

NOTICE OF PLANNING & ZONING COMMISSION REGULAR MEETING

City of Cumming
August 25, 2020 – 7:00 p.m.
Cumming City Hall
649 N 44th Street
Cumming, Iowa 50061

- I. ROLL CALL**
- II. APPROVAL OF AGENDA** as presented and/or amended.
- III. CONSENT ITEMS**
 - A. July 28, 2020 Meeting Minutes
- IV. PUBLIC COMMENT**
- V. ACTION/DISCUSSION ITEMS**
 - A. Farmers Markets
 - B. No Parking
 - C. C-1 Commercial Sign Regulations
 - D. Board Member Applicants
 - E. Meeting Frequency
- VI. UPCOMING PLANNING & ZONING MEETING:**
 - A. Regular meeting – September 22, 2020 at 7:00 p.m. at City Hall
- VII. ADJOURN**

**City of Cumming
Planning and Zoning Commission Meeting
July 28th, 2020 Minutes**

The Cumming Planning and Zoning Commission held scheduled meeting on July 28th, 2020 at 7:00 p.m at the Cumming City Hall
The meeting was called to order by Vice Chair, Matt Daniels, at 7:03 p.m.

I. ROLL CALL

Present: Jill Stanford, Don Paulin, Matt Daniels, Karen McKinney, Holly De Hamer

Absent: Ethan Roos

II. APPROVAL OF AGENDA

Paulin moved – McKinney second - unanimously approved

IV. CONSENT ITEMS

June 23rd, 2020 Meeting Minutes

Paulin moved – McKinney second – unanimously approved

V. ACTION/DISCUSSION ITEMS

- A. Presentation – Diligent Development Park Proposal: Consent to move forward with concept as presented.
- B. Selection of Officers: Stanford moved – McKinney second – unanimously approved
Don Paulin: Chair
Karen McKinney: Vice Chair
Holly De Hamer: Secretary
- C. Peddlers/Mobile Food Units/Special Event Permits: went over minor adjustments suggested by Cameron. Changed from 1 sign directing to mobile food unit to 2 signs.
Paulin moved – McKinney second – unanimously approved
- D. Farmers Markets: subcommittee formed with Daniels, Paulin and De Hamer to present to the group at the next meeting. Everyone else to send comments to Paulin for compilation.
- E. Board Member Applicant Discussion: Agreed to recommend Jorydan Hill to city council for open position.
Paulin moved – Stanford second – unanimously approved

VI. Upcoming Planning A Zoning Meeting

- A. Regular meeting August 25th, 2020 at 7:00 P.M. at City Hall

VII. ADJOURN:

Paulin moved – Stanford second – unanimously approved –Adjourned 9:10 PM

Des Moines

SECTION 4. - FARMERS' OR PUBLIC MARKET

102-556. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Farmers' or public market means a sale of products, the majority of which have been produced in the state, including but not limited to raw fresh vegetables, fruit, honey, herbs, flowers, plants, nuts, baked goods or handcrafted items which conform to all applicable city, county or state health and safety provisions, particularly the department of agriculture and land stewardship regulations, and which are offered for sale by any person, business, or organization on a portion of or entirely on a public street, sidewalk, alley, park or public place during set hours, no more than two days per week within a one-year period.

Market manager means a person who or organization which holds a farmers' or public market permit and who organizes the participants of the market, promulgates regulations for the conduct of the market consistent with section 102-564 of this division, and generally is responsible for the operation of the market.

1, § 23-20.08; O.13,023)

reference— Definitions generally, § 1-2.

102-557. - Required.

No person shall conduct a farmers' or public market, as defined in section 102-556 of this division, without first having obtained a permit as provided in sections 102-558 and 102-559 of this division. This shall not apply to activities sponsored by and held at the state fairgrounds.

1, § 23-20.09; O.13,023)

102-558. - Application.

Any person applying for a permit to conduct a farmers' or public market shall make written application to the city manager's office at least 30 days prior to the first proposed date for the market. No permit shall be issued unless an application containing the following information is first completed:

- (1) The name, address and phone number of the applicant and/or market manager he or she represents.
- (2) The proposed location of the market and the names of any businesses which the market will front.
- (3) If such businesses are not participating in the market, a copy of the notice sent to such

businesses of the market, its location and duration.

- (4) The proposed dates of the market and its hours of operation.
- (5) The number of vendors involved in the market, their names, and permanent addresses.
- (6) The type of merchandise to be sold.
- (7) A certificate of insurance demonstrating compliance with all insurance requirements. The amount and type of liability insurance to be required shall be determined by the city's finance director or designee and are hereby, by reference, made a part of the permit application form.

(C91, § 23-20.10; O.13,023, 13,737, 15,104)

Sec. 102-559. - Issuance.

Upon the city clerk determining that a person or organization applying for farmers' or public market permit has complied with the terms of section 102-558 of this division; the chief of police, the city engineer, and, if a market is held in a park, the director of park and recreation and the park and recreation board agree that the proposed sale will not reasonably disrupt pedestrian and vehicular traffic in the area of the market; that no other application has been submitted which proposes a similar geographic location for the market; that the city ordinances will be obeyed in the conduct of the market; and upon payment of the appropriate fees, the city clerk shall issue a permit to conduct a farmers' or public market. If the permit is denied, the city clerk shall state the reason therefor on the face of the application and shall so inform the applicant. No farmers' or public market permit shall be issued for a market within any residential zone of the city.

