

MARSHALLTOWN

IOWA

PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Thursday, April 18, 2024 at 5:00 PM

City Council Chambers, City Hall

10 W. State Street - Council Chambers

1. Call To Order & Roll Call

Boston

Brodin

Casady

Eilers

Gruendler

Isom

Valbracht

2. Approve Meeting Minutes From April 11, 2024

Documents:

[04112024_PZ_MIN_FINAL.PDF](#)

3. Work Session On Chapter 72 (Parking Rules) And Chapter 156 (Parking, Loading, And Stacking)

Documents:

[04182024_PZ_MEMO_CHAPTER 72.PDF](#)
[CHAPTER 156.PDF](#)
[CHAPTER 72.PDF](#)
[SIDE YARD.PDF](#)

4. Work Session On Solar Array (Small-Scale)

Documents:

[04182024_PZ_MEMO_SOLAR.PDF](#)

MISSION STATEMENT

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant and growing community.

Plan and Zoning Commission

Meeting Minutes – April 11, 2024

Meeting was called to order at 5:00 PM in the City Council Chambers at 10 W. State Street

1. Roll Call:

Present: Boston, Brodin, Casady, Eilers, Gruendler, and Valbracht

Absent: Isom

2. Meeting Minutes from 4/11/2024

Minutes are approved as distributed.

3. Discussion on Chapter 72

Boston would like to move this topic to a work session to have more time to review this topic. Plan and Zoning work session would be moved to next week. Boston asked if any questions would like to be addressed for the discussion of chapter 72 and asked for residential to address their concerns with the section. Shari Coughenour, 520 N Center St, came to speak about the concerns about parking two vehicles in the rear yard. No front yard parking. Tim Bradbury, 12 N 10th Ave, has lived in the that neighborhood for thirty years and does not have a front drive way. Snow removal would be challenge with the proposal. Would like to be more flexible with the number of vehicles and hardship. Boston will talk about the snow ordinance in the meeting. Paul Illum, 1403 Brentwood Ter, talked about how it is very challenging to meet the zoning ordinance with a one size fits all. Junk vehicles can not be parked in the yards can cause storage like himself out of business if vehicles are allowed to be parked in yard. Sean Cruzan, 304 W Southridge Rd, concerned about project vehicles. It is challenging for homeowners to meet these rules when they are working in their vehicles.

4. Discussion on Solar array (small-scale)

Staff presentation, Hector Hernandez-Morales presented information on the concerns about on ground solar array in residential as well as commercial. Nancy Klar, 108 N 6th St, said that these solar arrays do not meet the criteria of the zoning ordinance and should not be allowed. Gary Thompson, council member at large, said this permit should have never been approved due to not meeting the setbacks requirements and should be taken to city council. Cindy Kendall, acting city administrator, has some concerns about the proposed solar array on 903 E Main St. The zoning ordinance does not have much requirements for buffering if it does not have an adjacent residential property or public right-of-way. Solar arrays would be included in the work session.

There could be a possible rezoning within the next Plan and Zoning Commission meeting for 102 & 104 Pleasantview Rd.

Meeting Adjourned at 5:40 pm.

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: April 18, 2024 – Meeting Date

SUBJECT: Work Session on Chapter 72 (Parking Rules) and Chapter 156 (Parking, Loading, and Stacking)

Request: City Council made the motion on March 25 to allow Plan and Zoning Commission to review and comment on the Council's proposed changes on Chapter 72. During Plan and Zoning Commission on April 11 it was motioned to proceed with a work session for further discussion on chapter 72.

Marshalltown City Council are reviewing and updating Chapter 72: Parking Rules in order to remove conflicting information between Chapter 72, Chapter 156, Permit Applications, and Fire Code. It is likely that a clarification in Chapter 156 will be needed to address the verbiage on allowable materials with the next text amendment for zoning code. The Council's proposed material related to driveway materials for front yard is how the zoning department has been enforcing the ordinance; however, Chapter 156 has some misleading information:

§ 156.E.002 GENERAL REQUIREMENTS

(G) Surfacing and drainage. All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of VUAs shall consist of asphalt, concrete, or other **all-weather surface** approved by the City Engineer.

§ 156.E.003 PARKING DESIGN

(B) Surfacing and drainage. (1) Paving and grading. Except as set forth in division (D), Alternative Paving Materials, below, all off-street parking areas, driveways, and access drives must be **paved with an all-weather surface** and graded and drained as to dispose of all surface water accumulations within the area.

§ 156.M.003 DEFINITIONS.

ALL-WEATHER SURFACE. An improved surface that is constructed of four inches of concrete, asphalt, **graded stone**, grass-crete pavers, uni-stone pavers, or other paving materials approved by the City Engineer.

§ 156.E.004 REQUIRED OFF-STREET PARKING.

(B) Residential parking. Parking spaces for household living use types or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:

(3) Surface. The area has **an improved hard surface** as required in §156.E.003(B), Surfacing and Drainage; and

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

Memo from City Council Meeting March 25

1. Clarified and added language to set apart Chapters 72 Parking and 156 Zoning: Chapter 72 applies to all properties / areas. Chapter 156 parking regulations only apply to new development or projects where redevelopment hits certain triggers. Cross checked parking count restrictions to prevent conflicting regulations
2. Allowable driveway material changes:
 - a. Driveway Approaches
 - i. Proposed: Concrete or Asphalt
 - ii. Previous: Concrete, Asphalt, or Solid Brick
 - b. Front Yard Driveways
 - i. No Change (Concrete, Asphalt, or Solid Brick)
 - c. Side & Rear Yard Driveways / Parking
 - i. Proposed: Concrete, Asphalt, Seal Coat, or Solid Bricks.
 - ii. Proposed Exception: Gravel or Crushed Stone shall be allowed if directly connected through the driveway to a gravel street, gravel alley, or grassed alley.
 - iii. Previous: [Depends on which code section you were looking at], but in Ch 72: Concrete, Asphalt, Seal Coat, Solid Bricks, Gravel, or Crushed Stone
3. Provided option for unconnected Parking Pad:
 - a. A maximum of two parking pad spaces may be created per parcel without connection to driveway, curb drop, or entrance for seasonal or temporary parking of licensed and operable vehicle that is not moved or driven off the parking pad more than 6 times annually and does not create ruts in the yard exceeding ½-inch as a result. The parking pad shall meet materials allowed in section § 72.038 and not be larger than 12-ft x 24-ft for each pad. Stand-alone parking pads shall not be closer than five feet to any established property line.
4. Modified section on Max # of Operable Vehicles in Rear & Side Yards:
 - a. No change - DWELLING, SINGLE-FAMILY ATTACHED; DWELLING, SINGLE-FAMILY DETACHED; DWELLING, DUPLEX; and DWELLING, TOWNHOUSE: Not more than two (2) per dwelling unit. (Effective 9-30-2013)
 - b. Added - DWELLING, MULTIPLEX and DWELLING, APARTMENT: Not more than one and a half (1.5) per dwelling unit, unless parking area was/is:
 - i. Submitted and approved with a City of Marshalltown Building or Parking Lot permit
 - ii. Constructed of concrete, asphalt, or solid brick.
 - iii. Meet all requirements of § 156, Article E, including maximum stall counts. (Effective 5-1-2024)
 - c. Added (Citizen Comment) - On properties where there is no front yard driveway, the above numbers of allowed vehicles shall be allowed to be increased by one half (0.5).
 - d. Clarified - Where calculations yield a fractional result, only fractions of 0.5 or greater shall be rounded to the higher whole number.

