

## ARTICLE C – USE STANDARDS

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### Section 156.C.001, Purpose and Applicability

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- A. **Purpose.** The purpose of this Article is to establish the allowable land uses in each base zoning district and to provide standards for principal, accessory, and temporary uses.
- B. **Applicability.** No building shall be erected, or structurally altered, nor shall any building or land be used, except for a use permitted in the district in which the building or land is located.

### Section 156.C.002, Use Table Legend

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- A. **Using the Use Table.** Table 156.C.003-1, *Use Table*, lists land uses in rows, organized by use category. The base zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, permitted with limitations, special, or prohibited in the district.
- B. **Use Categories.** Uses are grouped in Table 156.C.003-1 by use category. Use categories are defined, and specific uses that make up a use category are listed, in [Section 156.M.002, Definitions](#).
- C. **Abbreviations.** Table 156.C.003-1 uses the following abbreviations:
  - 1. "P" means that the land use is permitted by right, subject to the standards that apply to all permitted uses.
  - 2. "L" means that the land use is permitted with limitations, in the same manner as a Permitted Use, but is also subject to [Section 156.C.004, Limited Use Standards](#).
  - 3. "S" means that the use is allowed as a Special Use, which may be approved following a public hearing by the Plan and Zoning Commission and the City Council, subject to:
    - a. [Section 156.C.005, Special Use Permit Standards](#); and
    - b. The procedures set forth in [Section 156.J.003, Legislative Review Procedures](#).
  - 4. "--" means that the use is a Prohibited Use in the specified district.
  - 5. "Cv" means the Conventional development type.
  - 6. "Cl" means the Cluster development type.
  - 7. "In" means the Infill development type.
- D. **Special and Limited Uses.** Where a specific use is a Special Use in a given district and permitted with limitations in another district then the standards for the use are located in [Section 156.C.005](#).
- E. **Standards.** The "Standards" column provides a reference to associated standards for uses permitted with limitations and for special uses. Where "N/A" is in the column, there is no associated standard because the use is permitted by right or there is no specific special use standard.

**Section. 156.C.003, Use Table**

Permitted uses for all base zoning districts are identified in Table 156.C.003-1, *Use Table*, below.

Table 156.C.003-1, Use Table																	
Use Category	Specific Use <sup>1</sup>	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
<b>Agriculture</b>																	
Agriculture and Animal-Related Services	Community Garden		P	L	L	L	L	L	L	L	L	L	L	L	L	156.C.004	
	Kennel		--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004	
	Plant Nursery, Greenhouse, and Landscaping Business		P	P	--	--	--	--	--	--	--	--	--	L	P	156.C.004	
	Veterinary Clinic		--	--	--	--	--	--	--	P	P	P	--	--	--	N/A	
	Veterinary Hospital		--	--	--	--	--	--	--	S	S	P	--	--	P	N/A	
	All Other Agriculture and Animal-Related Services		L	L	--	L	--	--	--	--	--	--	--	--	P	156.C.004	
<b>Residential</b>																	
Household Living	Dwelling, Accessory		P	P	P	P	S	S	S	S	--	--	--	--	--	156.C.007.E	
	Dwelling, Apartment		--	--	--	--	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Single-Family Attached		--	--	P	P	P	P	P	P	P	--	--	--	--	N/A	
	Dwelling, Single-Family Detached		P	P	P	P	P	P	P	P	--	--	--	--	--	N/A	
	Dwelling, Duplex		--	--	P	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Townhouse		--	--	--	--	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Multiplex		--	--	--	--	P	P	P	P	P	P	--	--	--	N/A	
	Manufactured Home Park		--	--	--	--	S	S	--	--	--	--	--	--	--	156.C.005	
	Upper-Story Residential		--	--	--	--	--	--	L	L	P	P	L	--	--	156.C.004	
Group Living	Boarding or Rooming House		--	--	--	--	--	S	S	--	--	--	--	--	S	156.C.005	
	Group Home		P	P	P	P	P	P	P	P	P					N/A	
	Halfway Houses and Ex-Offender Rehabilitation Services		--	--	--	--	--	S	S	--	--	--	--	--	S	156.C.005	
	All Other Group Living Uses		--	--	P	P	P	P	P	P	P	P	P	--	--	156.C.005	
<b>Public and Institutional</b>																	
Day Care	All Day Care Uses		--	S	S	S	S	L	L	L	P	P	L	L	--	156.C.004	
Educational Facilities	College or University		--	--	--	--	--	--	P	P	P	P	P	--	P	N/A	
	Training Facility or Vocational School		--	--	--	--	--	--	--	P	P	P	P	--	P	N/A	
	All Other Educational Facilities		L	L	L	L	L	L	P	P	P	P	P	P	P	156.C.004	

**Table 156.C.003-1,  
Use Table**

Use Category	Specific Use <sup>1</sup>	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
Government Facilities	All Government Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	
Medical Facilities	Hospital		--	--	--	--	--	S	S	--	--	--	P	--	P	156.C.005	
	All Other Medical Facilities		--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005	
Parks and Open Areas	Cemetery, Columbarium, Mausoleum, or Memorial Park		P	S	S	S	S	S	S	--	--	--	--	P	--	156.C.005	
	Golf Course		P	P	P	P	P	P	P	--	--	--	--	P	--	N/A	
	All Other Parks and Open Areas		P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	
Passenger Terminal	Airport or Heliport		--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005	
	All Other Passenger Terminal Uses		--	--	--	--	--	--	--	--	--	P	S	--	P	156.C.005	
Public Assembly	All Public Assembly Uses		L	L	L	L	P	P	P	P	P	P	P	P	P	156.C.004	
Social Service	Correctional Facility		--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005	
	All Other Social Service Uses		--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005	
Utilities	Solar Panel Arrays (Principal Use)		L	--	--	--	--	--	--	--	--	S	--	--	L	156.C.004 156.C.005	
	Utilities, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	
	Wireless Telecommunications Facilities		Refer to Table 156.C.009-1, Permitted Wireless Telecommunications Facilities by District													N/A	
	All Other Utilities, Major		S	S	S	S	S	S	S	S	S	S	S	S	S	S	156.C.005
<b>Commercial and Office</b>																	
Adult Business	Adult Entertainment Businesses		--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005	
Entertainment, Indoor	Archery / Firearms Range (Indoor)		--	--	--	--	--	--	--	--	--	P	--	--	P	N/A	
	Convention Center		--	--	--	--	--	--	--	P	P	P	P	--	--	156.C.005	
	All Indoor Entertainment Uses		--	--	--	--	--	--	--	P	P	P	P	P	P	N/A	
Entertainment, Outdoor	Farmers Market		--	--	--	--	L	--	L	--	L	P	L	L	L	156.C.004	
	Recreational Vehicle Park		--	--	--	--	--	--	--	--	--	L	--	P	--	156.C.004	
	All Other Outdoor Entertainment Uses		--	--	--	--	--	--	--	P	P	L	P	P	--	156.C.004	
Office	Bank or Credit Union		--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005	
	Radio or Television Station or Studio		--	--	--	--	--	--	--	P	P	P	P	--	P	N/A	
	All Other Offices		--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005	

**Table 156.C.003-1,  
Use Table**

Use Category	Specific Use <sup>1</sup>	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
Overnight Accommodations	All Overnight Accommodations Uses		--	--	--	--	S	S	P	P	P	P	P	P	--	--	156.C.005
Parking, Commercial	All Commercial Parking		--	--	--	--	S	S	S	S	L	L	L	L	L	P	156.C.004, 156.C.005
Restaurant	Restaurant, Drive-In or Drive-Through		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
	All Other Restaurant Uses		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
Retail Repair, Sales, and Service	Repair-Oriented Uses		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Sales-Oriented Uses		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
	Service-Oriented Uses		--	--	--	--	--	--	S	S	P	P	P	--	--	P	156.C.005
Self-Service Storage	Boat or Recreational Vehicle Outdoor Storage		--	--	--	--	--	--	--	--	--	--	--	--	--	P	N/A
	Mini-Warehouse		--	--	--	--	--	--	--	--	--	--	--	--	--	P	N/A
Vehicle Sales and Service	Car Wash		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Heavy Vehicular Equipment Sales, Service, and Repair		--	--	--	--	--	--	--	--	--	--	S	--	--	P	156.C.005
	Vehicle Fuel Station		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
	Vehicle Repair, Major		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Vehicle Service, Minor		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	All Other Vehicle Sales and Service		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
<b>Industrial</b>																	
Heavy Industrial	All Heavy Industrial Uses		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
Light Industrial	Building or Development Contractor		--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004
	Micro-Manufacturing		--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004
	Research and Development Laboratory		--	--	--	--	--	--	--	--	L	L	L	--	--	P	156.C.004
	All Other Light Industrial Uses		--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004
Warehousing and Freight Movement	All Warehousing and Freight Movement Uses		--	--	--	--	--	--	--	--	--	S	--	--	P	156.C.005	
Waste-Related Service	Recycling Facility		--	--	--	--	--	--	--	--	--	--	--	--	--	P	N/A
	All Other Waste-Related Service Uses		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
Wholesale Trade	All Wholesale Trade		--	--	--	--	--	--	--	--	--	S	--	--	P	156.C.005	

**TABLE NOTES:**  
 "Cv" = Conventional Development Type Option; "Cl" = Cluster Development Type Option; "In" = Infill Development Type Option  
<sup>1</sup>Specific uses and use categories are defined in Section 156.M.002, *Definitions*.