(C91, § 23-20.11; O.13,023)

Sec. 102-560. - Appeal of denial.

Any farmers' or public market permit denial may be appealed to the city council within ten days of the denial by submitting a written request for appeal to the city clerk. The city council shall consider the denial at its next regular meeting and shall either affirm the denial or direct the city clerk to issue the permit upon receipt of the appropriate fees. The city council shall base its decision upon a review of the application, the reasons for denial, and any statements from interested parties. If more than one application has been submitted which proposes a farmers' or public market in similar geographic locations, the council shall consider the following criteria to determine which application to grant:

- (1) Experience in managing a farmers' or public market.
- (2) For what purpose the proceeds of the farmers' or public market will be used.

(C91, § 23-20.12; O.13,023)

102-561. - Duration.

The farmers' or public market permit shall be issued in the name of the market manager and contain the terms of the sale and shall be valid through December 31 of the year in which the market is held.

(1, § 23-20.13; O.13,023)

102-562. - Fee.

- (a) The applicant for a farmers' or public market permit shall pay a permit fee to the city clerk at the time of filing the application in the amount set in the schedule of fees adopted by the city council by resolution.
- (b) In the event the application is withdrawn by the applicant or denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council by resolution shall be retained by the city to defray the administrative costs incurred.

(1, § 23-20.14; O.13,023, 13,737; 14,174)

102-563. - Market manager's responsibilities.

- (a) Under this division, the market manager's responsibilities shall be to:
 - (1) Contact the city engineer to arrange for the appropriate signs and/or barriers to control traffic and/or parking in the area of the market, including but not limited to obtaining street closing permits and any other permit required by this Code.
 - (2) Provide, maintain, and remove portable toilets, the requisite number to be designated by the environmental health officer.
 - (3) Ensure that trash containers are provided in the market and that the market area is reasonably free of trash during and at the close of the market.
- (b) Failure to comply with any of the subsections in subsection (a) of this section shall be punishable as a simple misdemeanor and may result in the revocation of the farmers' or public market permit.

(1, § 23-20.15; O.13,023)

102-564. - Conduct of permittee.

A farmers' or public market permittee as well as all agents, employees or representatives shall comply with the following in conducting a farmers' or public market:

- (1) No person shall conduct a farmers' or public market from 10:00 p.m. until 7:00 a.m. the

following day.

- (2) No person shall erect booths, tables, or display merchandise in such a manner so as to block pedestrian or vehicular traffic.
- (3) No person shall erect booths, tables, or display merchandise or in any other manner participate in a farmers' or public market without the express consent of the market manager.

(C91, § 23-20.16; O.13,023)

secs. 102-565—102-574. - Reserved.

Norwalk

CHAPTER 125

SPECIAL EVENTS

- 125.01 Purpose
- 125.02 Definitions
- 125.03 Permit Required; Food and Health Regulations
- 125.04 Application for a Special Event Permit
- 125.05 Decision by City Council
- 125.06 Coordination of Application
- 125.07 Permit Fee
- 125.08 Seasonal Permits
- 125.09 Insurance Requirement
- 125.10 Permit Expiration
- 125.11 Obstruction of Traffic Prohibited
- 125.12 Exhibiting Permit
- 125.13 Contractual Arrangements
- 125.14 Revocation or Suspension of Permit
- 125.15 Appeals
- 125.16 Peddler, Solicitor and Transient Merchant Permits

125.01 PURPOSE.

The purpose of this chapter is to ensure that special events are promoted and staged in a manner which preserves the safety of both our citizens and visitors to our City; to ensure that all promoters of these events are treated fairly and in accordance with their particular needs in the promotion of the event; to promote the economic well-being of our community through the orderly attraction of people to these events; and to ensure City personnel adequate opportunity to prepare for and provide services for the events so as to provide them the maximum opportunity for success.

125.02 DEFINITIONS.

For the purpose of this chapter certain terms and words are hereby defined.

1. "Special event" means an event sponsored by an individual, organization, club, group, partnership or corporation in which the public is invited to attend and which requires the use of public streets, public property as a staging area for promotion of the event, or requires the use of public resources to maintain the health, safety and welfare of the public.
2. "Special event area" means a place designated by the special event promoter as provided in this chapter where the general public is invited to gather for an event and where the area of interest of the promoter will be promoted and/or celebrated and where, in connection with the special event, there may be displays, speeches, the performance of music or the arts, games, and other similar celebrations, and the sale and/or distribution of literature, antiques, crafts, curios, art or artifacts, food, and other similar items, all under the sponsorship of a "special event promoter" as defined in this section. The area designated as a special event area may include property which is privately owned, provided that the inclusion of private property within the special event area shall not be construed as requiring the owner of the private property to participate in or otherwise allow the property to be used in the special event without his, her or its consent, or as prohibiting the owner of the private property from using the private property in a manner otherwise allowed by law.
3. "Special event merchant" means an individual, organization, club, group, partnership or corporation which engages in the sale of items within a "special event area" as defined in this section through the permission of the special event promoter.
4. "Special event promoter" means an individual, organization, club, group, partnership or corporation which organizes, sponsors, promotes or makes space available for a special event or is otherwise considered the organizer of the special event.