Housing & Community Development

5. Modified driveway width allowances:
 - a. Added – Where not connected to garage, 10-ft width + 1 extension
 - b. Changed – Driveway Extension Width from 10-ft to 14ft
 - c. Added - In cases where the garage is more than four feet wider than the edge of a garage overhead door, the Engineering Office shall have the discretion to reclassify the # of vehicle stalls the garage is based on the width the garage is and not the # of vehicles the door allows.
 - d. Added clarification - Where the driveway maximum allowable widths do not provide for the desired and allowable parking for properties of DWELLING, MULTIPLEX and DWELLING, APARTMENT, parking lots shall be required. Parking Lots shall be:
 - i. Submitted and approved with a City of Marshalltown Building or Parking Lot permit
 - ii. Constructed of concrete, asphalt, or solid brick.
 - iii. Meet all requirements of § 156, Article E, including maximum stall counts. (Effective 5-1-2024)
6. Previously the section was called, “Parking in Business and Residential Yards”; however, sections seemed to limit most of the requirements / scope to residential. We pulled a section out specific to business yards only:
 - a. Required driveway/parking composition to meet residential driveway material requirements or Ch 156 zoning requirements <intent/desire – not allow grass parking; however, P&Z may need to review further>. Ch 156 does have provision “Areas used to store equipment or service vehicles used in connection with the operation of a business located on the premises, may be surfaced with gravel or grass that is maintained to eliminate blowing dust and erosion.”
 - b. Unlicensed / inoperable vehicles – made it unlawful for these to be located outside unless allowed by Ch 156 Zoning Code (ie junk yards, short term storage for mechanic/repair shop)
 - c. Allowed for violations to be responsibility of property owners & registered vehicle owners. Confirmed no prior warnings are required – can go direct to penalties.
7. Based on Council concern of waiving yard parking requirements during snow alerts sending mixed messages to residents, that was not incorporated in the ordinance revision.
8. Inconsistency in driveway and parking material requirements / definition of “All-Weather”:
 - a. Zoning code (Ch 156) requires that all parking spaces consist of asphalt, concrete, or other all-weather surface approved by City Engineer. In definitions “ALL-WEATHER SURFACE is defined by an improved surface that is constructed of four inches of concrete, asphalt, graded stone, grass-crete pavers, uni-stone pavers, or other paving materials approved by the City Engineer.” Zoning has been enforcing “all weather” to mean concrete or asphalt and not allow gravel.
 - b. Fire code requires that fire access routes (typically multi-residential, industrial, commercial uses) have all-weather driving surface of asphalt or concrete capable of supporting apparatus weight load of 40 Tons. Graded stone is not an acceptable “allweather” material.
 - c. Chapter 72 requires drives in front yards (after 01/01/2010) to be concrete, asphalt, or solid bricks.
 - d. Driveway Permitting requires:

Housing & Community Development

- i. All driveways and sidewalks installed in street ROW to be a minimum of 6-inches of Portland Cement Concrete or equivalent strength asphalt.
 - ii. All driveways and extensions on private property must be concrete, asphalt, or brick. Use of gravel on any new driveway or driveway extension is prohibited. Existing gravel drives must be maintained with fresh gravel, as needed, and be clear of weeds and grass.
- 9. Conflicting information on terrace / street right-of-way parking:
 - a. Revised language to clarify, parking in terrace area is allowed only if:
 - b. it does not create a visual hazard
 - c. it is designated parking area
 - d. vehicles aren't there for more than 24 consecutive hours
- 10. Recommended changes to residential driveway extension allowed widths:
 - a. Change from 10-ft to 16-ft

Next Steps: Make recommendation for city council to make a motion on the changes proposed on chapter 72 (parking rules).

ARTICLE E - PARKING, LOADING, AND STACKING

§ 156.E.001 PURPOSE AND APPLICABILITY.

(A) *Purpose.* The purpose of this article is to ensure that:

- (1) *Provision of parking.* Adequate, attractive, and safe off-street parking is provided by this Zoning Ordinance.
- (2) *Residential protection.* Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
- (3) *Provision of loading spaces.* Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
- (4) *Provision of access.* Access to sites are managed to maintain the desired function and safety of the adjacent street(s); and
- (5) *Lighting.* Vehicular use areas and sites are designed and lighted to promote public safety without creating undue light pollution and off-site glare.

(B) *Applicability.*

- (1) *Development activities.* The standards of this article apply to the following development activities:
 - (a) New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use;
 - (b) Increase in apartment units, manufactured home pads, gross floor area, or impervious surface by 20% or more, cumulatively over a five-year period; or
 - (c) Change in use requiring additional parking, loading, or stacking spaces (also known as vehicle use areas).
- (2) *Exemptions.*
 - (a) Changes in the use(s) of existing buildings that result in fewer required parking, loading, or stacking spaces shall not be required to provide additional parking spaces.
 - (b) A permitted use may be converted to another permitted use without full compliance with the required number of parking, loading, or stacking spaces if the Zoning Administrator determines:
 1. No additional parking, loading, or stacking spaces could be provided without removing or partially removing a structure; and
 2. The amount of parking, loading, or stacking spaces available is at least 80% of the parking, loading, or stacking required for the new use.
- (3) *Change of use (maximum parking).* Uses with off-street parking in excess of the maximum allowed for a nonresidential use resulting from a change of use in an existing building are not required to remove the excess parking spaces.

(C) *Timing of compliance.* A Certificate of Occupancy will not be issued until all site improvements required in this article are constructed in conformance with the approved permit or plan required in § 156.J.002, Common Review Provisions.

(Ord. 15039, passed 4-11-2022)

§ 156.E.002 GENERAL REQUIREMENTS.

(A) *Generally.* Off-street loading, stacking, and access shall be provided, located, and designed in accordance with the standards of this article.

(B) *Lighting and noise.* The following standards shall apply to all vehicle use areas:

- (1) Lighting shall comply with Article H, Outdoor Lighting.
- (2) An area used for primary circulation, frequent idling of vehicle engines, or loading activity shall be designed and located to minimize the effects of noise, pollution, and vehicle lights on an adjoining property.

(C) *Associated building, use, or structure.* Vehicle use areas (VUA) shall be maintained as long as the associated building, use, or structure is in use or operation. No person shall utilize such building, use, or structure without providing the VUAs required in this article. It shall be unlawful to discontinue, reduce, or remove the required VUAs apart from the discontinuance, removal, or reduction of the building, use, or structure that requires the VUA.

(D) *Maneuvering space.*

(1) *Prohibited.* No VUA shall be designed or built to require a vehicle to maneuver into a public right-of-way or overhang or encroach an adjacent property under separate ownership in order to park, load, unload, or stack, except:

- (a) In the case of single-family and duplex dwellings where backing onto the public right-of-way is permitted; or

(b) Where a cross-access easement is in place.

(2) *Barrier.* In order to prevent overhang or encroachment described in division (D)(1), Prohibited, above, a VUA shall include a permanent curb, wall or other physical barrier. Such a physical barrier shall be located a minimum of two feet from the right-of-way or property line.

(E) *Location.* Except as permitted in § 156.E.006, Parking Credits and Reductions, a VUA required by this article shall be located on the same property as the building, use, or structure it serves and it shall be located behind any required bufferyard as set out in Article F, Landscaping, Buffering, and Screening.

(F) *Calculations.*

(1) *Fractions.* If the final calculated number of required parking, loading, or stacking spaces includes a fractional space, the number of required spaces shall be increased to the next whole number if the fraction is five-tenths or more, and when the fraction is less than five-tenths, the next lower whole number shall apply.

(2) *Variables for calculating required spaces.* The variables used for calculating spaces are measured as shown in Table 156.E.002, Parking, Loading, and Stacking Variable Meanings.

Table 156.E.002 Parking, Loading, and Stacking Variable Meanings	
Variable	The number of required spaces is calculated based on the number of:
Table 156.E.002 Parking, Loading, and Stacking Variable Meanings	
Variable	The number of required spaces is calculated based on the number of:
Per Dwelling Unit	Dwelling units on the subject property.
Per Campsite	Spaces available for a recreational vehicle to connect to utilities provided at the recreational vehicle park.
Per Bedroom	Bedrooms in the facility instead of the number of bed or some other measure.
Per Gross Floor Area	Gross floor area of the establishment, which measurement is described in Subsection 156.B.008.a, Measurements.
Per Employee	Employees during the shift in which the maximum number of employees is present.
Per Seat	Seats affixed to the floor that are provided to guests (patrons, members, etc.), with benches or pews measured as one seat per two feet of width. Space requirements for uses with unaffixed seats shall be based on the seating capacity permitted by the Fire Code and approved by the Fire Marshal's office.
Per Student	Students or enrollees that the facility is permitted to have according to the appropriate licensing agency, if applicable.