**Section 156.C.004, Limited Use Standards**

- A. **Purpose.** The purpose of this Section is to promote compatibility among land uses in the City by establishing specific standards for the establishment of limited uses which are indicated in the use tables in [Section 156.C.003, Use Table](#).
- B. **Application.** Limited uses may be authorized by the Zoning Administrator, or designee, for uses shown as limited "L" and only if they meet the standards of this Section and other applicable standards and requirements of this Ordinance.
- C. **Timing of Compliance.** The standards of this Section apply at the time a limited use is requested to be established in an existing or new structure, or when an existing limited use is proposed to be expanded by more than 10 percent of the existing square footage currently devoted to the use. This Section applies to an expansion of use whether it is to or within an existing building, in an outdoor area devoted to the use, or a combination of these characteristics.
- D. **Standards for All Limited Uses.** An application for limited use permit may be approved if, in addition to the specific standards of this Section that apply to the use, it is demonstrated that:
  - 1. The proposed limited use in its proposed location shall not conflict with the implementation of current adopted plans of the City; and
  - 2. The limited use is compatible with surrounding land uses and natural environment, and shall not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory (for example, by creating a critical mass of similar limited uses that is likely to discourage permitted uses by making the vicinity less desirable for them).
- E. **Specific Standards for Limited Uses.**
  - 1. *Community Garden.*
    - a. No sale of items grown or any other items may take place on-site.
    - b. Storage of equipment and materials shall be inside a structure or screened.
    - c. Compost storage, if utilized, shall have a setback of a minimum of 30 feet from the front and 10 feet from any side or rear property line. Compost storage shall be used only to support onsite operations.
    - d. Community gardens that have ceased permanent operation or been abandoned, shall be cleared, all associated structures removed, and the area re-vegetated no more than 30 days after the date of discontinued operations, unless otherwise specified by the Zoning Administrator, not to exceed 90 days.
  - 2. *Kennel.* Outdoor runs shall be prohibited.
  - 3. *Plant Nursery, Greenhouse, and Landscaping Business.* Outdoor storage areas shall be enclosed with a fence or wall that is in compliance with [Section 156.F.005, Screening](#).
  - 4. *All Other Agriculture and Animal-Related Services.*
    - a. The use shall not include activity which may be considered a public nuisance which is offensive to adjacent properties due to increased noise, traffic or odors.
  - 5. *Upper-Story Residential.*
    - a. The use shall comply with the development standards of a mixed-use building.
    - b. The minimum floor area of the use shall be 300 square feet.
    - c. The maximum density of the district shall not apply.
  - 6. *Day Care Uses (Child and Adult).*
    - a. The use shall be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.
    - b. The use may be part of a place of public assembly, provided the place of public assembly is in conformance with the standards of this Ordinance.
    - c. Primary access to the site shall be from a public roadway.
  - 7. *All Other Educational Facilities.* All buildings shall be located at least 50 feet from any adjoining property line, including right-of-way lines.

8. *Public Assembly Uses.*
  - a. Parking shall be provided on-site or off-site with Zoning Administrator approval.
  - b. The use shall be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
  - c. Expansion to abutting lots or parcels shall meet the following standards:
    - i. The applicant shall control the property onto which the expansion is proposed;
    - ii. It shall allow the use to take access from a public roadway;
    - iii. It will involve the installation of a Type B Bufferyard between the use and abutting residential uses, unless equivalent buffering is already provided; and
    - iv. The expansion will not involve the location of buildings or parking within 50 feet of residential property.
  
9. *Solar Panel Array (as principal use).* Solar panel arrays installed as a utility-scale solar energy system and as the principal use shall conform to all height, setback, and landscaping requirements within the underlying district. The following additional standards apply to all solar panel arrays as a principle use:
  - a. *Prohibited.* Concentrating solar power (CSP) systems shall be prohibited.
  - b. *Site Plan.* A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:
    - i. Setback and height limitations as established in the underlying zoning district;
    - ii. Applicable zoning district requirements such as landscape surface area ratio; and
    - iii. Applicable solar requirements per this Section.
  - c. *Compliance.* Solar arrays installed as utility-scale solar energy system installations shall comply with applicable local, state, and federal regulations;
  - d. *Building Code Compliant.* All solar panel array systems shall be compliant with all currently adopted building codes;
  - e. *Stormwater Management.* Solar panel arrays shall be considered pervious and therefore shall be exempt from the calculation of the landscape surface ratio requirements in the underlying zoning district. The support or mounting posts, footings, impervious driveway surfaces, parking areas, and buildings on the site shall count toward the coverage requirements.
  - f. *Solar Glare.* Solar panel arrays that use concentrator technologies and have not incorporated antiglare measures into the system or installation shall be placed in areas so that the concentrated solar glare shall not be directed onto inhabited adjacent properties or roadways; and
  - g. *Design.* The design of the solar panel arrays shall use materials, colors, textures, screening, and landscaping similar to their background or the existing natural environment to the most reasonable extent possible without prohibiting the installation.
  - h. *Fencing.* A security fence must be installed along all exterior sides of the utility-scale solar array installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates, and warning signs must be maintained in good condition until the installation is dismantled and removed from the site according to the decommissioning plan as established in paragraph k, below.
  - i. *Signs.* Signs shall comply with [Article G, Signs](#).
  - j. *Buffering.* The site shall be constructed with buffering as required in [Section 156.F.004, Buffering](#).
  - k. *Decommissioning Plan.*
    - i. The applicant shall submit a decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following with the permit application.
      - (A) Defined conditions upon which decommissioning will be initiated (e.g. end of land lease, no power production for 12 months, etc.)
      - (B) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations

- (C) Restoration of property to the condition prior to the development of the utility-scale solar panel array system.
- (D) The timeframe for completion of decommissioning activities.
- (E) Description of any agreement (e.g. lease) with the landowner regarding decommissioning.
- (F) The party currently responsible for decommissioning.
- (G) Plans for updating this decommissioning plan.

10. *Farmers Market.*

- a. The site shall be supplied with electrical power at secured, in-ground stations that may be accessed by temporary users.
- b. The use is separated from all residential property by a Type B Bufferyard, in accordance with [Section 156.F.004, Buffering](#), or a local street or collector roadway.
- c. The use will be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.

11. *Recreational Vehicle Parks.* Site plans shall include information related to the following criteria which must be approved by the Zoning Administrator.

- a. Utility plan showing service to the site and individual spots.
- b. Fire access throughout the park which meets approval of the Fire Department.
- c. Compliance with buffering, landscaping and screening requirements.
- d. Plan for disposal of waste.

12. *All Commercial Parking.*

- a. All lots must comply with the parking lot design and landscaping standards.
- b. Lots shall be within 600 feet of the primary use property.

13. *Building or Development Contractor.*

- a. *Screening.* Outdoor storage shall be fully screened from adjacent nonindustrial uses.
- b. *Bufferyard.* The use shall be separated from a nonindustrial use by a Type C Bufferyard, in accordance with [Section 156.F.004, Buffering](#).

14. *Micro-Manufacturing.*

- a. *Gross Floor Area.* The maximum gross floor area of a micro-manufacturing facility shall not exceed 5,000 square feet.
- b. *Outdoor Storage.* No outdoor storage is permitted.

15. *Research and Development Laboratory.*

- a. All testing conducted onsite is within a fully enclosed building.
- b. All materials and equipment are stored in areas screened from public view.

16. *Other Light Industrial Uses.*

- a. *Indoor Operations.* All operations shall be conducted completely within a building, except limited daily outdoor operations and storage may occur behind the building and a minimum of 50 feet from any property line.
- b. *Nuisances.* No impacts or by-products of the use, including noise, dust, or odor shall be discernible from abutting property.
- c. *Outdoor Storage.* Outdoor storage shall be screened from view from the public-right-of-way and adjacent properties with a Type C Bufferyard. in accordance with [Section 156.F.004, Buffering](#).

**Section 156.C.005, Special Use Permit Standards**

- A. **Generally.** The standards of this Section apply to all special uses set out in [Section 156.C.003, Use Table](#).

- B. **Permit Required.** A Special Use Permit is required for:
  1. All land uses identified as a Special Use (S) in either Table 156.C.003-1, *Use Table*; or
  2. A land use that is being proposed to be transferred from a nonconforming use to another nonconforming use per Section 156.K.007, *Conversion of Nonconformities*.
- C. **Review and Approval.**
  1. *Standards.* In the review of Special Use Permit applications, the Zoning Administrator, the Plan and Zoning Commission, and the Board of Adjustment shall utilize the following standards:
    - a. *Surrounding Properties.* The proposed special use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
    - b. *Hours of Operation and Site Improvements.* Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided;
    - c. *Public Services.* Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to any existing uses;
    - d. *Nuisance.* If, in the opinion of Plan and Zoning Commission or Board of Adjustment, the special use becomes a nuisance, the Special Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
    - e. *Design Features.* The proposed use will incorporate design features to sufficiently protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing, and building placement; and
    - f. *Compatibility.* The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.
  2. *Conditional Approval.* The Board of Adjustment may require additional conditions beyond the general standards listed in Paragraph 1, above, to reasonably mitigate any adverse impacts upon surrounding properties in the zoning district of the property for which the special use is requested.
- D. **Standards for Residential Uses.**
  1. *Manufactured Home Park.*
    - a. *Area and Dimensional Regulations.* The area and dimensional regulations in Table 156.C.005-1, *Manufactured Home Park Development Standards*.

Table 156.C.005-1, Manufactured Home Park Development Standards									
Manufactured Home Type	Min. Site Area	Min. Lot Area per Dwelling	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Street Side Setback	Min. Side Setback	Min. Rear Setback	Max. Height
Single-Wide	10 acres	5,500 sf.	55 ft.	80 ft.	4 ft.	14 ft.	14 ft.	10 ft.	1 story / 15 ft.
Double-Wide	10 acres	6,000 sf.	60 ft.	80 ft.	4 ft.	14 ft.	14 ft.	10 ft.	1 story / 15 ft.