125.03 PERMIT REQUIRED; FOOD AND HEALTH REGULATIONS.

1. No individual, organization, club, group, partnership or corporation shall act as a special event promoter within the City without first obtaining a permit therefor as provided in this chapter.

2. Special event promoters granted a permit hereunder and special event merchants selling pursuant to that permit shall comply with all applicable State food and health rules and regulations.

125.04 APPLICATION FOR A SPECIAL EVENT PERMIT.

1. A special event promoter shall file with the City Clerk an application for a special event permit at least thirty (30) days prior to the event. The City Council may grant authority to a special event promoter to hold a special event in a designated special event area. The application shall be on a form furnished by the City Clerk and shall contain information concerning the requested dates and hours of the event, other information required by this chapter, and such other information as may be reasonable in relation to the event for which the permit is requested.

(Ord. 19-21 – Jan. 20 Supp.)

2. The special event promoter shall provide, at the time of application, a preliminary map or drawing showing the area to be designated as the special event area. Upon approval of the application for a special event permit, the special event promoter shall provide the City Clerk a detailed map of the designated special event area, showing any booths, trailers, stages, or other facilities which will be temporarily erected, constructed or parked as a part of the event. The detailed map shall be furnished according to the following schedule:

- A. One week in advance of a one-day event
- B. Two (2) weeks in advance of a two-day event
- C. Three (3) weeks in advance of a three-day event
- D. Four (4) weeks in advance of a four-day event

3. At the time of application for the special event permit, the special event promoter shall make a request for any necessary street or right-of-way closings. Public right-of-way barricades must be attended in order to allow authorized personnel to enter and exit the special event area. It shall be the responsibility of the special event promoter to arrange for the personnel who will attend the barricades. If off-duty police officers are requested for this purpose, then the special event promoter shall be responsible for the cost of their services.

125.05 DECISION BY CITY COUNCIL.

The City Council shall approve or deny the permit application in its sole discretion based upon the facts and comments presented to it and the overall effect the special event would have on the City and/or its citizens.

125.06 COORDINATION OF APPLICATION.

1. Upon receipt of an application for a special event permit, the City Clerk shall refer the application to the Police Chief, the Public Works Director, the Fire Chief, the Parks and Recreation Director and such other City personnel as may be appropriate for the coordination of street closings, barricades, and City personnel and service requirements. If the Police Chief deems it necessary for the protection of the public good, the Police Chief shall conduct an investigation of the special event promoter and the proposed special event. The Chief shall submit findings and any other comments to the City Clerk. The City Clerk shall submit the Chief's comments to the City Council for its consideration in making a final decision on the application.

2. Upon review of a special event promoter's application, all affected Department Directors shall attach their comments to the application and return the application to the City Clerk. The City Clerk shall submit the Directors' comments to the City Council for its consideration in making a final decision on the application.

3. Any permit approved by the Council will also include all comments from City Departments and will be provided to the applicant for compliance.

125.07 PERMIT FEE.

The special event promoter shall pay a fee in the amount set out in the schedule of rates and fees contained in Chapter 177 of this Code of Ordinances. The fee shall be paid upon issuance of the permit and shall be

nonrefundable. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City. The permit fee may be waived by the City Council if the special event is sponsored by the City of Norwalk.

5.08 SEASONAL PERMITS.

A special event promoter who coordinates and sponsors an event which occurs on a regular basis throughout a specific time period, at least one day a week for a minimum for four (4) consecutive weeks; not to exceed a maximum of twenty-four (24) weeks in any twelve (12) month period, shall pay a fee in the amount shown in the fee schedule in Chapter 177 for a seasonal permit.

125.09 INSURANCE REQUIREMENT.

1. The approval by the City Council of an application for a special event permit shall be contingent upon the special event promoter providing the City a certificate of liability insurance coverage naming the City as an "also insured" in a minimum amount of one million dollars (\$1,000,000.00). Upon receipt of the certificate of insurance the City Clerk shall issue the permit to the special event promoter.

2. Any employee, either on or off duty, utilizing City resources to maintain the safety and well being of the special event (as approved at the time the special event is approved) shall be construed as operating in the official capacity of the City and will follow all work rules and regulations adopted by the City, State and Federal government.

125.10 PERMIT EXPIRATION.

A special event permit as issued shall set forth the time period for which the permit is issued. The time period for which the permit is effective shall include a reasonable period for cleanup. The permit shall expire at the end of the time period specified in the permit.

125.11 OBSTRUCTION OF TRAFFIC PROHIBITED.

The special event for which a permit is issued shall be conducted within the designated special event area. The special event shall not be conducted in such a manner as to hinder or obstruct the free passage of pedestrian or vehicular traffic outside of the designated special event area.

125.12 EXHIBITING PERMIT A special event promoter shall be required to provide a copy of its permit to each special event merchant for exhibit by the special event merchant during the term of the permit period.

125.13 CONTRACTUAL ARRANGEMENTS.

The special event promoter shall be solely responsible for any contractual arrangements between itself and any special event merchants and/or private property owners operating or located within the designated special event area.