(3) *Multiple nonresidential uses.* If several nonresidential uses occupy a single parcel or building, the parking requirements shall be calculated separately for each use within the development, or as set out in § 156.E.006, Parking Credits and Reductions, whichever results in a lesser number of required spaces.

(G) *Surfacing and drainage.* All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of VUAs shall consist of asphalt, concrete, or other all-weather surface approved by the City Engineer.

(H) *Dedication of spaces.* Off-street parking, loading, and stacking spaces shall not be used interchangeably to meet one another's requirements nor shall their placement interfere with one another's use.

(I) *Insufficient vehicle use area.* The Zoning Administrator may require a landowner to provide additional VUA even if the number of spaces provided meets the minimum requirement for the established use, if vehicles are consistently required to park or unload on the street (where on-street parking is prohibited) or on other properties due to a lack of usable VUA.

(Ord. 15039, passed 4-11-2022)

§ 156.E.003 PARKING DESIGN.

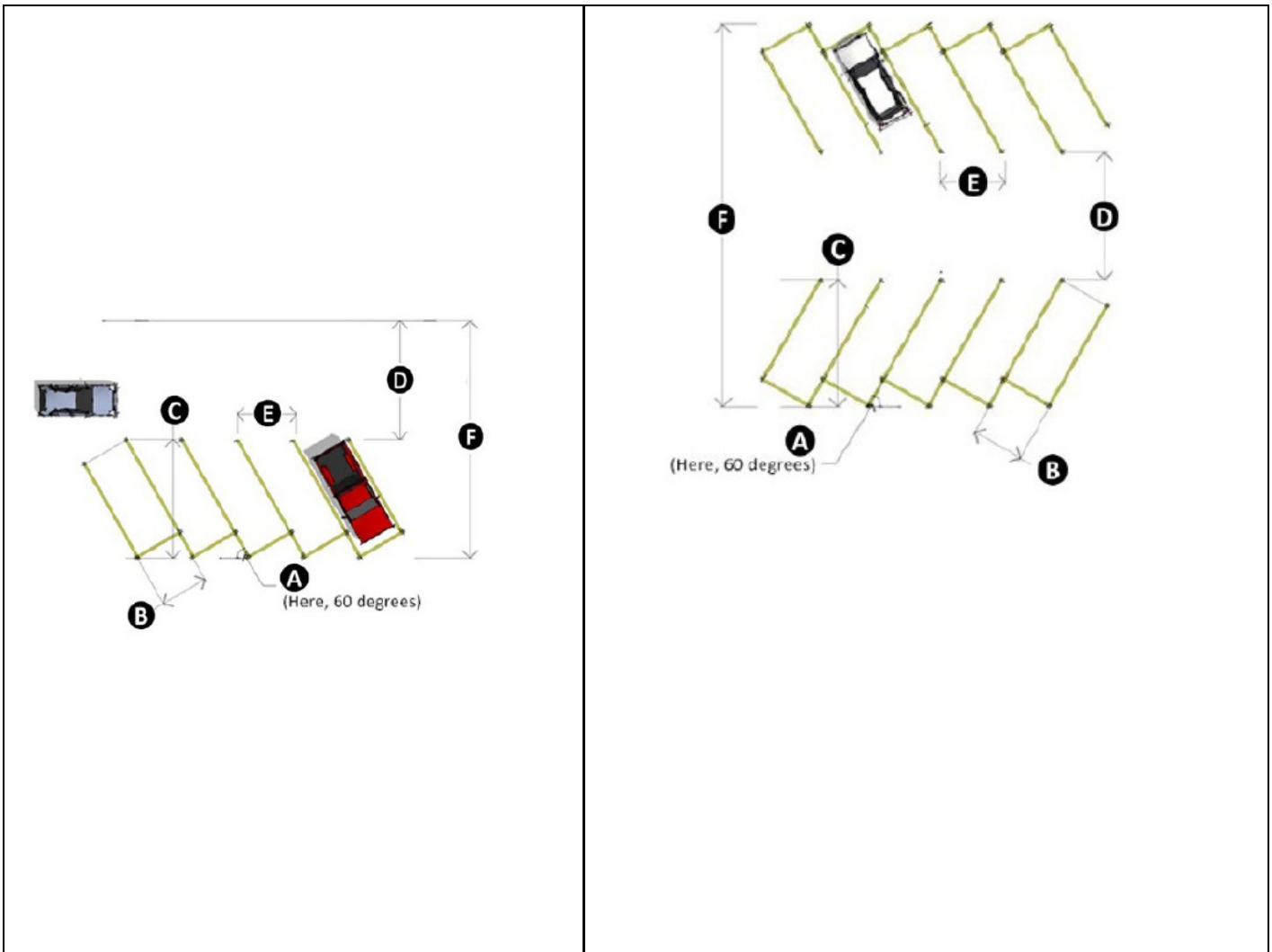
(A) *Design and construction requirements.*

(1) *Tandem parking.* Each parking space shall be accessible from a street or alley through aisles and/or driveways, except that tandem parking arrangements are permitted for single-family, two-family, and manufactured home uses or as allowed based on an approved parking study as described in § 156.E.006, Parking Credits and Reductions.

- (2) *Dead-end aisles.* Dead-end aisles are not permitted unless adequate turnarounds usable by a two-axle vehicle are provided.
- (3) *Marking.* All parking spaces for nonresidential and mixed-uses shall be clearly marked on the pavement with yellow or white traffic paint or raised pavement markers approved by the City Engineer.
- (4) *Parking space orientation.* Parking areas shall be designed to minimize headlights shining into residential properties.
- (5) *Parking module dimensions.* Parking modules shall be dimensioned as shown in Table 156.E.003, Parking Module Dimensions. The dimensions that are set out in the table are illustrated in Figure 156.E.003, Illustrative Parking Module Configurations.

Table 156.E.003								
Minimum Parking Module Dimensions								
A	B	C		D		E	F	
Angle of Parking (Degrees)	Width of Stall	Depth of Stall 90 Degrees to Aisle		Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
		One Way	Two Way	One Way	Two Way		One Way	Two Way
Table 156.E.003								
Minimum Parking Module Dimensions								
A	B	C		D		E	F	
Angle of Parking (Degrees)	Width of Stall	Depth of Stall 90 Degrees to Aisle		Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
		One Way	Two Way	One Way	Two Way		One Way	Two Way
30	9.5	16.8	12.9	11	18	18	44.6	43.8
45	9.5	19.1	15.9	13	18	12.7	51.2	49.8
60	9.5	20.1	17.8	18	18	10.4	58.2	53.6
90	9.5 ¹	18	18	24	24	9	42	60
Parallel	9.5	21 ² (length)	21 ² (length)	12	18	N/A	30	36
TABLE NOTES:								
¹ End spaces must be 12 feet								
² End spaces may be 18 feet								

Figure 156.E.003	
Illustrative Parking Module Configurations	
Illustrative dimensions for one stall row parking module	Illustrative dimensions for two stall row parking module



(B) *Surfacing and drainage.*

(1) *Paving and grading.* Except as set forth in division (D), Alternative Paving Materials, below, all off-street parking areas, driveways, and access drives must be paved with an all-weather surface and graded and drained as to dispose of all surface water accumulations within the area.

(2) *Equipment and service vehicles.* Areas used to store equipment or service vehicles used in connection with the operation of a business located on the premises, may be surfaced with gravel or grass that is maintained to eliminate blowing dust and erosion.

(C) *Setback.* No part of any parking area shall be closer than five feet to any established street right-of-way, alley, or property line. Where a parking area of a non-residential use or district adjoins any residential use or district, it shall be screened in accordance with the standard of § 156.F.004, Buffering.