- b. *Buffering and Open Space.* The manufactured home park shall be surrounded by a Type C bufferyard, in accordance with Section 156.F.004, *Buffering*, along all street frontages and along all other park perimeter property lines. This space shall be in addition to the space required for each manufactured home site and shall not be used for other park facilities, recreation area, accessory storage structures, or parking areas. The park shall include a minimum of eight percent of the site dedicated to open space with shade trees and

ground cover with tree maintenance in wooded portions. Continued maintenance of the open area and its planting shall be the responsibility of the property owner or operator of the park.

- c. *Manufactured Home Space.* All manufactured homes shall be placed in a designed manufactured home space and shall not obstruct the use of or project over, any driveway, walkway, or public utility easement.
- d. *Accessory Buildings.* Private accessory buildings may be located in the rear yard of a manufactured home space and set back a minimum of five feet from any lot line and shall not exceed 10 feet in height. Accessory buildings, porches, decks, awnings, or canopies shall be located at least five feet from the boundaries of the individual manufactured home site.
- e. *Skirting.* All manufactured homes shall be completely skirted with materials approved by the Zoning Administrator.
- f. *Emergency Shelter.* All manufactured home parks shall have a structure to provide shelter from tornadoes and other weather-related storms. This structure shall either have a basement or shall itself be underground for storm protection. This structure shall be required to have a minimum occupancy ratio of seven square feet of floor area per each individual lot in the manufactured home park.
- g. *Signs.* One main identification sign shall be permitted with an area not to exceed 48 square feet and six feet in height. Freestanding signs must be set back a minimum of ten feet from any property line.
- h. *Other Regulations.*
  - i. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, and no manufactured home site space shall be designed for direct access to a street outside the boundaries of the park. Interior access drives shall be properly lighted, with right-of-way at least 50 feet in width that acts as a public utility easement, and paved in accordance with City Engineering and Fire Access standards.
  - ii. At least one off-street parking space shall be provided on each manufactured home site, and, in addition, one off-street space shall be provided per manufactured home in other locations convenient to groups of homes. No parking shall be permitted on the street. A special area shall be designed for accessory storage of boats and boat trailers, campers and other recreational vehicles. All required parking shall be clearly defined in accordance with [Section 156.E.003, Parking Design](#).

2. *Boarding or Rooming House.* Boarding or Rooming Houses that existed as of the effective date of this Ordinance shall be:

- a. Registered with the State of Iowa and shall have submitted occupancy reports to the Department of Inspections and Appeals, in accordance with [Chapter 1350, Boarding Homes, Iowa Code](#);
- b. In full compliance with [Section 152.024, Rooming House, Boarding House, Dormitory Rooms and Other Rooming Units](#) of the City's Code of Ordinances and all applicable building and fire codes of the City, as amended from time to time;
- c. Subject to the City's rental registration and inspection program;
- d. Responsible for making an application for a Special Use Permit as set forth in [Section 156.J.003, Legislative Review Procedures](#), which requires that the boarding home:
  - i. Has not more than six occupants;
  - ii. Has sleeping rooms that have no less than 50 square feet per person for multiple occupancy or 70 square feet of floor space per sleeping room for single occupancy;
  - iii. Has on-site staff supervision if there are three or more occupants;

3. *Halfway Houses and Ex-Offender Rehabilitation Services.* A halfway house or ex-offender rehabilitation is prohibited within 750 feet of any other such business, any school, place of public assembly, library, public park, public playground, or areas zoned or used for residential use.

**E. Standards for Public and Institutional Uses.**

- 1. *Day Care Uses (Adult and Child).*

- a. *Street Access.* In the RR, RL, and RM zoning districts, the facility shall be located on and have access to a public street.
  - b. *Outdoor Activities.* Outdoor activities and activity areas, including play lots, shall be:
    - i. Located a minimum of 25 feet from any residentially used lot line or separated by a Type A bufferyard, in accordance with [Section 156.F.004, Buffering](#); and
    - ii. Completely secured and enclosed by a fence.
  - c. *Internal Circulation.* Internal traffic circulation patterns are established and signed so that:
    - i. Dedicated client drop-off and pick-up areas are safe for clients leaving and re-entering vehicles the site and so that vehicle stacking does not impede traffic on- or off-site; and
    - ii. A bus, if applicable, can drop-off and pick-up clients in designated areas and is able to either turn around within the drop-off area or alternatively re-access the street via a circular drive.
2. *Cemetery, Columbarium, Mausoleum, or Memorial Park.*
- a. *Location.* A mausoleum structure shall be separated from a residential use by a Type C bufferyard, in accordance with [Section 156.F.004, Buffering](#).
  - b. *Design.* The site shall be located on and have access to a public street.
  - c. *Existing Cemeteries.* Nothing in this subsection shall be construed to make an existing cemetery a nonconforming use with respect to the requirements of this Ordinance.
3. *Solar Panel Arrays (Principal Use).* For special use standards required for the installation of solar panel arrays as the principal use, see [Section 156.C.004.G.4, Solar Panel Arrays \(as principal use\)](#).

**F. Standards for Commercial Uses.**

1. *Adult Entertainment Businesses.*
- a. *Establishment.* The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities herein described and defined.
  - b. *Expansion.* It shall also include any addition to or expansion of an existing adult entertainment business that causes said business to occupy over 20% more space than before such addition or expansion.
  - c. *Location and Operation.*
    - i. No person shall cause or permit the establishment of any adult entertainment business as herein defined within 750 feet of any other such business, any school, place of public assembly, library, public park, public playground, or areas zoned or used for residential use.
    - ii. Measurement shall be taken on a direct line from the property line of such adult entertainment business to the property line of such other business, school, place of public assembly, library, public park, public playground, or area zoned or used for residential use.
    - iii. All building openings, entries, windows and the like shall be constructed, located, covered, or screened in such a manner as to prevent a view of display areas from, or a view into the interior of the adult entertainment business from, any pedestrian sidewalk, walkway, street, or other public or semi-public areas.
    - iv. Any adult entertainment business in existence on the effective date of this chapter that does not comply with the minimum separation requirements defined in paragraph c.1 and c.2, above, may be continued as a non-conforming. Such nonconforming use shall not be expanded, extended, or altered with regard to the land area, building, or structure involved in such use. The provisions of paragraph c.3, above, shall apply to all adult entertainment businesses, including said nonconforming uses, upon adoption of this Chapter.
2. *Commercial Parking.*
- a. *Generally.* The use shall comply with applicable requirements of [Article E, Parking, Loading, and Stacking](#).

- b. *Surface Parking.*
  - i. The use shall be separated from a residential use by a Type B bufferyard, in accordance with [Section 156.F.004, Buffering.](#)
  - ii. The location of ingress and egress shall minimize traffic congestion and the effect of headlights on residential uses.
- c. *Structured Parking.*
  - i. Structured parking is prohibited in the AG, RR, RL, and RM residential zoning districts.
  - ii. Structured parking design standards in [Section 156.E.003, Parking Design.](#)

**G. Heavy Industrial Uses. All uses in the heavy industrial use category shall:**

- 1. Employ the best practical disposal of refuse matter or water-carried waste;
- 2. Effectively control obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisances;
- 3. Locate and screen, fence, and landscape with a Type C bufferyard as set out in [Section 156.F.004, Buffering](#), all outdoor storage of equipment not intended for over-the-road or rail use, supplies or materials intended for refabrication, waste materials, industrial by-products, or items intended for junkyards. The property owner may appeal to the Board of Adjustment relating to any requested relief of this requirement; and
- 4. New and expanding structures used for the principal heavy industrial activity are subject to review under the Special Use Permit standards and additional setbacks from any district zoned AG, RR, RL, RM, RH, MU, UC, GC, PI, and REC districts may be required.

**Section 156.C.006, Flood Hazard Districts Standards**

- A. **Authority.** The Legislature of the State of Iowa has, in [Chapter 414, Code of Iowa](#), as amended, delegated the power to cities to enact zoning regulations to secure safety from floods and to promote health and the general welfare.
- B. **Flooding.** The flood hazard areas of the city are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the health, safety and general welfare of the community. These losses, hazards, and related adverse effects are caused by:
  - 1. The cumulative effect of floodplain construction on flood flows, which causes increases in flood heights and flood water velocities; and
  - 2. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding.
- C. **Methodology.** This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.
- D. **Intent.** The provisions of this Section are designed to:
  - 1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially;
  - 2. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities;
  - 3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction;
  - 4. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard; and
  - 5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.
- E. **Applicability.** The regulations of the Flood Hazard Districts shall apply to all lands within the jurisdiction of the City shown on the Floodway Boundary and Floodway Map to be within the 100-year flood boundaries.
- F. **Establishment of Official Floodplain Zoning Map.** The Flood Boundary and Floodway Maps prepared as part of the "Flood Insurance Study for the City of Marshalltown, Iowa", dated April 17, 1984, are hereby adopted by reference

and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material provided with the "Flood Insurance Study" and the Flood Insurance Rate Maps are also declared to be a part of this Section.