125.14 REVOCATION OR SUSPENSION OF PERMIT.

A permit issued under the provisions of this chapter may be revoked or suspended by the Police Chief, without notice, for any of the following causes:

1. Fraud, misrepresentation, or an incorrect statement contained in the application for permit, or made in the course of promoting the special event.
2. Failure to comply with any provision of this chapter.
3. Promoting the special event in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

125.15 APPEALS.

Any person aggrieved by the action of the Police Chief in revoking or suspending a permit or by the action of the City Council in the denial of a permit may appeal to the City Council. Such appeal shall be taken by filing with the City Clerk, within fourteen (14) days after the notice of the action complained of, a written statement setting forth fully the grounds for such appeal. The City Clerk shall set a time and place for hearing on such appeal and notice of such hearing shall be mailed, postage prepaid, to the appellant at its last known address at

least five (5) days prior to the date set for hearing. The decision of the City Council regarding an appeal shall be final.

125.16 PEDDLER, SOLICITOR, AND TRANSIENT MERCHANT PERMITS.

A special event promoter may, in its application for a special event permit, request the City Council to temporarily limit the areas within the City for which a peddler, solicitor or transient merchant permit provided under Chapter 122 of this Code of Ordinances may be issued to an applicant thereunder during the time period for which a permit is issued under this chapter. In making its request, the special event promoter shall suggest particular areas within the City limits which the special event promoter believes would be appropriate for the issuance of peddler, solicitor or transient merchant permits during the time period in question. If the City Council agrees with the suggested limitation of areas for which a peddler, solicitor or transient merchant permit may be issued during the time period for which a permit is issued under this chapter, the City Council shall adopt a resolution providing for the modification of the issuance of peddler, solicitor and transient merchant permits as requested in the application hereunder. In adopting its resolution, the City Council shall be required to find that the permitted special event is of City-wide interest, promotes the well-being and reputation of the City, and that the issuance of a peddler, solicitor or transient merchant permit on a City-wide basis concurrent with the permitted special event would detract from the benefits provided by the permitted special event. If the City Council adopts the resolution as previously required, the exclusion for yard sales contained in the second to the last sentence of the definition of "transient merchant" set forth in Section 122.02(3) of this Code of Ordinances shall not be available during the time period for which the issuance of a peddler, solicitor or transient merchant permit is so restricted.

(Ch. 125 – Ord. 10-10 – May 11 Supp.)

15. Chapter 106 – Solid Waste Collection.

Standard Fees.

Normal

Container Size	Monthly Fee
48-gallon toter-cart	\$11.50
96-gallon toter-cart	\$12.50

Additional Toter-Carts. A customer may obtain an additional toter-cart and pay an additional fee in accordance with the following:

Container Size	Monthly Fee
All extra toter-carts	\$7.00 each

The fee for the additional toter-cart shall not be waived unless the cart is returned to the City.

Solid Waste Collection Increase July 1, 2015

Standard Fees.

Container Size	Monthly Fee
48-gallon toter-cart	\$12.00
96-gallon toter-cart	\$13.00

(Ord. 14-19 – Jan. 17 Supp.)

16. Chapter 119 – Massage Establishments and Therapists.

- New Business Permit Fee \$75.00
- Massage Therapists Fee \$25.00

(Ord. 19-05 – May 19 Supp.)

17. Chapter 121 – Cigarette and Tobacco Permits.

FOR PERMITS GRANTED DURING	FEE
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

18. Chapter 122 – Peddlers, Solicitors and Transient Merchants.

- License application fee \$25.00
- Refundable bond \$20.00

License fees

Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.

Peddlers or Transient Merchants.

For up to 7 days \$ 10.00

For up to 30 days \$ 50.00

For up to 180 days \$100.00

(Ord. 19-04 – May 19 Supp.)

19. Chapter 123 – House Movers.

Permit fee \$100.00

20. Chapter 125- Special Events.

The special event promoter shall pay a fee of \$50.00 upon issuance of the permit and shall be nonrefundable. The special event promoter may charge a special event merchant a fee for participation in the special event. This fee shall be separate from the permitting requirements of the City. The permit fee may be waived by the City Council if the special event is sponsored by the City of Norwalk.

21. Chapter 135 – Street Use and Maintenance.

Excavation permit fee \$25.00

22. Chapter 141 – Closing Public Thoroughfares.

Street closure permit fee \$50.00

23. Chapter 145 – Site Grading Regulations.

Site grading permit fee \$25.00 per acre

Not to exceed a maximum fee of \$125.00

24. Chapter 155 – Building Code.

Building permits shall be charged a fee based on a Permit Fee Multiplier formula. The building permit fee to be charged equals Gross Floor Area times Square Foot Construction Cost times Permit Fee Multiplier. The permit fee multiplier for the City shall be .0052.

The square foot construction cost shall be in accordance with the International Code Council’s February 2012 Square Foot Construction Costs table.

(Ord. 13-09 – Jan. 14 Supp.)

