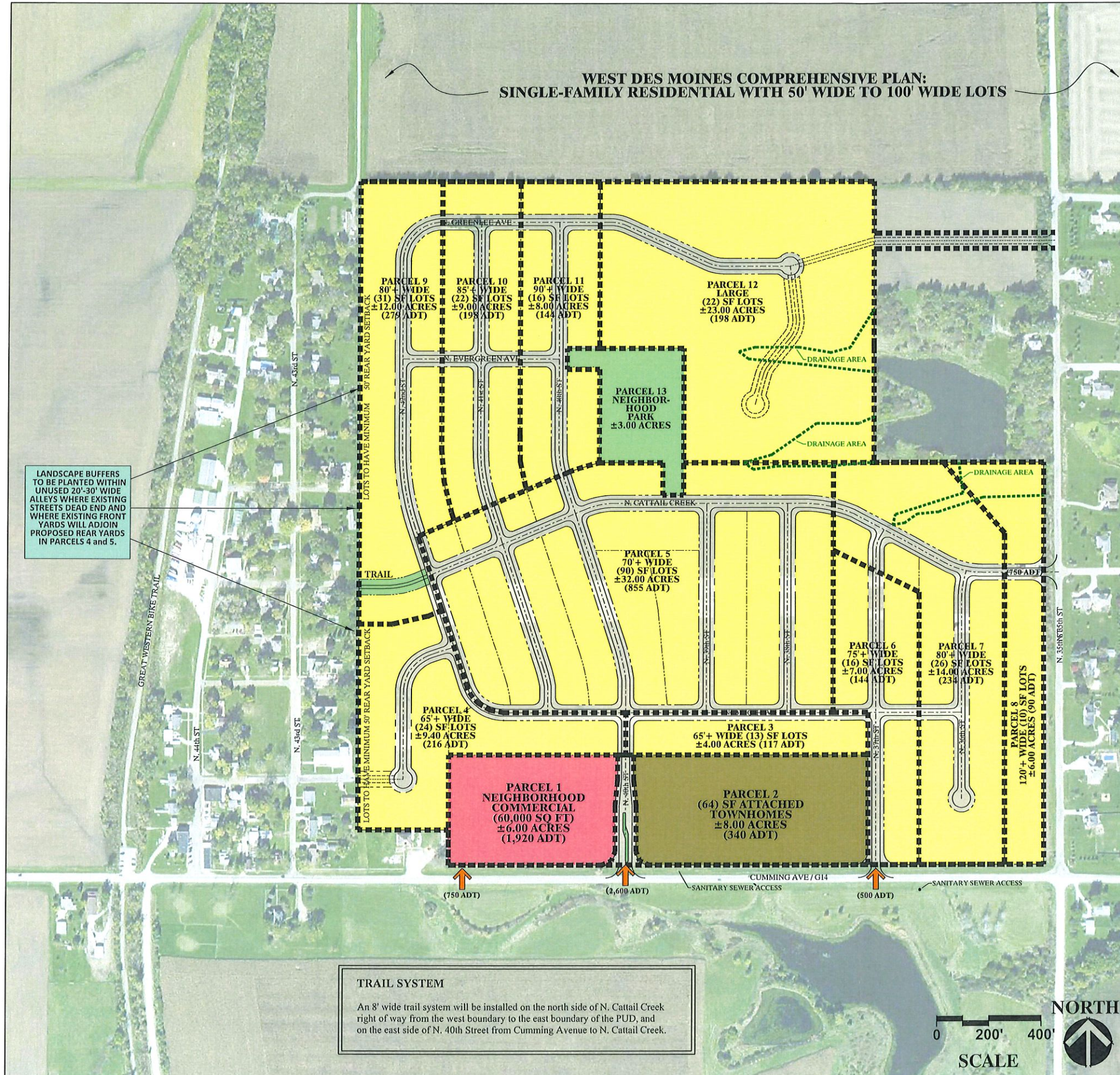
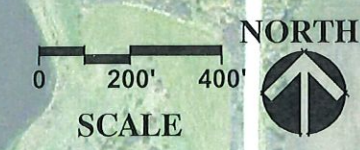
#### UTILITIES

- Public Sanitary Sewer: Located in Cumming Avenue R.O.W.
- Public Water Main: Located in Cumming Avenue and N 35th Street R.O.W.
- Private Utilities: Private natural gas, telephone, electric, and cable that are located in the public street right of ways fronting the property.