- G. **Rules for Flood Hazard Overlay Districts Boundaries Interpretation.** The boundaries of the Flood Hazard Overlay Districts shall be determined by scaling distances on the Official Floodplain Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, the Floodplain Administrator or Engineering Department shall make the necessary interpretation. The person contesting the location of the overlay boundary shall be given a reasonable opportunity to present their case and submit technical evidence.
- H. **Compliance.** No structure or land shall be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- I. **Abrogation and Greater Restrictions.** It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.
- J. **Interpretation.** In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- K. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the City of Marshalltown for any flood damages that result from reliance on this Section or any administrative decision resulting from this Section.
- L. **Severability.** If any section, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected by such judgement.
- M. **Flood Hazard Overlay Districts Established.** The floodplain areas within the jurisdiction of this Ordinance are divided into the following subdistricts:
  - 1. *Floodway Overlay District.* The Floodway Overlay District shall be consistent with the boundaries of the floodway as shown on the Official Floodplain Map.
  - 2. *Floodway Fringe Overlay District.* The Floodway Fringe Overlay District shall be those areas shown as floodway fringe on the Official Floodplain Zoning Map designated as Zones A2 - A4, A6, and A8.
  - 3. *General Floodplain Overlay District.* The General Floodplain Overlay District shall be those areas shown on the Official Floodplain Zoning Map as being within the approximate 100-year flood boundary designated as Zone A.
- N. **Floodway Overlay District.**
  - 1. *Permitted Uses.* All uses within the Floodway Overlay District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district), and provided they meet applicable performance standards of the Floodway Overlay District.
  - 2. *Performance Standards.* All floodway subdistrict uses allowed as a permitted or special use shall meet the following standards:
    - a. No use shall be permitted in the floodway subdistrict that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
    - b. All uses within the floodway subdistrict shall:
      - i. Be consistent with the need to minimize flood damage;
      - ii. Use construction methods and practices that will minimize flood damage; and

- iii. Use construction materials and utility equipment that are resistant to flood damage. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, swale, or any other drainage facility or system.
- c. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe subdistrict, and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- d. If permitted, buildings, shall have a low flood damage potential, and shall not be for human habitation, and shall adhere to all applicable provisions of this Section.
- e. Storage of equipment or materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway subdistrict within the time available after flood warning.
- f. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources, the United States Corps of Engineers, and other applicable agencies.
- g. Any fill allowed in the floodway must be permitted by the Iowa Department of Natural Resources and shall be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- h. Subject to all applicable permits of regulating agencies, pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently stabilized and protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

**O. Floodway Fringe Overlay District.**

- 1. *Permitted Uses.* All uses within the floodway fringe subdistrict shall be permitted to the extent that they are not prohibited by any other ordinance or underlying zoning district, and provided they meet applicable performance standards of the floodway fringe subdistrict.
- 2. *Performance standards.* All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.
  - a. *All Structures.* All structures shall:
    - i. Be adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
    - ii. Be constructed with materials and utility equipment resistant to flood damage; and
    - iii. Be constructed by methods and practices that minimize flood damage.
  - b. *Residential Buildings.* All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Floodplain Administrator, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access that will be passable by wheeled vehicles during the 100-year flood.
  - c. *Non-residential Buildings.* All new or substantially improved non-residential buildings shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When floodproofing is utilized, a professional engineer registered in the state shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood, and that the structure, below the 100-year flood level, is water-tight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Floodplain Administrator.

- d. *New and Improved Structures.* All new and substantially improved structures:
  - i. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
    - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - (B) The bottom of all openings shall be no higher than one foot above grade.
    - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided that, they permit the automatic entry and exit of flood waters.
  - ii. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - iii. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. *Factory-Built Homes.*
  - i. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement.
  - ii. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.
- f. *Utility and sanitary systems.*
  - i. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
  - ii. On-site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
  - iii. New or replacement water supply systems and water supply treatment facilities shall be designed in accordance with Iowa DNR requirements and protected to a level equal to or greater than one foot above the 100-year flood elevation.
  - iv. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- g. *Flammable Materials and the Like.* Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated, or:
  - i. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
  - ii. Be readily removable from the area within the time available after flood warning.
- h. *Flood Control Structural Works.* Private flood control structural works such as levees, private flood walls and the like shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, private structural flood control works shall be approved by the state’s Department of Natural Resources.
- i. *Affect.* No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.

- j. *Subdivisions.* Subdivisions (including manufactured home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals shall meet City Standard Specifications in regards to flood protection and storm water conveyance.
- k. *Detached Structures.* The exemption of detached garages, sheds and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds and similar accessory type structures are exempt from the 100-year flood elevation requirements when:
  - i. The structure shall not be used for human habitation;
  - ii. The structure shall be designed to have low flood damage potential;
  - iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of flood waters;
  - iv. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures; and
  - v. The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one foot above the 100-year flood level.
- l. *Recreational Vehicles.* Recreation vehicles placed on sites within this district shall either:
  - i. Be on the site for fewer than 180 consecutive days;
  - ii. Be fully licensed and ready for highway use; or
  - iii. Meet the requirements the section.

**P. General Floodplain Overlay District.**

- 1. *Permitted Uses.* The following uses shall be permitted within the general flood plain subdistrict to the extent they are not prohibited by any other ordinance or underlying zoning district; and provided they meet the applicable performance standards of the General Floodplain District:
  - a. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon approval by the Floodplain Administrator.
  - b. All such uses shall be reviewed by the Iowa Department of Natural Resources to determine: whether the land involved is either wholly or partly within the floodway or floodway fringe and the base flood elevation. The applicant shall be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make the determination.
- 2. *Bridges and Culverts.* Whereby the United States Army Corps of Engineers may require review, review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
  - a. the bridge or culvert is located on a stream that drains less than two square miles; and
  - b. the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.
- 3. *Performance Standards.*
  - a. All uses, or portions thereof, to be located in the floodway as determined by the Iowa Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Overlay District.
  - b. All uses, or portions thereof, to be located in the floodway fringe as determined by the Iowa Department of Natural Resources shall meet the applicable standards of the Floodway Fringe Overlay District.

**Q. Appeals.**

- 1. *Appeals to Board of Adjustment.* Where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may

appeal such action. A request for an appeal shall be filed with the Zoning Administrator and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

2. *Appeals to the Court.* Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.
- R. **Hearings.** A public hearing is not required by the Board of Adjustment when acting on an appeal.
- S. **Decisions.** The Board shall arrive at a decision on an appeal, within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this subchapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision.
- T. **Floodplain Administrator Decision Factors.** The Floodplain Administrator shall consider all relevant factors specified in other sections of this Ordinance and:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept onto other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a flood plain location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles.  
The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets, and bridges.
  12. Such other factors which are relevant to the purpose of this chapter.
- U. **Conditions.**
1. Upon consideration of the factors listed above, the Floodplain Administrator may attach such conditions to the approval as deemed necessary to further the purpose of this subchapter.
  2. Such conditions may include, but not necessarily be limited to:
    - a. Modification of waste disposal and water supply facilities;
    - b. Limitation on periods of use and operation;
    - c. Imposition of operational controls, sureties, and deed restrictions; and
    - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures; provided, such are approved by the state's Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this subchapter.
- V. **Flood-proofing Measures.** Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Floodplain Administrator shall require that the applicant submit a plan for

document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:

1. Anchorage to resist flotation and lateral movement.
  2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
  3. Reinforcement of walls to resist water pressures.
  4. Use of paints, membranes, or mortars to reduce seepage of water through walls.
  5. Addition of mass or weight structures to resist flotation.
  6. Installation of pumps to lower water levels in structures.
  7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
  8. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
  9. Construction to resist rupture or collapse caused by water pressure or floating debris.
  10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures.
  11. Location of all electrical equipment, circuits, and installed electrical appliances in a manner that will assure they are not subject to flooding.
- W. **Penalties for Violations.** Violations of the provisions of this Article or failure to comply with any of the requirements shall be considered a municipal infraction punishable by civil penalty provided in [Section 10.999 of the Marshalltown Code of Ordinances](#).
- X. **Amendments.** The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed as provided in Sections 414.4, 414.5, and 414.21, Code of Iowa, 1977 as amended. No amendment, supplement, change, or modification to this chapter shall be undertaken without prior approval from the Iowa Department of Natural Resources.

### **Section 156.C.007, Accessory Uses and Structures**

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- A. **Purpose.** The purpose of this Section is to authorize certain uses of property that are incidental to, and customarily associated with, the principal use, which require standards to manage impacts on the principal and adjacent uses.
- B. **Applicability.**
1. *Establishment.* Accessory uses and structures may only be established or constructed if they meet the standards of this Section and all other applicable standards of this Zoning Ordinance. These standards apply when:
    - a. *Establishment or Construction.* An accessory use or structure is established or constructed;
    - b. *Structure Expansion.* An existing accessory structure is expanded by more than 10 percent of its gross floor area; and
    - c. *Use Expansion.* There is an expansion of the accessory use to or within an existing building, in an outdoor area devoted to the use, or a combination thereof.
  2. *Unlisted Accessory Uses.* Refer to [Section 156.C.010, New and Unlisted Uses](#), as the same means of interpretation apply to accessory uses as apply to principal uses.
- C. **Standards that Apply to All Accessory Uses and Structures.**
1. *Use.* An accessory use or structure may be established provided that it is associated with a primary use permitted in [Section 156.C.003, Use Table](#) and the associated Use Category definitions in [Section 156.M.002, Definitions](#), and that it complies with the standards of this Section. No accessory structure may be used unless the primary structure also is being used.
  2. *Subordinate.*
    - a. An accessory use or structure shall be subordinate to and serve a principal use or structure.