25. Chapter 156 – Plumbing Code.

Applications for building permits shall be charged on a flat-fee system for all building permit applications. The City reserves the right to charge additional fees when deemed necessary by the Development Services Director or Building Official. The flat-fee schedule is as follows:

New housing residential plumbing permit applicants shall be charged a flat-fee of eighty dollars (\$80.00). Residential remodel plumbing permit applications shall be charged a flat fee of thirty-five dollars (\$35.00).

All commercial plumbing permit applicants shall be charged a flat-fee of sixty dollars (\$60.00). The applicant shall then be charged in addition, per fixture as shown in the Plumbing Permit Fixture Fee Schedule.

Plumbing Permit Fixture Fee Schedule

11

11

11

DIVISION 4. - FARMERS' OR PUBLIC MARKET

Des Moines

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(C91, § 23-20.08; O.13,023)

Cross reference— Definitions generally, § 1-2.

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- (2) The proposed location of the market and the names of any businesses which the market will front.
- (3) If such businesses are not participating in the market, a copy of the notice sent to such businesses of the market, its location and duration.
- (4) The proposed dates of the market and its hours of operation.
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- (b) In the event the application is withdrawn by the applicant or denied either initially or on appeal, either all or a portion of such fee in an amount set in the schedule of fees adopted by the city council by resolution shall be retained by the city to defray the administrative costs incurred.

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CHAPTER 7**PUBLIC PROPERTY SPECIAL EVENT PERMITS**

SECTION:

7-7-1: Applicability

7-7-2: Purpose And Intent

7-7-3: Definitions

7-7-4: Application And Permit Required

7-7-5: Application Requirements

7-7-6: Permit Review Process

7-7-7: Fees Required

7-7-8: Insurance Required

7-7-9: Appeal Procedure

7-7-10: Permit Revocation

7-7-11: Violations

7-7-12: Penalties

7-7-13: Exemptions

*Clive**Farmer's Markets
are considered
Special Events***7-7-1: APPLICABILITY:**

The following regulations shall apply to special event permit applications submitted to the city. (Ord. 996, 1-22-2015)

7-7-2: PURPOSE AND INTENT:

The public right of way in possession of the city is primarily for the use of the public. These regulations prescribe the condition through which special events of limited duration may be permitted to occur within the city that involve a request from an individual or organization to use city property or right of way in the conduct or promotion of the event, thereby creating an anticipated significant impact to the city property or right of way, such as increased vehicle or pedestrian traffic or the closure of a public street, and it is advisable or necessary to include city staff in the preparation, planning, coordination, and approval of the requested special event to promote the health, safety, and welfare of the general public and of the event participants or attendees. (Ord. 996, 1-22-2015)

7-7-3: DEFINITIONS:

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CITY: The city of Clive in the county of Polk and the county of Dallas, in the state of Iowa.

CITY PROPERTY: The land owned and maintained by the city.

PERSON: Any natural person, his or her heirs, executors, administrators or assigns, firm, partnership, association, corporation, company or organization, its or their successors or assigns, or the agent of any of them.

SPECIAL EVENT: Any organized and advertised gathering for the purpose of entertainment, recreation, competition, public rally, parade or public march, or festival purposes that will impact city services or public right of way.

STREET: That portion of the public right of way normally used for vehicular traffic and including the abutting sidewalk. (Ord. 996, 1-22-2015)

7-7-4: APPLICATION AND PERMIT REQUIRED:

A special event permit shall be required for all events that relate to the stated purpose and intent of this chapter. A special event permit must be timely applied for and issued by the city prior to the commencement of the event. It shall be unlawful for any person or organization to engage, sponsor, or participate in any event described herein without having first applied for and obtained a permit in accordance with this chapter. Receiving approval of a special event permit from the city shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state and federal regulations. The city reserves the right to impose special guidelines and restrictions for any special event based upon the nature of the proposed event, the proposed location of the event, and the anticipated attendance of the event. The city also reserves the right to temporarily suspend other city code requirements for any special event based upon the particular event details. (Ord. 996, 1-22-2015)

7-7-5: APPLICATION REQUIREMENTS:

For any special event defined or described within this chapter, the following information, at a minimum, shall be submitted with the application to the city:

A. A written application for a special event permit shall be submitted to the city on a form provided by the city. The application must set forth the following information regarding the proposed special event:

1. The name, address, phone number, and e-mail address of the applicant(s) and sponsor(s) of the event and contact person(s).
2. If the proposed special event would be conducted for, on behalf of, or by an organization, the name, address and phone number of the headquarters of the organization and the authorized responsible heads of such organization.
3. The date(s) and duration of time for the proposed special event, specifically identifying the date(s) and duration of time for which the requested use of the city property or right of way would occur.
4. An accurate description of that portion of the city property or right of way proposed to be used, including a detailed map. The map should depict the requested location of any activities, structures, tents, barricades, parking, traffic control devices and personnel, signage, trash collection, and portable restroom facilities necessary for the proposed event.
5. The estimated number of participants or attendees.
6. The proposed type of special event, described in detail, including a description of the planned activities and the proposed location.
7. Whether the applicant has obtained or will obtain required permits for any of the following: the sale of alcoholic beverages, tents or inflatables, amplified sound, fireworks, temporary signs, and any applicable building permits.

B. After the initial filing of the application, city staff may request additional information from the applicant to determine whether a special event permit should be issued, including, but not limited to, a crowd control plan.