### WEST DES MOINES COMPREHENSIVE PLAN: SINGLE-FAMILY RESIDENTIAL WITH 50' WIDE TO 100' WIDE LOTS

LANDSCAPE BUFFERS TO BE PLANTED WITH UNUSED 20'-30' WIDE ALLEYS WHERE EXISTING STREETS DEAD END AND WHERE EXISTING FRONT YARDS WILL ADJOIN PROPOSED REAR YARDS IN PARCELS 4 and 5.

**TRAIL SYSTEM**  
An 8' wide trail system will be installed on the north side of N. Cattail Creek right of way from the west boundary to the east boundary of the PUD, and on the east side of N. 40th Street from Cumming Avenue to N. Cattail Creek.





**VEENSTRA & KIMM, INC.**

3000 Westown Parkway • West Des Moines, Iowa 50266-1320

515-225-8000 • 515-225-7848 (FAX) • 800-241-8000 (WATS)

January 23, 2020

Angie Ritchie  
Deputy City Clerk  
City of Cumming  
649 N. 44<sup>th</sup> Street  
P.O. Box 100  
Cumming, Iowa 50061

CUMMING, IOWA  
PLAT OF SURVEY – PARCEL M

Veenstra & Kimm, Inc. has reviewed the Plat of Survey – Parcel M on the Middleton Family property and note the following:

1. It is suggested that the streets and trails and property owners of adjoining parcels be identified on the plat.
2. It is understood the plat of survey is intended for the transfer of property prior to additional platting and subdivision development.
3. The corporate limits of the City of Cumming should be shown on the plat.
4. It should be noted a future sanitary sewer easement may be necessary on the north side of the proposed Parcel M for construction of a sanitary sewer extension to serve a part of Parcel M and other developing property.
5. It appears that the proposed plat will not affect any other known public improvements in the area.

If you have any questions about our comments, please contact us at 225-8000.

VEENSTRA & KIMM, INC.

Anthony J. Bellizzi, P.E.

AJB:paj  
41233-031



Hi Angie,

I don't have any additional comments on this item.

-Chris



**Christopher Janson, AICP**

MSA Professional Services, Inc.

800.844.4122



**From:** Angie Ritchie <[deputyclerk@cumming-iowa.com](mailto:deputyclerk@cumming-iowa.com)>  
**Sent:** Monday, January 27, 2020 3:40 PM  
**To:** Chris Janson <[cjanson@msa-ps.com](mailto:cjanson@msa-ps.com)>  
**Subject:** FW: Plat of Survey Middleton Parcel M

**From:** Tony Bellizzi <[tbellizzi@v-k.net](mailto:tbellizzi@v-k.net)>  
**Sent:** Monday, January 27, 2020 9:34 AM  
**To:** Angie Ritchie <[deputyclerk@cumming-iowa.com](mailto:deputyclerk@cumming-iowa.com)>  
**Cc:** Hopkey, Bradley D <[Bradley.Hopkey@Foth.com](mailto:Bradley.Hopkey@Foth.com)>  
**Subject:** Plat of Survey Middleton Parcel M

Hi Angie and Brad,

Attached are my comments for the Plat of Survey – Parcel M on the Middleton Property. If you have any questions, please let me know.

**Anthony J. Bellizzi, P.E.**

**Vice President - Civil**



# INDEX LEGEND

LOCATION: WEST 1/2 SEC. 17-77-25  
 REQUESTOR: DILIGENT DEVELOPMENT  
 PROPRIETOR: MIDDLETON FAMILY LC  
 SURVEYOR: KEVEN J. CRAWFORD  
 SURVEYOR COMPANY: COOPER CRAWFORD & ASSOCIATES, LLC  
 475 S. 50th STREET, SUITE 800  
 WEST DES MOINES, IOWA 50265  
 RETURN TO: KEVEN J. CRAWFORD