(D) *Alternative paving materials.* The City Engineer may approve alternative paving materials for parking areas not specified in § 156.E.002(B), Surfacing and Drainage, if the City Engineer determines that the alternative, compared to the permitted materials, is substantially equal to or better in quality and durability.

(E) *Snow storage.* Parking lots and landscaping and buffering required by Article F, Landscaping, Buffering, and Screening, shall be designed so that snow can be efficiently plowed into on-site storage areas. Snow storage areas shall be located and designed so that:

(1) *Reduction of spaces.* The amount of parking on the site is not reduced below 80% of the number of spaces required by Table 156.E.004-1, Minimum and Maximum Off-Street Parking, when snow is stored on-site;

(2) *Circulation and visibility.* Storage of snow does not interfere with circulation on the site or with visibility at points of ingress or egress or at street intersections;

(3) *Landscape islands.* Landscape islands shall not be used for snow storage unless specifically identified on the site development plan. All light poles, landscaping, or internal pedestrian pathways shall be protected from vehicle encroachment with concrete curbing or similar permanent and elevated landscaping elements approved by the Zoning Administrator;

(4) *Risk mitigation.* The location of the snow storage area does not create an unreasonable risk of snow being pushed into street rights-of-way;

(5) *Heavy snow events.* The snow storage area is located and configured so that snow can be removed from the site during periods of heavy snowfall that are combined with sub-freezing temperatures; and

(6) *Pervious storage area.* The area under the stored snow is pervious landscape area, and runoff from snowmelt is directed through stormwater best management practices (BMPs) to slow water and improve its quality.

(Ord. 15039, passed 4-11-2022)

§ 156.E.004 REQUIRED OFF-STREET PARKING.

- (A) *Applicability.*
- (1) This section applies to all uses and structures in all zoning districts, except as provided below.
- (2) The minimum requirements of this section do not apply to the Urban Core (UC) district. However, the maximum requirements of this section do apply.
- (B) *Residential parking.* Parking spaces for household living use types or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:
- (1) *Dimensions.* The area is at least 9.5 feet wide and 20 feet deep in dimension and is not part of an access drive to a private garage or carport;
- (2) *Encroachment.* The area does not encroach upon a public sidewalk;
- (3) *Surface.* The area has an improved hard surface as required in §156.E.003(B), Surfacing and Drainage; and
- (4) *Access.* The area is accessible from the street or alley.
- (C) *Minimum and maximum spaces.* Off-street parking spaces must be provided for the uses listed inTable 156.E.004, Minimum and Maximum Parking, below. The uses must provide the minimum number of off-street parking spaces, and parking spaces may not exceed the maximum number of spaces.
- (D) *Multiple activities.* Except as otherwise provided, where multiple activities associated with a single-use take place on-site, the required parking shall include a combination of the site's activities. For example, a truck stop is required to provide parking based on applicable retail sales area, car wash, overnight accommodations, and any other applicable activities.

Table 156.E.004			
Minimum and Maximum Parking			
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable			
Use Category	Subtype	Minimum Spaces	Maximum Spaces
Table 156.E.004			
Minimum and Maximum Parking			
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable			
Use Category	Subtype	Minimum Spaces	Maximum Spaces
Residential and Agricultural			
Household Living	Dwelling, Apartment	1 per dwelling unit	1 per bedroom
	Dwelling, Single-Family Attached	2 per dwelling unit	4 per dwelling unit
	Dwelling, Single-Family Detached	2 per dwelling unit	4 per dwelling unit
	Dwelling, Duplex	2 per dwelling unit	4 per dwelling unit
	Dwelling, Townhouse	2 per dwelling unit	4 per dwelling unit
	Dwelling, Multiplex	1 per dwelling unit	1 per bedroom
	Manufactured Home Park	Zero	2 per dwelling unit
Group Living	Assisted Living Facility	0.3 per unit + 0.75 per employee	1 per unit + 1 per employee
	Boarding or Rooming House	1 per bedroom	1 per bedroom
	Group Home	2 per dwelling unit	2 per dwelling unit
	Nursing Home	1 per 2 beds	1 per 2 beds
	Group Living (Other than Listed)	2 per dwelling unit	2 per dwelling unit

Residential Accessory Uses ¹	Accessory Dwelling Unit	1 per dwelling unit	1 per dwelling unit
	Bed and Breakfast Home	1 per bedroom	1 per bedroom
	Farm Stand	1 per stand	3 per stand
	Group Day Care (6 to 12 children)	--	1 per dwelling unit
	Residential Accessory Use (Other than Listed)	--	--
	Upper-Story Residential	1 per dwelling unit	1.5 per dwelling unit
Agricultural and Animal Services	Community Garden	1 per 500 SF GFA	1 per 200 SF GFA
	Kennel	1 per 1,000 SF GFA	1 per 250 SF GFA
	Plant Nursery, Greenhouse, and Landscaping Business	--	--
	Veterinary Clinic	1 per 500 SF GFA	1 per 200 SF GFA
	Veterinary Hospital	1 per 500 SF retail area	1 per 300 SF retail area
	Crop Production	--	--
	Nursery (Retail)	1 per 500 SF retail area	1 per 200 SF retail area
	Stable (Public or Commercial)	1 per horse boarded	2 per horse boarded
Public and Institutional			
Day Care	Adult Day Care	1 per employee	1.75 per employee
	Pre-School or Child Day Care Center	1 per employee	1.75 per employee
	Group Day Care Center	1 per employee	1.75 per employee
	Botanical Garden, Nature Preserve or Trail	--	--
	Bus or Train Passenger Terminal	--	--
Educational Facilities	College or University	1 per 400 SF office, research, and library area; plus 1 space per 300 sq ft assembly areas and classrooms	1 per 300 SF office, research, and library area; plus 1 space per 250 sq ft assembly areas and classrooms
	Training Facility or Vocational School	1 per 300 SF GFA	1 per 250 SF GFA
	School, Primary or Secondary (Public or Private) -Primary -Secondary	2 per classroom (Primary); 1 per employee + 1 per 5 students (Secondary)	--
Educational Facilities	All Other Educational Facilities	1 per 400 SF GFA	1 per 350 SF GFA
Government Facilities	Government/Non-Profit Office	1 per 400 SF GFA	1 per 200 SF GFA
	Government Services (Police, Fire, Emergency Medical Services)	--	--
Medical Facilities	Hospital	1 per 3 patient beds	1 per 2 patient beds
	Funeral Home or Mortuary	1 per 6 seats	1 per 1.5 seats
	Clinic, Medical Lab, or Urgent Care	1 per 300 SF GFA	1 per 150 SF GFA
Parks and Open Areas	Botanical Garden, Nature Preserve or Trail	--	--
	Cemetery, Columbarium, Mausoleum, or Memorial Park	--	--
	Park, Playground, and Common Open Space	--	--
	Airport or Heliport	-Special Study, refer to § 156.E.004(F)	