C. All other applications must be submitted not less than thirty (30) calendar days prior to the proposed start date of the special event, unless the city decides to waive the deadline. The city reserves the right to reject any applications that have not been timely submitted to the city.

D. Before the city decides to approve the special event permit, the city may require the applicant to provide notice of the proposed event to all affected neighboring property owners and known tenants. The city may also require the applicant to petition or canvass affected neighboring property owners and known tenants to ascertain whether there is sufficient support for the proposed event. Alternatively, the city may elect to provide the notification to the affected neighboring property owners and known tenants itself and the applicant shall then be responsible for reimbursing the city for the incurred costs. (Ord. 996, 1-22-2015)

7-7-6: PERMIT REVIEW PROCESS:

A. A team of city staff that consists of representatives from the following departments: fire/EMS, public works, city clerk, community development, leisure services, and police shall review special event applications, identify potential issues and concerns, and work with the applicant to propose possible solutions to resolve those identified issues and concerns. Additional city staff from other departments may assist with the review depending upon the details of the proposed event.

B. The leisure services department shall review special event permit applications for events held exclusively within a city park or greenway in accordance with city park policies, rules and regulations that do not require city staff from multiple departments as part of the planning or execution of the event and do not cause anticipated significant impact to nearby public streets or other city property.

C. City staff shall consider, at a minimum, the following criteria in reviewing the special event permit application. City staff reserves the right to consider additional criteria in its review as deemed necessary.

1. Whether the applicant provided all the necessary information.

2. Whether the applicant obtained necessary permits or provided information necessary to apply for required permits involving the sale of alcoholic beverages, tents or inflatables, amplified sound, fireworks, temporary signs, and any applicable building permits.

3. Whether the applicant previously held events of similar size and scope within the city, and if they have held previous events were they conducted in a manner that the city would be willing to allow the event to be held again. Have all fees associated with the previous event been paid in full and in a timely manner.

4. Whether the date, time, size, or location of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location.

5. Whether the event would unduly interfere with proper access for fire and police protection and other emergency services.

6. Whether the estimated number of participants, attendees or the size or type of event or equipment is sufficiently large enough to require the closing of a public street, or if there is an alternative available to closing a public street.

7. Whether another special event permit has already been granted for substantially the same date, time, or location within the city.

8. Whether the size or time of the event would require so great a diversion of the city police department as to prevent normal police protection throughout the city or at another previously scheduled event in the city.

9. Whether city personnel necessary to regulate and monitor the event can reasonably be made available.

10. Whether the event is reasonably likely to cause injury to persons or property and if there is adequate planning for crowd control of participants or attendees.

11. Whether adequate sanitation or other health facilities will be available at the event.

12. Whether there is a sufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected.

13. Whether the time, size or nature of the event is compatible with the normal activity at that location.

14. Whether the proposed use or event will likely have a significant adverse environmental impact.

15. Whether negative police reports or other reports of past activities held or sponsored by the applicant or in the same location merit a recommendation of denial.

16. If required, whether the applicant has obtained the necessary approval of neighboring residents or businesses.

17. Whether sufficient negative impact from the event on neighboring properties or individuals warrant denial of the application.

18. Whether the applicant, including its employees, agents and volunteers have violated city code provisions or city policies at past events.

19. Whether the applicant has timely paid the city all fees due and owed under any city code provision or city policy.

D. The approval or denial of a completed application by the city review team shall be made to the applicant as soon as reasonably practicable.

E. Where the applicant seeks or where the city staff recommends lane closure(s) of arterial or collector streets within the city, as those streets have been classified by the DOT, such permit may be issued only by the city council. City staff shall be responsible for the issuance of all other special event permits unless otherwise provided in this chapter. (Ord. 996, 1-22-2015)

7-7-7: FEES REQUIRED:

A. The applicant for a special event permit shall pay the applicable nonrefundable application fee in the amount set in the schedule of fees the city council has adopted by resolution. The application fee must be paid at the time of submittal of the application.

B. If the permitted event will require the use of any city equipment, facilities, or services, the applicant shall pay the estimated costs for the use of the city equipment, facilities, or services in advance of the event if the city requests advanced payment be made, or the city may direct the applicant to pay the actual costs for the use of the city equipment, facilities, or services following the event within thirty (30) calendar days of billing by the city.

C. Where the applicant requests or city staff recommends city sponsorship/cosponsorship of an event which would include full or partial waiver of application and related fees, the proposed fee waiver must receive city council approval. All other applications may be approved through city staff review, unless otherwise provided in this code. (Ord. 996, 1-22-2015)

7-7-8: INSURANCE REQUIRED:

A. The applicant shall be responsible for obtaining insurance coverage for the special event, in types and amounts as determined by the city. The applicant shall also provide the city with a certificate of insurance, naming the city as an additional insured, sufficiently in advance of the scheduled event.

B. The applicant must also sign a hold harmless and indemnification agreement with the city in which the applicant holds the city harmless and indemnifies the city of any negligent, reckless, or intentional act attributable to the applicant or the applicant's officials, employees, agents, or volunteers. (Ord. 996, 1-22-2015)

7-7-9: APPEAL PROCEDURE:

A. City staff's decision to approve or deny a special event permit or deny city sponsorship of an event may be appealed to the city council by making a written request to the city clerk. The appeal will be placed on the agenda for the next available council meeting.