# PLAT OF SURVEY

PREPARED FOR  
 DILIGENT DEVELOPMENT  
 12119 STRATFORD DRIVE, SUITE B  
 CLIVE, IOWA 50325  
 ATTN: STEVE BRUERE

## LEGAL DESCRIPTION - PARCEL 'M'

A part of the West 1/2 of Section 17, Township 77 North, Range 25 West of the 5th P.M., all in the city of Cumming, Warren County, Iowa, that is more particularly described as follows:

Beginning at the West 1/4 corner of Section 17, Township 77 North, Range 25 West of the 5th P.M., city of Cumming, Warren County, Iowa; thence S60°13'43"W, 935.91 feet; thence N00°00'24"E, 2131.55 feet to the South Right-of-way line of Cumming Avenue, as it is presently established; thence N89°49'19"E, 759.80 feet along said South Right-of-way line; thence S00°10'23"E, 363.00 feet; thence N89°49'30"E, 230.01 feet to the West Right-of-way line of the abandoned Chicago Great Western Railroad, and to a non-tangent 3870.66 feet radius curve concave to the Northeast; thence Southeasterly 429.37 feet along said curve, and along said West Right-of-way line, said curve having a chord length of 429.15 feet and a chord bearing of 506°01'10"E; thence S09°11'50"E, 298.10 feet along said West Right-of-way line; thence S08°51'04"E, 298.10 (R) feet along said West Right-of-way line; thence S89°39'09"W, 334.42 feet; thence S00°59'49"E, 920.05 feet; thence N89°48'17"E, 415.43 feet to the West line of said abandoned Chicago Great Western Railroad Right-of-way, and to a non-tangent 1809.96 feet radius curve concave to the Southwest; thence Southeasterly 234.21 feet along said curve, and along said West Right-of-way line, said curve having a chord length of 1047.59 feet and a chord bearing of S16°52'06"W; thence N57°05'34"W, 50.03 feet along said West Right-of-way line, to a non-tangent 1809.96 feet radius curve concave to the Northwest; thence Southwesterly 773.62 feet along said curve, and along said West Right-of-way line, said curve having a chord length of 767.75 feet and a chord bearing of S45°27'42"W; thence S57°42'24"W, 270.67 feet along said West Right-of-way line; thence S89°12'41"E, 91.97 feet along said West Right-of-way line; thence S57°47'25"W, 332.75 feet along said West Right-of-way line, to a 1686.88 feet radius curve concave to the Southeast; thence Southwesterly 1111.29 feet along said curve, and along said West Right-of-way line, said curve having a chord length of 1091.30 feet and a chord bearing of S38°50'57"W; thence S19°59'22"W, 234.50 feet along said West Right-of-way line to the West line of Section 17, Township 77 North, Range 25 West of the 5th P.M., city of Cumming, Warren County, Iowa; thence N00°27'05"E, 2546.74 feet along said West line to the West 1/4 corner of said Section 17, and to the Point of Beginning.

Said tract of land contains 119.690 acres more or less.

Said tract of land being subject to any and all easements of record.

## SURVEYOR'S NOTES

- THIS SURVEY HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 10,000.
- LOT CORNERS SHALL BE SET WITHIN ONE YEAR OF RECORDING.
- BEARINGS ARE BASED ON AN ASSUMED BEARING.

## CERTIFICATION

	I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
	KEVEN J. CRAWFORD, PLS IOWA LICENSE NO. 13156 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020 PAGES OR SHEETS COVERED BY THIS SEAL: This sheet only