- b. A non-agricultural accessory structure shall be subordinate in height and gross floor area to the principal structure.
  - 3. *Commercial Use.* Accessory structures located on residentially zoned or used property shall not be used for commercial purposes other than home occupations that comply with this Section.
  - 4. *Timing of Construction.* No detached accessory structure shall be constructed until the construction of the rafters, or general equivalent, of the primary structure has commenced.
  - 5. *Same Property and Ownership.* An accessory use or structure shall be located on the same property and shall be under the same ownership as that of the principal use or structure served.
  - 6. *Separation.* No accessory structure shall be located closer than five feet to any other structure.
  - 7. *Setbacks.* Accessory structures shall comply with the front, side street, and side setback standards for the primary structure established in [Article B, District Development Standards](#). Detached accessory structures have a minimum rear setback of 10 feet and attached accessory structures shall comply with the rear setback that applies to the primary structure.
  - 8. *Height.* The maximum height for a residential or nonresidential accessory structure is 18 feet, unless specified within this Section.
  - 9. *Easements.* Accessory structures permanently affixed to the ground shall not encroach into an easement.
  - 10. *Compatibility.* Accessory buildings (in excess of 120 square feet) shall be designed to be compatible with the surrounding neighborhood and shall use building materials as set forth in [Section 156.D.002, General Requirements](#).
- D. Decks and Patio.**
- 1. Front yard decks and patios may extend into the required front yard setback ten additional feet.
  - 2. Rear and side yard decks must comply with the setbacks listed in their respective district.
  - 3. Fences and screening for decks, patios, pools and other structures on the interior of the yard shall not exceed six feet above the floor or ground level of said structure; provided, they are attached or directly adjacent to the primary building on the lot and meet the underlying primary building setbacks.
- E. Residential Accessory Uses and Structures.** Residential accessory uses and structures include dwelling units, sheds for the storage of household items and equipment, garages, pergolas, and similar structures. Except as provided in the standards of this subsection, the following standards shall apply to residential accessory uses and structures:
- 1. *Location.*
    - a. No accessory building or part thereof shall be located in the front yard.
    - b. Any accessory building that is not a part of the main building shall be located not less than five feet from any portion of the main building or any other structure on the lot (not including fences).
  - 2. *Front Setbacks.* Accessory structures shall comply with the front setback standards for the principal structure established in [Section 156.B.004, Residential District Development Standards](#).
  - 3. *Dimensional Requirements.* Residential accessory uses and structures shall comply with the dimensional requirements established in [Table 156.C.007-1, Accessory Structure Dimensional Requirements](#), below.
  - 4. *Side Yard Setback.* Any accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations of the zoning district in which the building is located. On a corner lot in any dwelling district, the width of the yard along the side street line shall not be less than one-half of the depth of the front yard.
  - 5. *Rear Lot Line.* Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
  - 6. *Attached Structures.* Attached accessory structures, such as attached garages, shall comply with the setbacks of the principal structure.
  - 7. *Storage.* Semi-trailers and shipping containers shall not be used for storage in residential zoning districts.

**Table 156.C.007-1, Accessory Structure Dimensional Requirements**

Housing Type	Lot Size	Max. Footprint <sup>1</sup>	Maximum Floor Area	Minimum Setback <sup>2</sup>	Max. Wall Height	Max. Structure Height
<b>Single-Family and Duplex Residencies</b>	0.5 acre or less	30%	1,000 s.f.	5 ft.	10 ft.	15 ft.
	0.5 - 1 acre	30%	1,600 s.f.	5 ft.	12 ft.	15 ft.
	1 - 5 acres	30%	3,000 s.f.	5 ft.	12 ft.	20 ft.
	5 acres or more	30% plus	5,000 s.f. plus 1,000 s.f. per acre over 5 acres not to exceed 10,000 s.f.	10 ft.	14 ft.	20 ft.
<b>Multi-family Residencies (Multiplex, Townhouse, Apartment)</b>	Any Size	30%	300 s.f. per unit	10 ft.	10 ft.	15 ft.

**TABLE NOTES:**

<sup>1</sup>Calculated as a percentage of the permitted rear yard.

<sup>2</sup>Minimum setback from property lines when structure located entirely in the rear yard. Refer to 156.C.007.E for setback on corner lots.

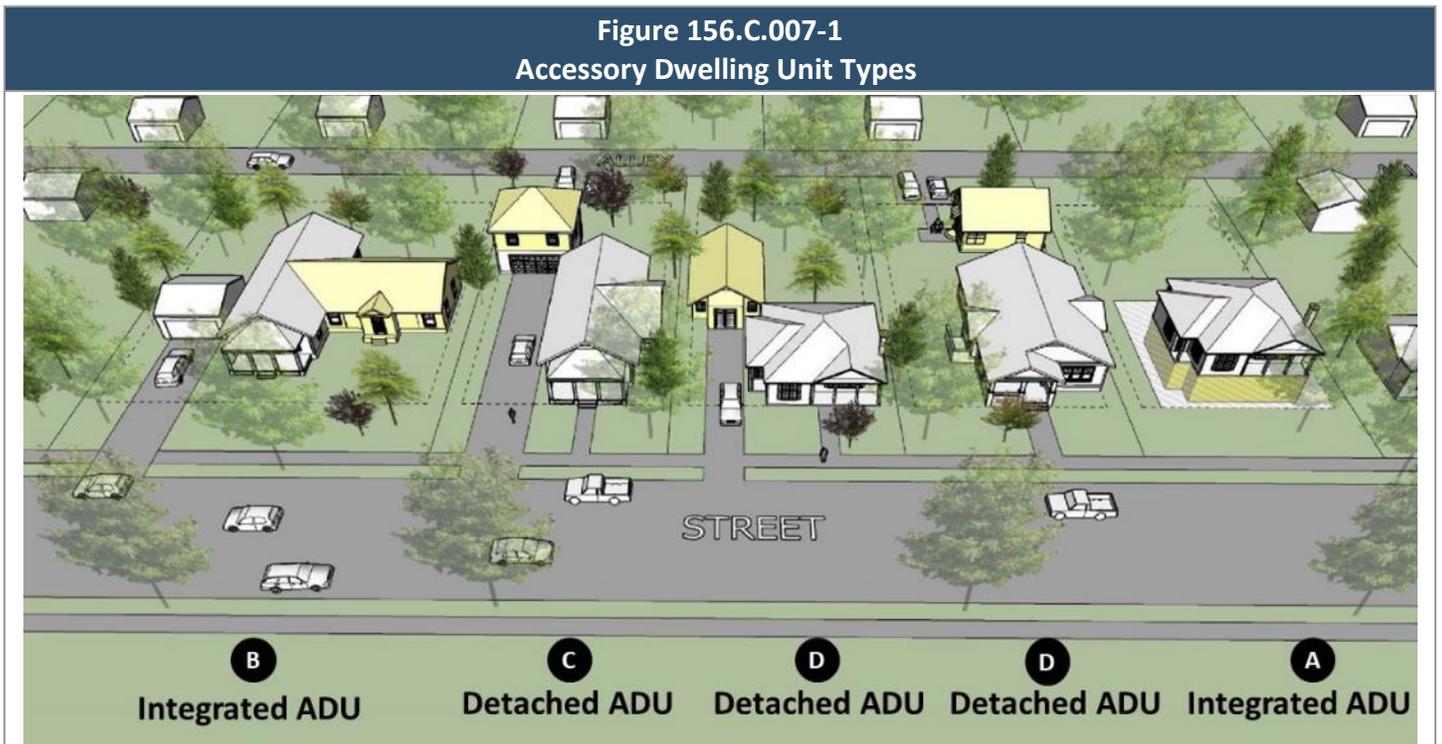
F. **Accessory Dwelling Units (ADUs).** Accessory dwelling units shall be permitted in all residential zoning districts as an accessory use to single-family detached on lots greater than or equal to 15,000 square feet, or the single-family attached housing type in the Mixed-Use (MU) and Urban Core (UC) zoning districts, subject to the following standards:

- 9. *ADU Types.* There are two types of ADUs:
  - c. Integrated ADUs; and
  - d. Detached ADUs.
- 10. *Integrated ADUs.*
  - a. Integrated ADUs are located within a permitted building and shall comply with the building placement standards for the permitted and associated principal building type.
  - b. Integrated ADUs may be established by dividing space within a principal building (See (A) in Figure 156.C.007-1, below), or by adding floor area to an existing building (See (B), below). Integrated ADUs may be accessed from within the principal building or from outside, according to the standards of this Section.
  - c. Integrated ADUs appearance:
    - i. Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious.
    - ii. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a residential dwelling (e.g. side doors, French doors, etc.).
    - iii. Any exterior stairs that would serve as the primary entrance to the ADU shall be located on the side or rear of the principal structure and are prohibited from being located on the front of the principal structure.
    - iv. If a principal building is expanded to accommodate an integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.

- v. Only one entrance may be located on the front facade of the principal building facing the street unless the building contained additional front entrances prior to the ADU's construction.

11. *Detached ADUs.*

- a. Detached ADUs are dwelling units that are located inside of an accessory structure, such as a detached residential garage (See (C) in Figure 156.C.007-1, below) or detached structure (D).
- b. Where an improved alley adjacent to the lot exists, vehicular access to the ADU shall take place from the alley.
- c. Generally, access to second-floor units shall be from internal stairs. External stairs may be permitted where they are not located parallel to an interior side property line or where the Administrator determines that screening features are in place to protect the privacy of an adjacent lot's side yard.
- d. In the RL, RM, RH, and in the Single-Family Attached building type in the Mixed-Use (MU) zoning districts, where a detached ADU is proposed, the owner of the subject property shall live in either the principal residence or the ADU.
- e. *Prohibited Locations.* ADUs may not be established within manufactured homes or structures and vehicles that do not have a permanent foundation, including, but not limited to recreational vehicles, travel trailers, or campers.
- f. *Maximum Floor Area of the ADU.*
  - i. *Measurement.* The floor area is measured as the area within the ADU itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the ADU.
  - ii. *Standard.* The floor area of an ADU shall not exceed 50 percent of the total square footage of the principal residential building to which it is accessory, or 1,000 square feet, whichever is less.
- g. *Required Parking for ADUs.* In the RL, RM, and RH districts, in addition to the parking requirements for the principal residential use set out in Section 156.E.004, *Required Off-Street Parking*, one off-street parking space for the ADU shall be provided.