Passenger Terminal	All other Passenger Terminal Uses	--	--
Public Assembly	Club or Lodge	1 per 300 SF GFA	1 per 200 SF GFA
	Place of Public Assembly	1 per 6 seats	1 per 1.5 seats
	Library, Aquarium, Museum, or Gallery	1 per 1,000 SF GFA	1 per 500 SF GFA
	Senior, Youth, or Community Center	1 per 300 SF GFA	1 per 200 SF GFA
Social Service	All Social Services	Special Study, refer to § 156.E.004(F)	
Utilities	Major Utility	1 per employee	--
	Minor Utility	--	--
Commercial and Office			
Adult Business	Adult Entertainment Business	1 per 400 SF GFA	1 per 200 SF GFA
Entertainment (Indoor)	Archery/Firearms Range	1 per 3 bays or 1 per 300 SF firing area if no bays	1 per bay or 1 per 100 SF firing area if no bays
	Bar or Tavern	1 per 200 SF GFA	1 per 100 SF GFA
	Bowling Alley	1 per lane	4 per lane
	Dance Club or Dance Hall	1 per 200 SF GFA	1 per 100 SF GFA
	Fitness Gym	1 per 600 SF GFA	1 per 200 SF GFA
	Entertainment (Indoor) (Other than Listed)	1 per 450 SF GFA	1 per 100 SF GFA
	Movie or Other Theater	1 per 4 seats	1 per 3 seats
	Tattoo or Piercing Business	1 per chair plus 1 per employee	1.5 per chair plus 1 per employee
Entertainment (Outdoor)	Amphitheater	1 per 6 seats or 1 per 30 SF if no permanent seats	1 per 4 seats or 1 per 50 SF if no permanent seats
	Campground without Overnight Accommodations	1 per campsite	--
	Golf Course	--	5 per hole
	Golf Driving Range	1 per tee area	3 per tee area
	Mini-Golf Course	1 per 300 SF outdoor entertainment area plus 1 per 200 SF GFA	1 per 250 SF outdoor entertainment area plus 1 per 150 SF GFA
	Entertainment (Outdoor) (Other than Listed)	1 per 1,000 SF outdoor entertainment area	1 per 300 SF outdoor entertainment area
	Stadium, Running Track, or Ball Field	1 per 6 seats or 1 per 50 SF if no permanent seats	1 per 4 seats or 1 per 30 SF if no permanent seats
Offices/Suites	Bank or Credit Union	1 per 350 SF GFA	1 per 200 SF GFA
	Offices (Other than Listed)	1 per 400 SF GFA	1 per 200 SF GFA
Overnight Accommodations	Bed and Breakfast Inn	0.3 per guest room + 1 per 3 persons (based on maximum design occupancy) for accessory meeting space and catered functions	1 per guest room + 1 per 1 person (based on maximum design occupancy) for accessory meeting space and catered functions
	Campground with Overnight Accommodations	1 per campsite	--
	Overnight Accommodations (Other than Listed)	.8 per guest room + 1 per 800 SF public meeting area and restaurant space	1 per guest room + 1 per 400 SF public meeting area and restaurant space
Parking, Commercial	All Uses	--	--
Restaurants	Catering Establishment	1 per employee or 1 per 1,500 SF GFA, whichever is less	--
	Food Delivery	1 per employee	2 per employee
	Microbrewery	1 per 200 SF dining or tasting area	1 per 100 SF dining or tasting area

	Restaurant (Other than Listed)	1 per 200 SF GFA	1 per 100 SF GFA
	Restaurant, Drive-In or Drive-Through	1 per 250 SF GFA	1 per 150 SF GFA
Retail Repair, Sales, and Service	All Uses	1 per 400 SF GFA	1 per 200 SF GFA
Self-Service Storage	All Uses	1 per 20 storage stalls	1 per 10 storage stalls
Vehicle Sales and Service	Car Wash	1 per 3 employees	1 per employee
	Heavy Vehicular Equipment Sales, Service, and Repair	1 per 1,000 SF sales and service building(s)	1 per 300 SF sales and service building(s)
	Vehicle Fuel Station	1 per 400 SF GFA	1 per 200 SF GFA
	Vehicle Repair, Major	1 per 250 SF GFA + 1 per employee	1 per 200 SF GFA + 1 per employee
	Vehicle Service, Minor	1 per 400 SF GFA	1 per 200 SF GFA
	All Other Vehicle Sales and Service	1 per 500 SF sales and service building(s)	--
Industrial			
Heavy Industrial	All Uses	1 per employee or 1 per 1,500 SF GFA, whichever is less	--
Light Industrial	Building or Development Contractor	1 per 1,500 SF storage area	1 per 300 SF storage area
	Light Industrial (Other Than Listed)	1 per employee or 1 per 1,500 SF GFA, whichever is less	--
Warehousing and Freight Movement	All Uses	1 per 2,000 SF GFA	--
Waste-Related Service	All Uses	1 per employee + 1 per 15,000 SF of outdoor storage or salvage area	--
Wholesale Trade	All Uses	1 per 1,500 SF GFA	1 per 400 SF GFA
Notes:			
¹ In addition to the required and maximum for the primary use.			

(F) *Special studies.*

(1) *Generally.*

(a) Some of the uses listed in Table 156.E.004-1, Minimum and Maximum Parking, have widely varying parking demand characteristics. Accordingly, their parking requirements are listed as "Special Study." Required parking for these uses are established according to the standards of this section.

(b) Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Table 156.E.004-1, due to the nature of the operations and/or location of a proposed use. The special study must include and support all requested reductions in parking. Further parking credits and reductions that are otherwise available pursuant to § 156.E.006, Parking Credits and Reductions, may not be applied when parking reductions are granted pursuant to this section, unless the reductions are supported by the special study.

(2) *Special study requirements.*

(a) A special study must be conducted by a qualified transportation planner or traffic engineer at the applicant's expense.

(b) The special study must provide:

1. A peak parking analysis of at least five functionally comparable uses; and
2. Documentation regarding the comparability of the referenced uses, including: name, function, location, gross floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.

(3) *Approval of special study.*

(a) The Zoning Administrator may rely upon the special study or may request additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to

comparability or peak demand, as supported by sound engineering principles.

(b) As a condition of approval of a special study, the Zoning Administrator may require that land be reserved as an undeveloped area for additional future parking if there is a demonstrably high probability the use could change, resulting in a higher demand for parking.

(G) *Unlisted uses.* Upon receiving a development application for a use not specifically addressed in this article, the Zoning Administrator shall apply the off-street parking standard specified for the use that the Zoning Administrator deems most similar to the proposed use according to § 156.C.010, New and Unlisted Uses, or require that the applicant provide a special study according to division (F), Special Studies, above.

(Ord. 15039, passed 4-11-2022)

§ 156.E.005 REQUIRED ACCESSIBLE PARKING.

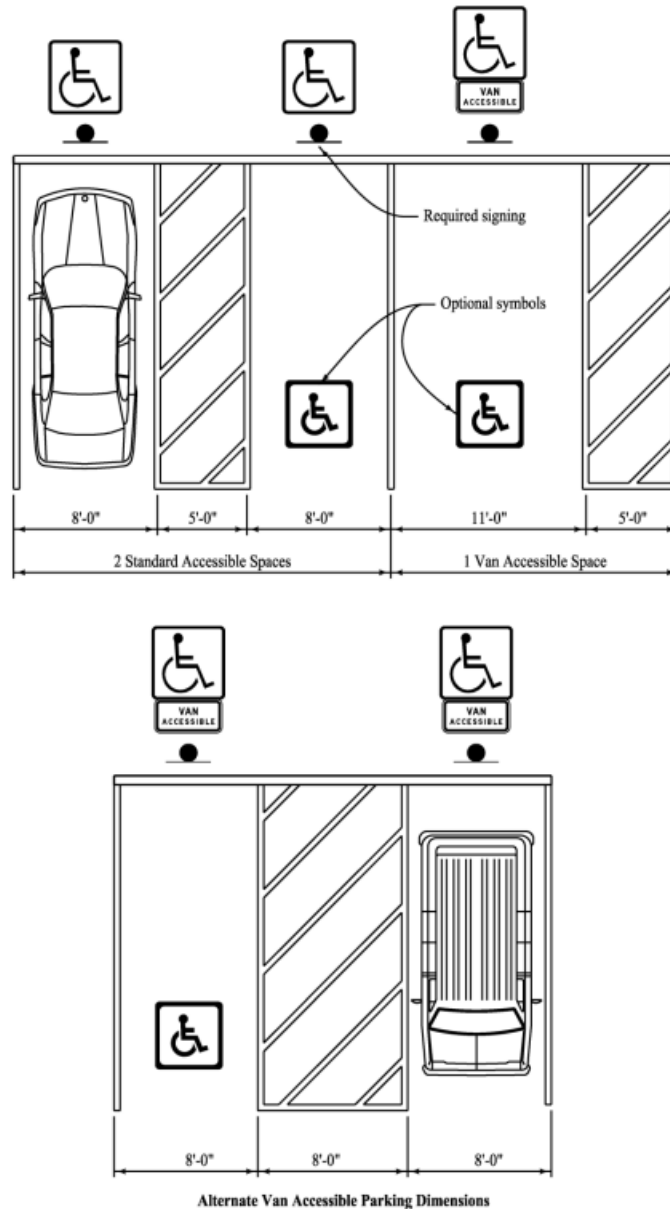
(A) *Number of required spaces.* Parking for disabled persons shall be provided as set out in Table 156.E.005-1, Accessible Parking Requirements, or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board. If any of the standards within this section and the United States Access Board are in conflict then whichever requires more spaces shall be used. Required accessible parking spaces are included in the total number of required parking spaces per § 156.E.004, Required Off-Street Parking.