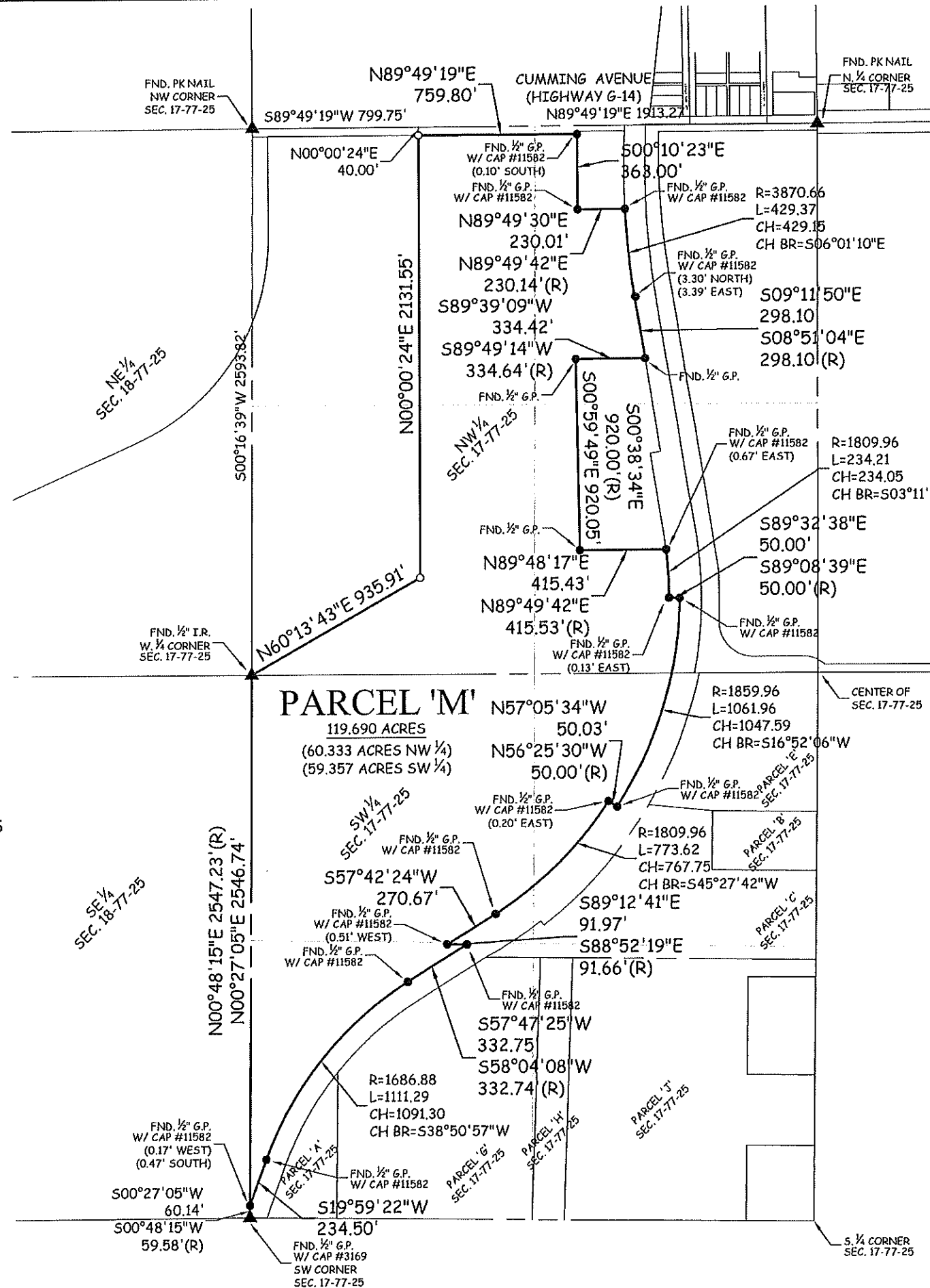
## LEGEND

- PLAT BOUNDARY
- ▲ SECTION CORNER
- FOUND CORNER AS NOTED
- SET CORNER 5/8" IR W/ YELLOW CAP #13156
- I.R. IRON ROD
- G.P. GAS PIPE
- D. DEEDED DISTANCE
- M. MEASURED DISTANCE
- R. PREVIOUSLY RECORDED DISTANCE
- P.U.E. PUBLIC UTILITY EASEMENT



**COOPER CRAWFORD**  
 & ASSOCIATES, L.L.C.  
 CIVIL ENGINEERS  
 475 S. 50th Street, Suite 800, West Des Moines, IA 50265  
 Phone: (515) 224-1344 Fax: (515) 224-1345