**G. Additional Standards for Specific Accessory Uses or Structures.**

- 1 *Home-Based Business.*
  - a. *Permitted Home-Based Businesses.* All no-impact home-based businesses are permitted.
  - b. *Prohibited Home-Based Businesses.* The following home-based businesses are considered prohibited:
    - i. Animal hospitals;
    - ii. Private clubs;
    - iii. Restaurants;
    - iv. Stables and kennels;
    - v. Automobile repair or auto body shops. More than two vehicles per year that are not registered at the residence and are rebuilt, repaired, or reconstructed shall constitute an automobile repair or auto body shop;
    - vi. Automobile paint shop;
    - vii. Any occupation which is considered illegal by law; and
    - viii. Any use which does not meet the standards in subsection (e), below.
  - c. *Home-Based Businesses Other Than Listed Above.* Any home-based business which is not considered “permitted” or “prohibited” shall use and abide by the special use process as described in Subsec. [156.J.005.1, Special Use Permit](#), with the exception of a review by the Plan & Zoning Commission. A special fee for a special use permit for a home-based business shall be set by resolution. The Board of Adjustment shall review the home-based business in regards to the standards listed in subsection (e), below. The Board shall take into account concerns by neighbors and the possible negative impacts to the residential character of the neighborhood. The Board may place any restrictions on the home-based business and the Board shall be critical when evaluating requests for additional employees.
  - d. *Standards for All Home-Based Businesses.*
    - i. *Area Limitation.* The occupation may not exceed 25 percent of the gross floor area of the principal dwelling.
    - ii. *Safety.* The occupation may not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling used solely for residential purposes.
    - iii. *Non-compliance.* Any home-occupation which does not abide by the terms of this section shall be punishable under [Article L, Enforcement and Remedies](#).
    - iv. *Modifications or Additions.* Structural modifications or additions to the residence for the expansion of a home-based business shall be constructed to be compatible with the primary structure and remain residential in appearance.
    - v. *Traffic and Parking.* Traffic generated by the home-based business shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home-based business.
    - vi. *Deliveries.* The occupation shall not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one-ton step-up vans, or similar-sized trucks that are less than 10 tons gross vehicle weight.
    - vii. *Equipment.* Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
    - viii. *Signs.* Any sign utilized by a home-based businesses in an residential district shall be limited to one building-mounted sign which shall not exceed one square foot in area.
    - ix. *Residential Character.* The building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor or smoke, or in any other way.
    - x. *Residential Design Features.* The building shall include no features of design not customary for residential use.

- xi. *No Exterior Display.* No use shall indicate from the exterior any display that the building is being used in part for any purpose other than that of a dwelling, with the exception of permitted signage.
  - e. *Existing Home-Based Businesses.* Existing home-based businesses that are in conformance at the time of adoption of this chapter shall remain in conformance. If an existing business is vacated, any new business must meet current regulations.
3. *Solar Panel Array (Small-Scale).*
- a. *Ground-Mounted Solar Panels.* Ground-mounted solar panels shall be:
    - i. Located in the interior side or rear yard and screened from adjacent residential property and all public rights-of-way with Type B bufferyard (see [Section 156.F.004, Buffering](#)); and
    - ii. Set back from lot lines as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.
  - b. *Roof-Mounted Arrays.* Roof-mounted solar panels may be located on principal and accessory buildings.
    - i. A roof-mounted array on a pitched roof may not extend more than 12 inches above the roof surface if the roof is visible from the public right-of-way or from a residential property, nor may it extend more than 12 inches beyond any edge of the roof;
    - ii. Where an array is placed atop a flat roof, it may not extend more than five feet above the roof and shall be screened from the public right-of-way with the building's façade parapet or similar mechanism;
    - iii. Installed roof-mounted arrays shall meet the International Building Code standards for wind loads; and
    - iv. A roof-mounted solar panel array that cannot meet these placement standards requires a Special Use Permit.
4. *Small Wind Energy Conversion System (SWECS).*
- a. *General Regulations.*
    - i. *Other Permits Required.* The owner/operator of the SWECS shall also obtain any other permits required by other federal, state, and local agencies/departments prior to constructing the system.
    - ii. *Number of Systems Per Lot.*
      - (A) No more than one freestanding SWECS may be placed on any parcel or lot for residential use. Building-mounted SWECS are prohibited on any parcel or lot containing a single-family detached or attached use.
      - (B) No more than one freestanding SWECS may be placed on any parcel or lot with a non-residential use that is taller than the tallest existing principal building located on the parcel or lot. Additional freestanding SWECS which conform to setback requirements contained in this Subsection and which are no taller than the tallest existing principal building located on the parcel or lot may be allowed. Additional building-mounted SWECS may be allowed within the parameters of this Section.
      - (C) Any mixed-use building shall be considered a non-residential use for the purposes of this Subsection.
    - iii. *Tower.* Only monopole towers may be permitted for freestanding SWECS. Lattice, guyed or towers of any other type may not be considered to be in compliance with this Subsection. SWECS towers shall be utilized for the sole purpose of supporting wind energy conversion systems. No other uses may be permitted on SWECS towers.
    - iv. *Color.* Freestanding SWECS shall be a neutral color such as white, sky blue, or light gray. Building-mounted SWECS shall match the color of the building on which it is mounted. Other colors may be allowed at the discretion of the Board of Adjustment. The surface shall be non-reflective.
    - v. *Lighting.* No lights may be installed on the tower, unless required to meet FAA regulations.

- vi. *Signage.* No signage or advertising of any kind may be permitted on the tower or any associated structures.
- vii. *Climbing Apparatus.* The tower shall be designed to prevent climbing within the first 10 feet.
- viii. *Maintenance.* Facilities shall be well-maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this Subsection or elsewhere within this Zoning Ordinance.
- ix. *Displacement of Parking Prohibited.* The location of the SWECS shall not result in the net loss of required parking as set out in [Section 156.E.004, Required Off-Street Parking](#).
- x. *Utility Notification.* The City will notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems are exempt from this notification requirement.
- xi. *Interconnection.* If connected to the grid, the SWECS shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind may be issued until the City of Marshalltown has been provided with a copy of an executed interconnection agreement. Off-grid systems are exempt from this requirement.
- xii. *Restriction on Use of Electricity Generated.* A SWECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.
- xiii. *Shadow Flicker.* No SWECS may be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
- xiv. *Safety Controls.* Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.
- xv. *Noise.* All SWES shall not emit more than 60 dB in residential zones and 75 dB in any other zone. This shall be proven through provided engineered specification.
- xvi. *Shut Off.* A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Building Official of the City of Marshalltown.
- xvii. *Electromagnetic Interference.* All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the City of Marshalltown. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.
- xviii. *Wind Access Easements.* The enactment of this Subsection does not constitute the granting of an easement by the City of Marshalltown. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.
- xix. *Engineer Certification.* Applications for any freestanding or building-mounted SWECS shall be accompanied by standard drawings of the wind turbine support structure, including the tower, base, and footings, or existing structure if applicable. An engineering analysis of all components of the SWECS showing compliance with the applicable regulations and certified by an Iowa licensed professional engineer shall also be submitted.

- xx. *Installation.* Installation shall be done according to manufacturer’s recommendations. All wiring and electrical work shall be completed according to the applicable building and electric codes. All electrical components shall meet code recognized test standards.
  - xxi. *Removal.* If a site, or any wind turbine, is not used for a period of one year or is in a state of disrepair as determined by the Zoning Administrator, it shall be the duty and obligation of the party then in possession and control of the site to have the unused structure completely dismantled and removed from the site.
  - xxii. *Right of Entrance.* As a condition of approval of a Special Use Permit, an applicant seeking to install SWECS is required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City of Marshalltown to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal will be at the expense of the owner/operator and the cost may be assessed against the property.
  - xxiii. *Feasibility Study.* A feasibility study shall be made of any site prior to installing a wind turbine. The feasibility study shall include measuring actual wind speeds at the proposed turbine site for at least three months.
- b. *Bulk Regulations.*
    - i. *Setbacks.* The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to:
      - (A) 150 percent of the total system height for towers up to 65 feet in height.
      - (B) 200 percent of the total system height for towers that are 65 feet and up to 80 feet in height.
      - (C) 250 percent of the total system height for towers that are 80 feet and up to 100 feet in height.
      - (D) 300 percent of the total system height for towers that are 100 feet and taller in height.
      - (E) The setback shall be measured from the property line to the point of the SWECS closest to the property line.
      - (F) The required setback for any building-mounted SWECS shall be equal to the required setback of the principal building to which the SWECS is to be attached at such time that the application to install a building-mounted SWECS is received by the City of Marshalltown.
  - c. *Maximum Height.* Height is measured from the ground to the top of the tower, including the wind turbine generator and blades.
    - i. For lots of more than three and fewer than five acres, the maximum height shall be 65 feet.
    - ii. For lots of five and up to 40 acres, the maximum height shall be 80 feet.
    - iii. For lots of 40 acres and up to 100 acres, the maximum height shall be 100 feet.
    - iv. For lots that are 100 acres and larger, the maximum height shall be 140 feet.
    - v. Building-mounted SWECS may be a maximum of 10 feet higher than the point of attachment to the building on which they are attached.
  - d. *Minimum Lot Size.*
    - i. The minimum lot size for a freestanding SWECS is three acres.
    - ii. The minimum lot size for a building-mounted SWECS is one acre for any building of less than five stories in height.
    - iii. There is no minimum lot size for building-mounted SWECS to be mounted on buildings of five or more stories in height.
  - e. *Blade Length.* The length of each individual blade may not exceed 50 percent of the height of the tower.
  - f. *Clearance of Blade.* No portion of a horizontal axis SWECS blade may extend within 30 feet of the ground. No portion of a vertical axis SWECS may extend within 10 feet of the ground. No blades may

extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure or above ground utility facilities.