Table 156.E.006-1 Accessible Parking Requirements		
Number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces	Minimum Number of Van-Accessible Parking Spaces
Table 156.E.006-1 Accessible Parking Requirements		
Number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces	Minimum Number of Van-Accessible Parking Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2% of total parking provided in each lot or structure	1 out of 6 accessible spaces, rounded up
1,001 and over	20 plus 1 for each 100 over 1,000	1 out of 6 accessible spaces, rounded up

(B) *Parking space size specifications.* Figure 156.E.005-1, ADA Parking Space Dimensions, details the specific size requirements for both standard automobile and van accessible ADA accessible parking spaces.

Figure 156.E.005-1 ADA Parking Space Dimensions	
--	--

Figure 8B-1.02: Accessible Space Dimensions



(Ord. 15039, passed 4-11-2022)

§ 156.E.006 PARKING CREDITS AND REDUCTIONS.

(A) *Generally.* This section sets out several ways to reduce or receive credit for the number of required off-street parking spaces that must be provided according to § 156.E.004, Required Off-Street Parking.

(B) *Administrative credits and reductions.* The Zoning Administrator may approve the following parking credit and reduction options for a property. If such administrative reductions are proposed in a legislative review application the presence of such reductions shall have no bearing on the recommendation or final decision of the administrative review bodies involved. The administrative credit and reduction options are cumulative if more than one is used on a property.

(1) *On-street parking credit.*

- (a) On-street parking spaces may provide credit to satisfy the minimum parking space requirements in the nonresidential and mixed-use zoning districts established in § 156.E.004, Required Off-Street Parking on streets designed for on-street parking. The use of on-street parking spaces to satisfy minimum parking requirements in no way guarantees the use of such parking spaces to customers, employees, or visitors of the subject property.
- (b) On-street spaces shall be located on a public or private street, shall be available to the general public, and directly abutting the subject property.
- (c) Bus stops, clear zones adjacent to curb cuts, and other areas in which parking is prohibited shall not be included in the calculation of available on-street parking spaces.
- (d) An on-street parking space shall be a minimum of 20 feet in length. A minimum of 16 linear feet of an on-street parking space shall be directly adjacent to the subject property in order to be counted as a parking space.

(2) *Shared parking reduction.*

(a) Shared parking allows a reduction of up to 25% in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed in Table 156.E.005-1, Shared Parking Table, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 156.E.005-2, Illustrative Shared Parking Credit Calculation, showing an example of how to calculate shared parking reductions.

- Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use excluding spaces reserved for use by specified individuals or classes of individuals (for example, accessible spaces or spaces posted as "reserved");
- Multiply the sum of required parking spaces for each use by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 156.E.005-1, below;
- Calculate the total for each time period; and
- Select the column with the highest total to find the required number of shared spaces.

Table 156.E.006-1, Shared Parking Table					
(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6:00 a.m.)
	(B) Day (6:00 a.m. to 6:00 p.m.)	(C) Evening (6:00 p.m. to midnight)	(D) Day (6:00 a.m. to 6:00 p.m.)	(E) Evening (6:00 p.m. to midnight)	
Table 156.E.006-1, Shared Parking Table					
(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6:00 a.m.)
	(B) Day (6:00 a.m. to 6:00 p.m.)	(C) Evening (6:00 p.m. to midnight)	(D) Day (6:00 a.m. to 6:00 p.m.)	(E) Evening (6:00 p.m. to midnight)	
Residential	60%	90%	80%	90%	100%
Offices	100%	10%	10%	5%	5%
Retail Sales or Personal Service	60%	90%	100%	70%	5%
Overnight Accommodation s	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Recreation or Outdoor Recreation	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

Table 156.E.006-2, Illustrative Shared Parking Reduction Calculation

EXAMPLE: A mixed-use building in the MU zoning district has 35 apartments, 30,000 square feet of general office space, and 40,000 square feet of retail space. Separately, these uses would require 270 parking spaces $((35 \text{ sp.} \times 2 \text{ sp./unit}) + (30,000 \text{ sf.} \times (1 \text{ sp./350 sf.})) + (40,000 \text{ sf.} \times (1 \text{ sp./350 sf.})) = 270)$. However, combined, they could share 196 parking spaces, a 27% reduction.

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6:00 a.m.)
	(B) Day (6:00 a.m. to 6:00 p.m.)	(C) Evening (6:00 p.m. to midnight)	(D) Day (6:00 a.m. to 6:00 p.m.)	(E) Evening (6:00 p.m. to midnight)	

Table 156.E.006-2, Illustrative Shared Parking Reduction Calculation

EXAMPLE: A mixed-use building in the MU zoning district has 35 apartments, 30,000 square feet of general office space, and 40,000 square feet of retail space. Separately, these uses would require 270 parking spaces $((35 \text{ sp.} \times 2 \text{ sp./unit}) + (30,000 \text{ sf.} \times (1 \text{ sp./350 sf.})) + (40,000 \text{ sf.} \times (1 \text{ sp./350 sf.})) = 270)$. However, combined, they could share 196 parking spaces, a 27% reduction.

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6:00 a.m.)
	(B) Day (6:00 a.m. to 6:00 p.m.)	(C) Evening (6:00 p.m. to midnight)	(D) Day (6:00 a.m. to 6:00 p.m.)	(E) Evening (6:00 p.m. to midnight)	
Residential 70 spaces	$60\% \times 70 = 42$	$90\% \times 70 = 63$	$80\% = 56$	$90\% = 63$	$100\% = 70$
Office or Industrial 86 spaces	$100\% \times 86 = 86$	$10\% \times 86 = 9$	$10\% \times 86 = 9$	$5\% \times 86 = 4$	$5\% \times 86 = 4$
Retail Sales and Service 114 spaces	$60\% \times 114 = 68$	$90\% \times 114 = 103$	$100\% \times 114 = 114$	$70\% \times 114 = 80$	$5\% \times 114 = 6$
COLUMN TOTALS	196	175	179	147	80

TABLE NOTE:
The largest number, 196, is the number of parking spaces required. This example is a 27% reduction compared to individual calculations.

(b) Where a shared parking reduction is to be applied to uses on two or more lots under different ownership, the following shall be provided to the Zoning Administrator:

1. A plan that provides for interconnected parking lots and required residential spaces to be clearly designated and separated from spaces provided for employees, customers, and service;
2. Recorded easements, accepted on a form acceptable to the City Attorney, that provide, at a minimum:
 - A. A guarantee of each owner’s rights to the use of the parking facility;
 - B. A requirement that any termination of or amendment to the agreement shall be subject to the approval of the city;
 - C. Cross-access among the parking areas and connections to allow parking by the different uses anywhere on the connected properties;
 - D. Allocation of maintenance responsibilities;
 - E. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient for pedestrians to move between uses; and
 - F. A right of enforcement by the city.

(3) *Off-site parking credit.* Off-site parking spaces may provide credit to satisfy the minimum parking space requirements in any nonresidential or mixed-use zoning district subject to the following:

- (a) The off-site parking lot is within 300 feet of the subject property, measured from the nearest property lines;
- (b) The parking lot is wholly within a nonresidential or mixed-use zoning district; and
- (c) The parking lot complies with all applicable requirements of this Zoning Ordinance.