0 300 600  
 SCALE: 1"=600'  
 DATE: 1-22-2020  
 JOB NUMBER  
 CC  
 1990



## AREAS

- NW 1/4 NW 1/4 - 16.545 ACRES
- NE 1/4 NW 1/4 - 10.599 ACRES
- SW 1/4 NW 1/4 - 20.676 ACRES
- SE 1/4 NW 1/4 - 12.513 ACRES
- NW 1/4 SW 1/4 - 38.782 ACRES
- NE 1/4 SW 1/4 - 9.728 ACRES
- SW 1/4 SW 1/4 - 10.847 ACRES

RECEIVED JAN 22 2020

Aqirhoal

APPLICATION FOR VOLUNTARY ANNEXATION  
TO THE CITY OF CUMMING, IOWA

To the City of Cumming:

The undersigned, \_\_\_\_\_ owner(s) or authorized representative(s) of the owner(s) of all the property legally described in "Exhibit A" attached hereto and by this reference made a part hereof, and as included in the area defined on the attached map "Exhibit B" attached hereto and by this reference made a part hereof, authorized to execute this application on behalf of \_\_\_\_\_, the owner(s) of the property legally described in "Exhibit A", respectfully request the property be annexed and become a part of the City of Cumming, Iowa.

Attachments:

- Exhibit A - Legal description of the property to be annexed including the number of acres
- Exhibit B - Map of the property to be annexed

PROPERTY OWNER(S):

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Iowa Code Section 368.7 gives the landowner(s) consenting to voluntary annexation of their land the right to withdraw consent to annexation within three business days after the public hearing on the application to annex land unless this right is waived.

I hereby waive my right to withdraw consent to annexation within three business days after the public hearing on the application as evidenced by my signature below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Instructions for completing the application for voluntary annexation to the  
City of Cumming, Iowa**

First Blank Line – Print or type the name(s) of the person(s) who will be signing the application.

Second Blank Line – If the titleholder of the property to be annexed is a company, print or type the name of the company(ies) on the second blank line of the application. If the titleholder of the property is a person or persons, print or type the name(s) of the person(s) on this line. In many cases, the information entered on both blank lines will be the same.

NOTE: Land Purchased Under Contract – If the property to be annexed is being purchased under contract, the contract purchaser must sign the application for voluntary annexation. It is recommended that a supplemental letter from the contract seller be submitted with the application, which indicates the consent of the seller to the proposed annexation.

Exhibit A – Attach a separate page with the legal description, including the number of acres, of the property to be annexed. The legal description, which will be attached as Exhibit A, must match the legal description of the property as it appears on the deed(s). Please include a photocopy of the deed to the property.

Exhibit B – Attach a separate page with a map of the property to be annexed. Whenever possible, the map should reference a known street intersection.

Signature Block – All owners of the property must sign and date the application. Each name that appears in the first line of the application must have a corresponding signature at the bottom of the application form. If more than four persons own the property, add additional signature lines, or attach a supplemental signature page. If a company owns the property, an authorized representative of the company must sign the application on behalf of the company. In this case, print or type the title of the representative below the signature.

Withdraw to Consent to Annexation – If the owner(s) decide to waive their right to withdraw consent to annexation, all owners that signed in the Signature Block above must also sign in this area.

City of Cumming  
P. O. Box 100  
Cumming, IA. 50061  
515 981-9214  
Fax: 515 981-4981

**OFFICIAL PUBLICATION  
CITY OF CUMMING  
Special Council Meeting 12/16/2019  
To be Approved at 1/13/20 Meeting**

The Special City Council Meeting of the City of Cumming was held at Cumming City Hall, 649 N. 44<sup>th</sup> St., on Monday, December 16, 2019. The Meeting was called to order at 6:30 P.M. by Mayor Tom Becker. Present at Roll Call: Charlie Ochanpaugh, Thomas Cackler, Dave Chelsvig, and Dino Goode. Absent at Roll Call: Kathie Hungerford. Motion made by Chelsvig, seconded by Goode to approve the agenda. Approved 4-0.

**Consent Items:**

Motion made by Goode, seconded by Cackler to approve the Consent items: 12/9/19 Meeting Minutes. Approved 4-0.