- g. *Location.* No SWECS shall be located less than 50 feet from any other SWECS.
  - i. No part of a SWECS may be located within or over drainage, utility or other established easements.
  - ii. A freestanding SWECS shall be located entirely in the rear yard for residential uses. For a freestanding SWECS for all other uses, the location shall be appropriate to the property and setting and shall be determined through the Special Use Permit and site plan review process.
  - iii. A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
  - iv. No SWECS may be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.
  - v. Building-mounted SWECS are prohibited unless the owner has obtained a written analysis from an Iowa licensed structural engineer determining that installation of a SWECS will not cause damage to the structure and that the SWECS can be securely fastened so as to not pose a hazard caused by detaching from the structure.

### **Section 156.C.008, Temporary Uses and Structures**

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**A. Purpose.**

- 1. These regulations are intended to establish criteria and standards under which limited duration temporary uses may be conducted in commercial districts. These regulations apply to temporary structures used in conjunction with a temporary use.
- 2. The intent is to prevent the creation of any nuisance to the occupants of adjacent buildings, premises or property and the general public.

**B. Applicability.**

- 1. *Permit Required.* A temporary use permit shall be required, as established in [Subsec. 156.J.004.8, Temporary Use Permit](#), to establish a temporary use and is subject to administrative approval depending on the conformance of the application with the requirements of this Section.
- 2. *Listed Uses.* Any temporary use that this Section does not allow, or that the Zoning Administrator determines to be substantially similar to those not allowed, is prohibited.
- 3. *Unlisted Uses.* The Zoning Administrator may interpret unlisted uses as requiring a Temporary Use Permit based on the provisions of [Section 156.C.010, New and Unlisted Uses](#).

**C. Short-term and Long-term Temporary Uses.**

- 1. *Short-Term Temporary Use.* A short-term use shall be defined as a use with a maximum duration of seven consecutive days or less. A short-term temporary use does not require a temporary use permit.
- 2. *Long-Term Temporary Use.* A long-term use shall be defined as a use with duration of more than seven consecutive days or more than seven days in within any month. A temporary use permit will only be required for a long-term temporary use.

**D. Application and Permit Processing.** A temporary use permit shall be required for all temporary structures used in conjunction with a long-term temporary use. A temporary use permit must be issued prior to the commencement of any temporary use. The Zoning Administrator may, from time to time, specify the form of the temporary use permit application. Applications for temporary use permits shall be secured from the Zoning Administrator in the manner prescribed by this chapter, who shall cause the application to be directed to all concerned city departments. Affected departments shall comment on the application. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation.

**E. Evaluation of Temporary Use Permit Application.** The Zoning Administrator shall only consider an application for a temporary use permit if all of the following criteria can be met:

1. The temporary use is consistent with all Comprehensive Plan, the code of ordinances of the city, this Zoning Ordinance, as amended, and city and state regulations.
  2. The temporary use complies with all applicable codes.
  3. The temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means or odor, noise, dust or another nuisance.
  4. Temporary uses shall only be allowed in MU, UC, GC, and GI zoning districts.
  5. The additional parking required by the temporary use will be provided on-site, if applicable, or adequate street parking is available in the immediate area.
  6. Increased traffic caused by the temporary use will not adversely affect the surrounding neighborhood or city at large.
  7. The temporary use shall be limited to parking lots of already established businesses. A temporary use is not allowed on an empty lot.
  8. All sites shall be completely cleaned of debris and temporary structures including, but not limited to, trash receptacles, signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the temporary use.
  9. The property owner shall be responsible to assure adequate cleanup of uses involving the construction of placement of temporary structures.
  10. Permanent sanitary facilities shall be made available to all employees and attendants of the use during its operational hours.
  11. There shall be no discharge of wastewater or hazardous materials. The applicant must indicate how any such discharge will be contained and disposed of.
  12. No area of public right-of-way may be used without obtaining approval from the Zoning Administrator, Police Chief, Fire Chief, and Director of Public Works.
  13. A signed lease agreement between the property owner and the applicant, for the property on which the activity is to take place.
  14. Proof of insurance, the owner or operator must provide a certificate of insurance as evidence of comprehensive general liability insurance by an insurance company licensed to do business in the state.
  15. All temporary structures shall conform to the zoning setback requirements unless stated otherwise in the chapter.
  16. Multiple concurrent temporary uses on the same zoning lot shall be prohibited.
  17. No detached or freestanding sign shall be permitted. The maximum amount allowed for a wall sign shall be based upon one square foot of sign for each foot of length on the longest side of the structure. All other provisions of the sign code shall apply.
  18. Electrical service shall be provided as required by the City Electrician.
  19. Long-term temporary uses shall only be allowed for a maximum of 180 days per calendar year.
- F. **Uses Permitted with a Temporary Use Permit.** Any temporary structure used in conjunction with a temporary use must apply for a temporary use permit. Temporary uses include, but are not limited to, the retail sales of goods and services.
- G. **Specific Temporary Use Standards.**
1. *Portable-Storage Unit.*
    - a. The unit shall be on the same property as the use requiring the service of the unit or container;
    - b. The unit shall not encroach into setbacks or sidewalks;
    - c. The unit shall be located on an all-weather surface; and
    - d. The unit shall be permitted for up to 180 calendar days per year; and
    - e. The unit shall be removed upon project completion.

- H. **Conditions of Approval.** The Zoning Administrator may impose such conditions on a temporary use permit as is necessary to meet the purpose of this chapter and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
1. Setback and open space requirements;
  2. Parking;
  3. Fences, walls or other screening;
  4. Signage;
  5. Vehicular and pedestrian ingress and egress;
  6. Property maintenance during course of the activity;
  7. Control of illumination, noise, odor, vibration or other nuisances;
  8. Hours of operations; and
  9. Other conditions as determined by the Zoning Administrator.
- I. **Fees.**
1. The application fee for a temporary use permit shall be set by resolution. In addition, all grounds shall be cleaned after the temporary use is complete.
  2. This shall include proper disposal of all garbage and debris and replacement of any moved structure or fence.
  3. Improper cleanup may be grounds for non-issuance of further temporary use permits.

### **Section 156.C.009, Wireless Communications Facilities**

- A. **Purpose.** The purpose of this Section is to regulate wireless telecommunications facilities as defined in [Section 156.M.002, Definitions](#). This Section provides opportunities to supply wireless telecommunications services in the City with minimal negative impact to the community while respecting both residential, mixed-use, and commercial neighborhoods.
- B. **Applicability.**
1. *All Facilities.* This Section applies to all wireless communications facilities.
  2. *Airport Zoning Protected.* The provisions of this Section shall not be deemed to prohibit administration and enforcement of airport zoning for the protection of navigable airspace, pursuant to [Iowa Code Chapter 329](#), by a municipality, airport, or aviation authority.
- C. **Existing Towers.** Legally existing wireless communication towers are deemed as equivalent to sites that are approved pursuant to the provisions set out in this Zoning Ordinance.
- D. **Permitted By Right.** The following facilities are permitted by right:
1. *Stealth Wireless Communication Antennas.* New antennas on existing structures (including, but not limited to, flag poles, buildings, water towers, light poles, electric towers, church steeples, or silos) do not require a Special Use Permit, but may require an electrical or Building Permit.
  2. *Co-Located Antennas.* New antennas being placed on existing wireless support structures with a valid special use permit do not require a Special Use Permit, but may require an electrical or building permit.
  3. *Small Cell Facility.* Small cell wireless facilities shall be sited and reviewed in accordance with [Iowa Code Chapter 8C, Iowa Cell Siting Act](#).
- E. **Permitted Wireless Telecommunication Facilities by District.** Table 156.C.009-1, Permitted Wireless Telecommunications Facilities by District, shows which Wireless Telecommunication Facility types are allowed in each grouping of districts and provides a cross-reference to specific standards in this Section for each type.

**Table 156.C.009-1  
Permitted Wireless Telecommunications Facilities by District**

Type of Wireless Telecommunication Facility	AG, RR, RL, RM, RH,	MU, UC, GC, PI, REC	GI	Standards <sup>1</sup>
Small Cell	P	P	P	F.2
Concealed	S	P	P	F.3
Industrial Microcells, Distributed Antenna Systems (DAS), Macrocells, and Similar Facilities	S	P	P	F.4
Freestanding Tower	--	S	P	F.5
Those not Permitted by, or not Meeting the Requirements of this Section	--	S	S	F.6
<b>Notes:</b> 1. The standards of Subsection F.1, <i>Generally</i> , apply to all districts and facilities. P = Permitted; S = Special Use Permit; -- = Prohibited				

**F. Standards.**

1. *Generally.* The following standards shall apply to all wireless telecommunications facilities:
  - a. *Tower Design.* Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.
  - b. *Screening.* Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per [Section 156.C.007, Accessory Uses and Structures](#). Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by the Board of Adjustment.
  - c. *Lighting.* Telecommunication towers shall only be illuminated as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA). Security lighting around the base of a tower must be shielded so that no light is directed towards adjacent properties or rights-of-way.
  - d. *Advertising.* No advertising of any type may be placed on the facility.
2. *Small Cell.*
  - a. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.
  - b. The height of such equipment shall not increase the height of the utilized support structure by more than five feet.
  - c. All collocated equipment shall be camouflaged.
3. *Concealed.*
  - a. Unless collocated, minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by the Board of Adjustment.
  - b. The height of such facilities may exceed the maximum height regulation of the district in which it is located but shall be limited to the height specified in the Special Use Permit application or as may be more strictly conditioned and approved by the Board of Adjustment.
4. *Industrial Microcells, Distributed Antenna Systems (DAS), Macrocells, and Similar Facilities.*
  - a. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.

- b. The height of such equipment shall not increase the height of the utilized support structure by more than five feet.
- c. All collocated equipment shall be camouflaged.