(C) *Legislative credits and reductions.*

(1) *Plan and Zoning Commission.* The Plan and Zoning Commission may approve a reduction in the number of required parking spaces if the applicant demonstrates that a reduction is appropriate based on the applicant providing a parking study with specific parking demand forecasts for the proposed use and/or on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces, provided that:

(a) The study is prepared by a professional transportation planner or traffic engineer;

(b) The forecasts are based upon a peak parking analysis of at least five comparable uses; and

(c) The comparability of the uses is documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that could affect parking demand.

(2) *Transportation professional.* The Zoning Administrator may retain a qualified transportation planner or traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the Plan and Zoning Commission.

(3) *Reserve.* The balance of the land necessary to meet the parking requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand.

(Ord. 15039, passed 4-11-2022)

§ 156.E.007 OFF-STREET LOADING.

(A) *Generally.* This section establishes the requirements with off-street loading spaces in connection with any nonresidential or mixed-use building, structure, or use which is to be erected or substantially altered to provide adequate space for off-street loading, unloading, and the maneuvering of shipping and delivery vehicles in the GC, GI, and MU zoning districts.

(B) *Minimum number of off-street loading spaces required.* Off-street loading facilities shall be provided in accordance with the requirements in Table 156.E.007, Minimum Off-Street Loading Spaces Required.

Table 156.E.007 Minimum Off-Street Loading Spaces Required		
Use Groupings ¹	Gross Floor Area in Square Feet	Number of Required Loading Spaces
Table 156.E.007 Minimum Off-Street Loading Spaces Required		
Use Groupings ¹	Gross Floor Area in Square Feet	Number of Required Loading Spaces
Industrial	Less than 10,000	0
	10,000-50,000	1
	50,001-100,000	2
	Each additional 100,000	1
Commercial and Office, Public and Institutional	Less than 10,000	0
	10,000-100,000	1
	100,001-200,000	2
	Each additional 100,000	1
All Other Use Groupings	N/A	N/A
Table Notes: N/A = Not Applicable ¹ Refer to overall groupings of the uses in the Use Table in § 156.C.003 (for example, Agricultural, Residential, etc).		

(C) *Design.* To minimize impacts, off-street loading areas shall comply with the following standards:

(1) *Lighting.* Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.

(2) *Location.* Not be located within 40 feet of the nearest point of intersection of any two streets with no loading dock visible from a thoroughfare or collector street right-of-way;

(3) *Buffering.* Docks and loading spaces shall be located behind buildings and screened from view from abutting properties and public right-of-way. Truck access and loading areas that are located between a principal building and a residential property shall comply with the following additional standards:

(a) *Use of enclosed loading.* The loading area shall be enclosed by a roof and a wall between the principal building and the property boundary line (as depicted in Figure 156.E.007-1, Illustrative Example of Enclosed Loading, below). The walls of the enclosure shall be tall enough to completely screen the delivery vehicle and shall be designed and constructed with architectural elements such as windows, awnings, or other features that complement the exterior of the principal building. The portion of the bufferyard between the enclosed loading and the property line may be reduced by one level of opacity with the remainder of the bufferyard being the opacity level required by Table 156.F.004-1, Bufferyard Types, for the applicable zoning district; or

(b) *Absence of enclosed loading.* The loading area shall be screened along its length by a district bufferyard that has one additional level of opacity (for example, from a Type B bufferyard to a Type C bufferyard) than required by Table 156.F.004-1 and, additionally, the loading area shall contain an eight-foot-tall masonry wall that is designed and constructed with the same primary exterior finish materials of the principal building.

Figure 156.E.007-1

Illustrative Example of Enclosed Loading



(D) *Types of loading spaces.*

(1) *Loading for industrial uses.* Each required loading space in the GI, General Industrial zoning district shall be a minimum of 12 feet in width and 45 feet in depth.

(2) *Other uses.* All other required loading spaces shall be a minimum of 12 feet in width and 18 feet in depth. All required loading spaces shall have a minimum vertical clearance of 15 feet and shall be designated by signs as loading spaces.

(E) *Mixed-use developments.* Where mixed-use developments may be adequately and conveniently served by a common loading area, the Zoning Administrator may approve a reduction in spaces required in Table 156.E.007-1, Minimum Off-Street Loading Spaces Required. For this purpose, the minimum number of required spaces shall be based on the use category having the greatest number of resulting spaces.

(F) *Outdoor storage.* For the purposes of this section, each two square feet of exterior area used for outdoor storage shall be considered equivalent to one square foot of enclosed gross floor area.

(Ord. 15039, passed 4-11-2022)

§ 156.E.008 OFF-STREET STACKING.

(A) *Generally.* Stacking spaces create capacity of a drive-through lane to hold vehicles while transactions are taking place at drive-through facilities. Stacking spaces are nine feet in width by 20 feet in length and provide direct access to a service window or other improvement. The position in front of a drive-through station (e.g., a service window, ATM, or station at a drive-through bank) is counted as a stacking space.

(B) *Requirements.*

(1) *Minimum number.* Uses that include drive-through service shall not have fewer than the number of stacking spaces established in Table 156.E.008, Stacking Requirements.

(2) *Bypass lane.* A ten-foot-wide bypass lane is required adjacent to stacking lanes to allow vehicles to travel around the drive-through activity and exit the site or park.

(3) *Turn-around area.* Controlled entrances shall be designed so that vehicles may turn around without entering the

gated area or backing out into the public right-of-way.

Table 156.E.008 Stacking Requirements		
Activity	Minimum Spaces	Measured From
Table 156.E.008 Stacking Requirements		
Activity	Minimum Spaces	Measured From
Automated teller machine (ATM)	3	ATM keypad
Bank teller lane	5	Teller window or pneumatic tube station
Carwash stall, automatic	4	Entrance to wash bay
Carwash stall, self-service	3	
Day care drop-off (between 7 to 11 children or adults)	3	Facility passenger loading area
Day care drop-off (11 or more children or adults)	3 plus 1 per every 500 square feet of heated floor area	Facility passenger loading area
School, primary or secondary (public or private)	Determined by Zoning Administrator	
Fuel pump island	2	Pump island
Parking lot, controlled entrance	4	Key code box
Restaurant, drive through (or a functionally similar use) ¹	4	Order box ²
	4	Order box to first window
	2	First window to second window
Vehicle servicing	2	Entrance to stall
Other	Determined by Zoning Administrator	
TABLE NOTE: ¹ If one window is provided (for both payment and pick-up), then six stacking spaces are required measured at the order box and five stacking spaces are required between the order box and the window. ² If the restaurant has dual order boxes then 3 spaces are required per order box. ³ Each space is measured to include a length of 25 feet. ⁴ Stacking shall not block access to driveways or parking areas.		