**Action/Discussion Items:**

- A. Motion made by Goode, seconded by Cackler to approve the City Administrator Consulting Services Agreement with Don Sandor. Approved 4-0.
- B. MSA Guidelines was discussed.
- C. Motion made by Goode, seconded by Ochanpaugh to approve the Beeler Trucking Quote. Approved 4-0.
- F. Motion made by Cackler, seconded by Ochanpaugh to send Zone C-2 Noise Ordinance to Planning and Zoning. Approved 4-0.

**Upcoming City Council Meetings:** Regular Meeting, January 13, 2020, at 7:00 pm at City Hall.

Motion made by Cackler, seconded by Chelsvig to Adjourn at 7:16 pm. Approved 4-0.

---

Tom Becker, Mayor

---

Attest: Angie Ritchie, Deputy Clerk

# Complaint Log

**Date** 12/17/19 **Name & Address of person(s) code violation is in reference to** Absolute Transportation / PR Party Lines

**Code Violation/Nuisance Description:** Large Vehicles running all night long  
"Feels like living next to a truck stop"

**Code Reference:** 40.03 (2) Public Peace, Disorderly Conduct, Noise

**Date letter was sent:** 12/18/19

**Date set for review:** \_\_\_\_\_

**Additional Info:** \_\_\_\_\_

**Date file forwarded to Attorney:** \_\_\_\_\_

**Copy of letter by Attorney obtained for file?** \_\_\_\_\_

**What additional action was taken by Council - include dates:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- Step 1:** Identify Code that applies to violation or describes nuisance  
Refer to Building Inspector if it relates to housing/building permit issues
- Step 2:** Send a letter - include remediation time
- Step 3:** Set up review date after remediation time
- Step 4:** If violation has not been remedied - forward file to City Attorney
- Step 5:** City Attorney sends letter
- Step 6:** Additional action by Council

**City of Cumming**  
649 N. 44<sup>th</sup> Street, PO Box 100  
Cumming, Iowa 50061  
515 981-9214 Fax 515 981-4981  
cityclerk@cumming-iowa.com

December 17, 2019

Absolute Transportation  
PR Partylines  
401 N. 44<sup>th</sup> Street  
Cumming, Iowa 50061

Dear Absolute Transportation/PR Partylines,

The Cumming City Council has received a complaint about loud and consistent noise after sunset, and throughout the late evening/early morning hours.

The Cumming Code of Ordinances states the following: **Chapter 40, Public Peace Section 40.03 Disorderly Conduct. (2)** "Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof."

The Council requests that you cease all noise disturbances after daylight hours immediately. Repeated violations of code can and will result in fines.

We appreciate your anticipated cooperation. Thank you.

Sincerely,



Angie Ritchie  
Deputy Clerk

## Cumming Code of Ordinances

### 40.03 DISORDERLY CONDUCT.

No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

*(Code of Iowa, Sec. 723.4[1])*

2. **Noise.** Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

## Cumming Code of Ordinances

### 165.19 C-2 CENTRAL BUSINESS DISTRICT REGULATIONS.

1. Principal Permitted Uses and Structures. Following are the principal uses and structures permitted in the C-2, Central Business District:

- A. Antique stores.
- B. Artists, architectural, engineering and surveying services.
- C. Automotive display, sales, service and repair.
- D. Automotive paint and body shops.
- E. Dry cleaners and laundry.
- F. Custom cabinetry, furniture upholstery and repair.
- G. Clubs, lodges, rental halls, and religious organizations.
- H. Banks, savings and loans, and other financial institutions with drive-in facilities and free- standing ATM machines permitted.
- I. Retail or variety stores.
- J. Formal wear and costume rental.
- K. Hardware stores.
- L. Personal services.
- M. Professional and semi-professional office buildings.
- N. Medical, dental, chiropractic, and veterinary clinics.
- O. Restaurants, cafe, tavern and catering services.
- P. Public buildings owned by federal, State, County, City or other political subdivision that is operated for the social benefit or convenience of the public and utilities but not including storage or maintenance yards or buildings.



**69.09 TRUCK PARKING LIMITED.** No person shall park a semi-tractor, semi-trailer, passenger bus used for commercial or school purposes, any vehicle in excess of five (5) tons, or other motor vehicle with trailer attached with total weight in excess of five (5) tons in violation of the following regulations.