5. *Freestanding Tower.*

- a. Facilities shall not exceed 200 feet in height.
- b. Support structures shall meet the minimum setback regulations of the GI district.
- c. Telecommunications towers shall be designed for more than one accommodation.
- d. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should a structural failure occur. The applicant shall submit a written certification and supporting documentation from a structural engineer to this effect.
- e. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and shall meet the requirements for accessory buildings per [Section 156.C.007, Accessory Uses and Structures](#). Central communications hubs shall meet the minimum setback regulations and maximum height restrictions of the GI district.

6. *Those not Permitted by, or not Meeting the Requirements of this Section.*

- a. All regulating details of the facility (i.e. type, height, setbacks, etc.) shall be as specified in the Special Use Permit application or as may be more strictly conditioned and approved by the Board of Adjustment.
- b. If installing a telecommunications tower, it shall be designed for more than one accommodation.
- c. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should a structural failure occur. The applicant shall submit a written certification and supporting documentation from a structural engineer to this effect.

**G. Maintenance and Enforcement.**

- 1. *Maintenance.* All required screening, landscaping, camouflaging, concealment mechanisms, and other features shall be maintained, repaired, or replaced.
- 2. *Enforcement.* Enforcement and penalties due to violations of any section of this article Section shall be as otherwise stated in this title [Article L, Enforcement and Remedies](#).

**H. Removal of Defective or Abandoned Facilities.**

- 1. *Repair or Removal.* Any component of a wireless telecommunications facility that is found to be defective or unsafe shall be repaired immediately by the owner or operator to comply with federal, state, and local safety standards or removed within 30 days upon receipt of written notice.
- 2. *Abandonment.* A tower that is not used for a period of 12 consecutive months, or that has not been inspected pursuant to Subsection I, *Inspections*, below, shall be considered abandoned, and the owner shall remove the tower from the property within 90 days of receipt of notice from the Zoning Administrator. An abandoned tower that is not removed within the 90-day period is a public nuisance, and the City shall take actions to abate the nuisance by removal and assess the costs thereof to the property.

**I. Inspections.** Telecommunication towers shall be inspected by a qualified tower inspection service once every 36 months by the owner, operator, or a representative to assess the structural condition of the tower and support equipment. An inspection report shall be prepared and filed with the Zoning Administrator upon request. The required report shall certify that the tower continues to meet or exceed the current published EIA/TIA structural standards and is in sound and safe operating condition.

**J. Utilization of [Section 6409 Wireless Facilities Deployment of the Spectrum Act](#) being part of the [Middle-Class Tax Relief and Job Creation Act of 2012](#).**

- 1. *Applicable Facilities.* The permissions granted by the Spectrum Act Section 6409 Wireless Facilities Deployment (Section 6409) shall be applicable only to wireless telecommunications facilities deemed to be an eligible facility in existence prior to the original enactment of this Section. Modifications shall not substantially change eligible facilities.
- 2. *Required Information.*

- a. To make modifications to a wireless telecommunications facility per the permissions of Section 6409, the property owner shall submit the following information:
  - i. Name, address, telephone numbers, and email addresses of the property owner, the applicant, and the owner of the facility proposed for modification;
  - ii. Evidence that the wireless telecommunications facility is an eligible facility that existed prior to [INSERT DATE OF THE ORIGINAL ENACTMENT OF THIS SECTION];
  - iii. Location map and elevation drawings of the existing facility and the proposed modifications prepared and certified by a professional engineer;
  - iv. All existing equipment from all providers and, if applicable, all equipment owned and operated by railroad companies (The information provided for the existing eligible facility may be used as the baseline of facts regarding the site's characteristics if it is the facility's first utilization of Section 6409 and shall be used to prevent abuse of the legislation); and
  - v. A letter describing the request.
- b. The letter, and additional application submissions as required above, shall clearly demonstrate the proposed modification would not substantially change the existing eligible facility. Substantial changes are made if any one of the following occurs:
  - i. For towers outside of public rights-of-way, it increases the height by more than 20 feet or 10 percent, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunication facilities, it increases the height of the facility by more than 10 percent or 10 feet, whichever is greater;
  - ii. For towers outside of public rights-of-way, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunications facilities, it protrudes from the edge of the support structure more than six feet;
  - iii. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
  - iv. It entails any excavation or deployment outside the current site of the wireless telecommunications facility;
  - v. It would defeat the existing concealment elements of the wireless telecommunications facility; or
  - vi. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

**Section 156.C.010, New and Unlisted Uses**

- A. **Use Categories.** Each of the use categories and specific uses listed in Table 156.C.003-1, *Use Table*, are defined in Section 156.M.002, *Definitions*. The Zoning Administrator may authorize a use that is not listed if the proposed use fits within a defined use category or is functionally the same as a permitted, limited, or special use.
- B. **If Not Authorized Then Prohibited.** If the Zoning Administrator determines that a proposed use does not fit within a given use category and is not functionally the same as a permitted, limited, or special use, then the use is a prohibited use.
- C. **Decision Criteria.** In making such determinations, the Zoning Administrator may consider but not be limited to the following criteria:
  1. The actual or projected characteristics of the activity in relation to those of the use type;
  2. The amount of site area or floor space and equipment devoted to the activity;
  3. Vehicle parking demand;
  4. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
  5. Types of vehicles used and their parking requirements;

6. Building impervious surface coverage;
7. Regulated air or water emissions;
8. Noise, lighting, dust, and odors;
9. Solid waste generation;
10. The number of employees on a typical shift;
11. Use and storage of hazardous materials;
12. Character of associated buildings and structures;
13. How the use is advertised;
14. Nature and impacts of operation; and/or
15. Hours of operation.

**Section 156.C.011, Performance Standards**

- A. **Purpose.** The purpose of this Section is to establish standards for the management of illicit discharges, soil erosion, sediment deposition, and the environmental impacts of land uses (e.g., noise, vibration, air quality, water quality, and glare), in order to ensure that the city continues to provide a desirable environment for residences, recreation, education, culture, commerce, and industry.
- B. **Compliance.** Compliance with the requirements of this Section shall not be interpreted as authorizing a practice or operation which would constitute a violation of any other applicable statute, ordinance, rule, or regulation. Where these regulations conflict with other regulations, the more stringent regulation shall apply.
- C. **Administration.** All uses of land or structures shall conform to the standards in this Section.
- D. **Noise.** No use, operation, or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 134, *Noise Control*, of the City’s Code of Ordinance.
- D. **Vibration.**
  - 1. *Generally.* No land use shall produce vibration that exceeds the limits set out by this Section.
  - 2. *Exceptions.* This Section does not apply to vibration generated by:
    - a. Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.
    - b. Transient noises from moving vehicles, such as trucks and automobiles or trains.
  - 3. *Standards.* The standards of Table 156.C.011-2, *Vibration Standards*, shall be met, except as provided in subsection E.2., above.

Table 156.C.011-2 Vibration Standards <sup>1</sup>				
Frequency in Cycles Per Second	Adjoining Zoning District			Impact Vibration <sup>2</sup>
	AG, RR, RL, RM, RH	MU, UC, GC, PI, REC	GI	
Less than 10	0.0004	0.0002	0.0039	0.0098
10 – 19	0.0002	0.0011	0.0022	0.0055
20 – 29	0.0001	0.0006	0.0011	0.0028
30 – 39	0.0001	0.0004	0.0007	0.0018
40 – 49	0.0001	0.0003	0.0005	0.0013
50 or more	0.0001	0.0002	0.0002	0.0010

Table Notes:  
<sup>1</sup> Vibrations that do not exceed 60 per minute may be twice this value.  
<sup>2</sup> Vibrations occurring no more than eight times in a 24-hour period with a maximum separation of one minute.

- 4. *Measurement.* An operator trained to measure vibrations shall make all such measurements and shall submit and certify them with the City.
- H. **Air Quality.**
  - 1. *Generally.* Air quality shall be maintained according to state and federal standards. Demonstration of compliance shall be provided as required by this Section.
  - 2. *Emissions.* Applicants for the approval of uses that will emit air pollutants that are subject to regulation pursuant to the federal Clean Air Act shall demonstrate compliance with that law.
  - 3. *Control of Wind-Blown Dust.* Landowners shall control wind-blown dust.
- I. **Glare.**

1. *Glare from Use.* Glare from any process (such as or similar to arc welding or acetylene torch cutting), which emits harmful ultraviolet rays shall be performed in such manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines or street rights-of-way.
  2. *Glare from Buildings and Structures.* Buildings and structures (including signs) shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.
- J. **Erosion Control.**
1. *Storm Water Management.* Measures to protect water quality and to manage the quantity and velocity of stormwater runoff shall be implemented pursuant to the standards set out in [Chapter 55, Erosion and Sediment Control for Construction Sites](#) in the City's Code of Ordinances.
  2. *Grading, Erosion, and Sediment Control.* Measures to protect water quality during construction and for land disturbance activities shall be implemented pursuant to the standards set out in [Chapter 55, Erosion and Sediment Control for Construction Sites](#) in the City's Code of Ordinances.
- K. **Other Performance Standards.** In addition to the performance standards of this Section, the following shall apply to all uses:
1. *Outdoor Storage.*
    - a. Outside storage of non-saleable merchandise or other materials shall not be visible from the public right-of-way.
  2. *Snow Storage.* Adequate area shall be provided on the lot for snow storage or provisions shall be made by the property owner for the snow to be hauled off-site.
  3. *Use Compatibility.*
    - a. All uses shall be designed and operated to be compatible with the adjacent residential uses.
    - b. Limitations on design and operation of uses shall include architectural and building mass, hours of operation, delivery hours, noise and lighting controls, signage, and traffic considerations.
  4. *Utilities.* All utilities shall be placed underground, where feasible.