B. After receiving the appeal and considering any submitted comments, the city council shall affirm, reverse, or modify the decision of city staff. The decision of the city council shall be the final determination as to whether or not the city approves the special event permit. (Ord. 996, 1-22-2015)

7-7-10: PERMIT REVOCATION:

A special event permit for any event in progress may be revoked and the event terminated by the chief of police, fire chief, city manager, or their respective designees, if the safety of the public is imminently endangered by activities generated during the event or weather conditions at the time of the event, the participants or attendees engage in violent or destructive behavior causing injury to person or damage to property, or if there is a major violation of the conditions of the permit such that the standards of issuance have not been satisfied. (Ord. 996, 1-22-2015)

7-7-11: VIOLATIONS:

No person shall violate any of the provisions of this chapter, and specifically shall not commit any of the following unlawful acts:

A. No person shall hold, sponsor, or be in charge of any activity for which a special event permit is required without possessing a valid special event permit.

B. No person shall violate any condition placed upon a special event permit.

C. No person shall provide false or inaccurate information on a written application for a special event permit. (Ord. 996, 1-22-2015)

7-7-12: PENALTIES:

Any person who violates or resists the enforcement of any of the provisions of this chapter shall be guilty of a simple misdemeanor or a municipal infraction punishable by a civil penalty of five hundred dollars (\$500.00) for the initial offense and seven hundred fifty dollars (\$750.00) for each repeat offense. Any person who violates a provision of this chapter after having previously been found guilty of violating the same provision of this chapter at the same location, shall be guilty of a repeat offense. Seeking a civil penalty as authorized in this section does not preclude the city from seeking alternative relief, including, but not limited to, any order for abatement or injunctive relief from the court in the same action or as a separate action. (Ord. 996, 1-22-2015)

7-7-13: EXEMPTIONS:

A. Nothing in this chapter shall be construed as requiring a special event permit for the following:

1. Funeral processions.

2. Events conducted entirely on the property of a church, educational institution, college or university campus. However, this type of event may require a temporary site plan that would need to be approved through the community development department with the city.

3. Events conducted on city owned property subject to a contract, lease, or agreement. However, this type of event may require a temporary site plan that would need to be approved through the community development department with the city.

4. Events conducted entirely on property containing an occupied private residence. (Ord. 996, 1-22-2015)

Directive to Planning and Zoning Commission by Mayor/City Council

The City Council of Cumming, Iowa met on the 12th day of August and directed the following item to P&Z for discussion/action: No Parking

Ordinance Chapter 69, Parking Regulations
Specifically: 69.08 No Parking Zones

Currently the code states that there is no parking on the south side of Alice and Birch however the Council/Mayor would like the no parking zones to be extended for all of the downtown streets, on the south side only. Possibly the following verbiage to be added to the existing code:

Birch Avenue, on the south side, from North 43rd to the east end of the street.
N. Callison Avenue, on the south side from North 44th Street to North 43rd Street
N. Callison Avenue, on the south side, from North 43rd to the east end of the street.
N. Dawson Avenue, on the south side from North 44th Street to North 43rd Street
N. Dawson Avenue, on the south side, from North 43rd to the east end of the street.

CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Parking on One-Way Streets
69.03 Angle Parking
69.04 Manner of Angle Parking
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited

69.07 Persons with Disabilities Parking
69.08 No Parking Zones
69.09 Truck Parking Limited
69.10 Snow Removal
69.11 Snow Routes
69.12 Loading Zones

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARKING ON ONE-WAY STREETS. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

69.03 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. North 44th Street, on the west side, from Cumming Avenue to North Alice Avenue.

69.04 MANNER OF ANGLE PARKING. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than 36 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

69.06 PARKING PROHIBITED. No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

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

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. North 43rd Street, on the west side, from Cumming Avenue to Alice Avenue.
2. Alice Avenue, on the south side, from North 44th Street to North 43rd Street.
3. Alice Avenue, on the south side, from North 43rd Street to the east end of the street.
4. Birch Avenue, on the south side, from North 44th Street to North 43rd Street.
5. North 43rd Street, on the west side, from Birch Avenue to Callison Avenue.
6. Cumming Avenue, on the north side, from North 44th Street to North 43rd Street (from north side of sidewalk to center of roadway).
7. Cumming Avenue, on the south side, from North 44th Street to North 43rd Street (from existing fence line to center of roadway).

69.09 TRUCK PARKING LIMITED. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended a motor truck, semi-trailer, or other motor vehicle with trailer attached on any street within the Business District. 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. The provisions of this section do not apply to pick-up, light delivery or panel delivery trucks.

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

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 snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

(Code of Iowa, 321.236[1])

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 LOADING ZONES. It is unlawful to park any vehicle in any areas designated and properly marked as a loading zone, except while expeditiously loading or unloading.

[The next page is 345]

Directive to Planning and Zoning Commission

C-1 Highway Commercial

Description: After meeting with prospective commercial property developers it came to our attention that the sign height requirement may be too low. They are asking for an 80 foot minimum, preferably 100 foot sign along the highway. Our current code 167.08 – indicates a maximum height of 30 feet for C-1 commercial signs.