*(Code of Iowa, Sec. 321.236[1])*

1. **Streets.** Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle, on any street within the City except for designated parking areas on the City truck routes. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. **Noise.** No such vehicle shall be left standing or parked upon any street, public or private parking lot, or drive of any service station between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.
3. **Livestock.** No such vehicle containing livestock shall be parked on any street or highway for a period of time of more than thirty (30) minutes.

**69.10 SNOW REMOVAL.** No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency. When predictions or occurrences indicate the need, the Public Works Director shall initiate a snow emergency and inform the news media to publicize the snow emergency. The snow emergency shall remain in effect until the Public Works Director declares it over.

*(Ord. 09-05 – Feb. 10 Supp.)*

**69.11 SNOW ROUTES.** The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

*(Code of Iowa, Sec. 321.236[12])*

**69.12 PRIVATE PROPERTY.** No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or in an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the privately owned property or facility, the vehicle may be given a notice under the provisions of Chapter 70 of this Code of Ordinances or may be removed from the property in accordance with law. However, no vehicle shall be deemed illegally parked under this section on land zoned commercial or industrial unless the owner, lessee or person in charge of such privately owned property or facility shall first post, in a conspicuous location, a sign or signs designating the specific use of the off-street parking facility.

**69.13 SPECIAL PARKING RESTRICTIONS FOR PUBLIC EVENTS.** No one shall stop, stand or park a vehicle in area that has been designated as a special restricted parking area and that has been marked accordingly with an official no parking sign. The following street shall contain a special restricted parking area:

1. The West side of Cherry Street between North Avenue and Elm Avenue.

*(Ord. 12-10 – Mar. 13 Supp.)*

# Ankeny Code of Ordinances

## 44.05 SOUNDS NOT ALLOWED.

The term “noise disturbance” means any of the following sounds:

1. Alarm Testing. The sound emitted by the intentional sounding outdoors of any privately-owned fire alarm, burglar alarm, siren, whistle, or similar stationary emergency signaling device for the essential testing of such device, when conducted between the hours of 5:00 p.m. and 8:00 a.m.
2. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or compact disk player, or other such standard equipment used and intended for the use and enjoyment of such vehicle’s occupants, if the sound emitted therefrom is audible for more than 50 feet, at all times.
3. Chain Saws. The sound emitted by motor-powered tree trimming equipment operated between the hours of 9:00 p.m. and 7:00 a.m.
4. Construction Noise. The sound made by privately owned and operated tools or equipment in the erection, demolition, excavation, drilling, or other such construction work, which is received between the hours of 9:00 p.m. and 7:00 a.m. on weeknights and between the hours of 6:00 p.m. and 9:00 a.m. on Saturday and Sunday.
5. Engine Brake Noise. The sound made by an engine brake device of a diesel engine truck, at all times.
6. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying, or testing a motor vehicle or recreational vehicle which is received between the hours of 9:00 p.m. and 7:00 a.m.
7. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the health, safety or welfare of a human being, disturbs a reasonable human being of normal sensitivities, or causes or tends to cause an adverse physiological or physical effect on human beings, or devalues or injures property, at all times.
8. Lawn and Garden Equipment. The sound emitted by motor-powered, muffler-equipped, lawn and garden equipment operated between the hours of 9:00 p.m. and 7:00 a.m. Golf courses are exempt from lawn mower operation restrictions.

Sec. 42-256. - Specific activities prohibited.

- (a) *Sales by hawking or barking.* No person shall offer for sale or sell anything by shouting or raised voice within any residential or commercial area in the city.
- (b) *Loading and unloading.* No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 7:00 p.m. and 6:00 a.m. the following morning as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This subsection shall not apply to the engine noise generated by the activities regulated by section 42-259 of this article.
- (c) *Vehicle or motorboat repairs and testing.* No person shall repair, rebuild, modify, or test any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.
- (d) *Powered model vehicles.* No person shall operate or permit the operation of powered model vehicles in a public or private space out-of-doors or within a noise sensitive area between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (e) No business shall allow sound to escape a structure through walls, rooftops, openings in the building, including but not limited to, vents, roof top mechanical units, doors or windows left open, except for the ingress and egress of customers, so as to create a noise disturbance.

(O.14,746, 14,976, 15,566)

Des Moines Ordinance