We were also asked about the following: parking lot light height requirements, compact parking and outdoor sales restrictions (they want to sell firewood). As we are beginning more development and commercial properties will be coming these are things that may need to be added to the code.

incorporated upon the marquee, awning or canopy shall be applied toward the maximum building sign area permitted for the use in that zoning district.

Table 167.08 Signs Permitted by Zoning District

Sign Type	Number Allowed	Sign Area	Minimum Setback	Maximum Height	Design Standards	Permitted Districts
Fascia/Wall	2 per business; 1 per wall	1 sq. ft. per lineal foot of frontage	0 to 250 feet	N/A		A-1 (schools, churches and public facilities), C-1, C-2 (subject to Sec. 167.08(5), C-3, I-1
		1.5 sq. ft. per lineal foot of frontage	251 to 500 feet			
		2 sq. ft. per lineal foot of frontage	over 500 feet			
Monument	1 per lot or 1 sign per 300 feet of frontage 2 per lot for lots with two street frontages	60 square feet on each of two sides; side must be parallel	15 feet from all property lines.	15 feet	To be constructed of the same materials present on the principal building and subject to Section 167.08(3)	A-1 (schools, churches and public facilities), C-1, C-2 (subject to Section 167.08(5), C-3, I-1
Multi-tenant Monument	1 per lot or 1 sign per 300 feet of frontage 2 per lot for lots with two street frontages	100 square feet on each of two sides; sides must be parallel	15 feet from all property lines	15 feet	To be constructed of the same materials present on the principal building and subject to Section 167.08(4)	C-1, C-3, I-1 Building must be minimum 25,000 square feet and include three tenants
Association Identification Signs	1 per development entrance	40 square feet on each of two sides; sides must be parallel	height of the sign	8 feet	To be constructed of brick, stone, or similar material approved as a part of the plans for a development and subject to Section 167.08(6)	All Residential Districts
	1 per development	60 square feet on each of two sides; sides must be parallel	height of the sign	10 feet	To be constructed of brick, stone, or similar material approved as a part of the plans for a development and subject to Section 167.08(7)	All commercial and Industrial Districts. Development must be a minimum of 40 acres.
Interstate Corridor Signs	1 per lot	120 square feet on each of two sides; sides must be parallel	15 feet from interstate right-of-way	30 feet	To be constructed of brick, stone or similar materials.	Commercial Districts Only
Electric Changeable Copy	1 per lot integrated into a monument sign	24 square feet on each of two sides or 50% of the maximum sign area; sides must be parallel	15 feet from all property lines	N/A	Electronic change of copy subject to Section 167.08(9)	C-1, C-3
Temporary Signs – Opening and Closing	1 per business	32 square feet	5 feet from all property lines or affixed to the building	N/A	Sign allowed for four consecutive weeks per year	All Commercial and Industrial Districts

CITY OF CUMMING

APPLICATION TO SERVE ON A CITY BOARD OR COMMISSION

Name: John Botts Occupation: IT Systems Administrator

Address: Cumming, IA 50061 - Verified Cumming Resident AR

Best Phone Number to Reach You: _____

Email: johnwbotts@hotmail.com

How long have you been a resident? 4.5 years, since June 2015

- I am interested in serving on the following Board/Commission: Planning & Zoning

List Board/Commission you currently serve on: Madison County Sportsmen's Club / Secretary

List Board/Commission you have served on in the past: _____

Describe why you are interested and what knowledge and/or experience you have that would be beneficial to the community: I moved to Cumming, as I was looking for someplace that reminded me of where I grew up. Cumming is in a perfect place for commuting, yet getting away from the big city. I want to be a part of Cumming's growth and planning. I am a very detail-oriented person, and I have a great interest in building and development. I want to represent the Cumming residents, as well as my family, and myself with integrity. Other than myself and my immediate family living here, I have no other ties to Cumming that would influence me to act other than in the community's best interests.

Signature _____ Date 02/28/2020

Please return to:

Cumming City Hall
PO Box 100, 649 N 44th St, Cumming, IA 50061
cityclerk@cumming-iowa.com

City of Cumming

APPLICATION TO SERVE ON A CITY BOARD OR COMMISSION

Name: Andrea Murphy Occupation: retired
Address: Verified Cumming Resident - An Cumming, IA 50061
Best Phone Number to Reach You: _____
Email: _____
How long have you been a resident? 1 1/2 years

- I am interested in serving on the following Board/Commission:

Planning and zoning commission

List Board/Commission you currently serve on: n/a

List Board/Commission you have served on in the past: n/a

Describe why you are interested and what knowledge and/or experience you have that would be beneficial to the community: We are fairly new to the Cumming area, but fell in love with country life immediately. We plan on staying here for the foreseeable future, and I want to make a difference in our area. I have a bachelors of science in education, am very approachable and care for my neighbors. We raised 3 very strong and independent children, and my husband is an executive at Wells Fargo. I have free time and am willing to help Cumming grow positively.

Thank you-

Signature

Date

2-27-20

Please return to:

Cumming City Hall
PO Box 100, 649 N 44th St, Cumming, IA 50061
cityclerk@cumming-iowa.com