Figure 156.E.008
Illustrative Stacking Requirements

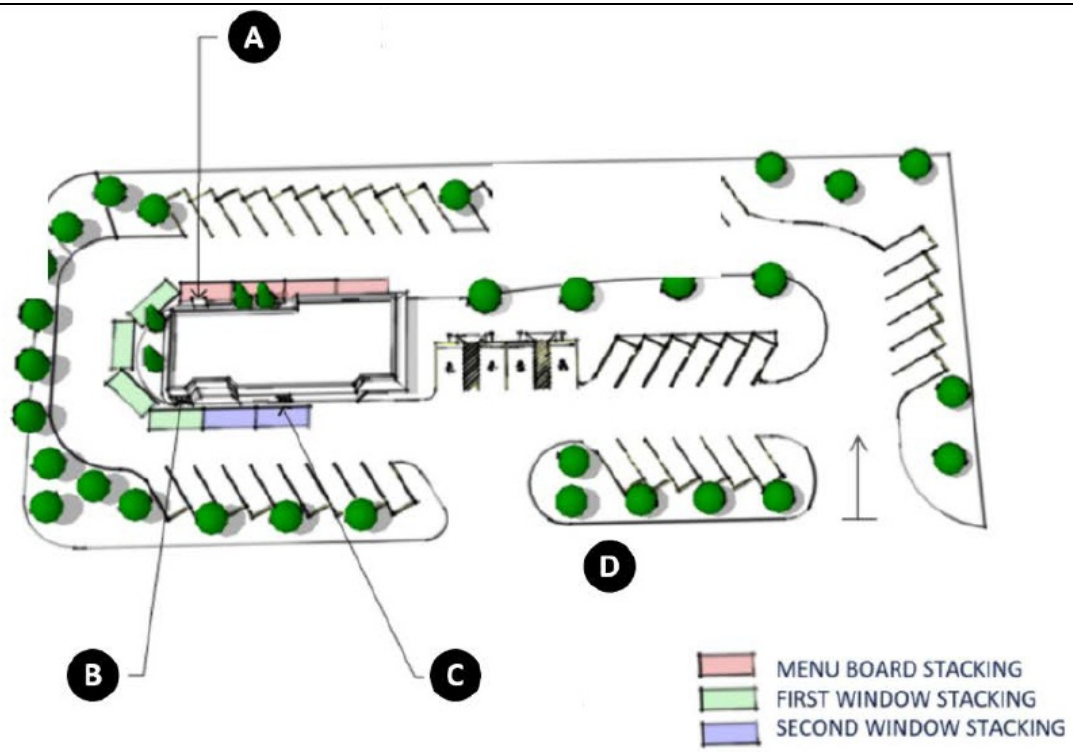


Figure Notes:

A = Order Box | B = First Window | C = Second Window | D = Public Right-of-Way

(Ord. 15039, passed 4-11-2022)

CHAPTER 72: PARKING RULES

Section

General

72.001 Definitions

Stopping, Standing or Parking

- 72.~~001~~ ~~101~~ General prohibition
- 72.~~002~~ ~~102~~ Overtime parking
- 72.~~003~~ ~~103~~ Semi-tractors, trucks or trailers
- 72.~~004~~ ~~104~~ Responsibility for vehicles and bicycles
- 72.~~005~~ ~~105~~ Removal of unattended vehicle from bridge, tunnel or causeway
- 72.~~006~~ ~~106~~ Stopping on traveled way
- 72.~~007~~ ~~107~~ Moving another's vehicle
- 72.~~008~~ ~~108~~ Theaters, hotels and auditoriums
- 72.~~009~~ ~~109~~ Parking at right-hand curb
- 72.~~010~~ ~~110~~ Parking within lines
- 72.~~011~~ ~~111~~ Parking over 24 hours
- 72.~~012~~ ~~112~~ Bus stops and taxicab stands
- 72.~~013~~ ~~113~~ Terrace parking
- 72.~~014~~ ~~114~~ Median strips
- 72.~~015~~ ~~115~~ Parking in alleys
- 72.~~016~~ ~~116~~ Parking vehicles for display or sale
- 72.~~017~~ ~~117~~ Municipally-owned parking lots
- 72.~~018~~ ~~118~~ Street parking near intersections

Parking in ~~Business and~~ Residential Yards

- 72.~~035~~ ~~201~~ Purpose
- 72.~~036~~ ~~202~~ Scope
- ~~72.037 Definitions~~

72.~~038~~–~~203~~ Driveways; number, composition, location and size

72.~~039~~–~~204~~ Driveway extensions in front yards; exceptions

72.~~040~~–~~205~~ Front yard parking

72.~~041~~–~~206~~ Unlicensed, inoperable ~~motor~~ vehicles

72.~~042~~–~~207~~ Responsibility for violations

72.~~043~~–~~208~~ No prior notice, warning required

Parking in Business Yards

72.301 Driveway and Parking Composition

72.302 Unlicensed, Inoperable Vehicles.

72.303 Responsibility for Violations

72.304 No Prior Notice, Warning Required

Special Stops

72.~~055~~–~~401~~ Railroads; obedience to signals; crossings

72.~~056~~–~~402~~ Primary roads designated as through highways

72.~~057~~–~~403~~ Emerging and yielding when emerging from private roadway, alley, building or driveway

Habitual Violator Penalty and Procedures

72.~~070~~–~~501~~ Habitual violator

72.~~071~~–~~502~~ Removal and impoundment of illegally parked vehicles

72.~~072~~–~~503~~ Right of owner to redeem impounded vehicle

72.~~073~~–~~504~~ Right to hearing

72.~~074~~–~~505~~ Conduct of hearing

Penalty

72.999 Penalty

GENERAL

§ 72.001 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. The same as defined in § 156.M.003 of this code of ordinances.

BUSINESS DISTRICT. The same as defined in § 70.001 of this code of ordinances.

CORNER LOT. a lot located at the junction of at least two streets or private ways, or at least two segments of a curved street or private ways, at which the angle of intersection is no greater than 135 degrees.

CURB DROP. A cut made through the street curb that has previously been authorized and approved by the city.

DRIVEWAY. A surface consisting of materials allowed in section § 72.038 constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway surface or soil beneath from the operation or parking of motor vehicles or vehicles thereon, located within a yard and connected to an approved curb drop or entrance.

DRIVEWAY APRON. The portion of a driveway which is located in street right-of-way.

DRIVEWAY EXTENSION. The portion of a driveway which is in excess of the allotted driveway width, which is contiguous to a driveway, which shall lead to a curb drop, and which consists of materials allowed in section § 72.038 constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway extension or soil beneath from the operation or parking of motor vehicles or vehicles, or both, thereon.

DWELLING; DWELLING, APARTMENT; DWELLING, DUPLEX; DWELLING, MULTIPLEX; DWELLING, SINGLE-FAMILY ATTACHED; DWELLING, SINGLE-FAMILY DETACHED; DWELLING, TOWNHOUSE; and DWELLING, UNIT. The same as defined in § 156.M.003 of this code of ordinances.

ENTRANCE. A portion of the driveway that is the approved exit from a street or alley onto private property, which has previously been authorized and approved by the city.

FRONTAGE. The length of a property line of any one premises abutting and parallel to a public street right-of-way.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Indent: Left: 1", No bullets or numbering

Commented [HT1]: No definition in Ch 156 – referenced other municipalities.

Formatted: Indent: Left: 1"

Commented [HT2]: No definition in Ch 156 – okay.

Commented [HT3]: This definition is okay – it does not conflict with definition in Ch 156 (That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.)

Formatted: Indent: Left: 1"

Commented [HT4]: No definition in Ch 156 – okay.

Commented [HT5]: No definition in Ch 156 – okay.

Commented [HT6]: No definition in Ch 156 – okay.

Formatted: Indent: Left: 1"

Commented [HT7]: No definition in Ch 156 – okay.

FRONT YARD. The portion of the parcel that is between the street right-of-way line and the front and closest face of the dwelling. For a corner lot, this includes both yards of a corner lot having a frontage on a street.

Commented [HT8]: No definition in Ch 156 – okay.

Formatted: Indent: Left: 1"

LOT. A tract of land represented and identified by number or letter designation on an official plat.

Commented [HT9]: No definition in Ch 156 – referenced other municipalities.

MOTOR VEHICLE. The same as defined in § 70.001 of this code of ordinances.

Commented [HT10]: No definition in Ch 156; Reviewed 70.001; Looks good!

Formatted: Indent: Left: 1"

REAR YARD. The portion of the parcel that remains that is not classified as either front or side yard.

Commented [HT11]: No definition in Ch 156 – okay.

RESIDENCE DISTRICT. The same as defined in § 70.001 of this code of ordinances.

RESIDENTIAL ZONE. Any area of the city designated by the official zoning map of the city as Rural Residential (RR), Low-Density Residential (RL), Medium-Density Residential (RM), High-Density Residential (RH), or Planned Unit Development District with majority Residential Uses.

Commented [HT12]: No definition in Ch 156; Included specific residential zoning districts.

Formatted: Indent: Left: 1"

SIDE YARD. The portion of the parcel that is between the front and closest face of the dwelling and the rear and furthest face of the dwelling. For a corner lot, this includes the yard space that is next to the side of the dwelling that has lesser depth of the dwelling.

Commented [HT13]: No definition in Ch 156 – okay.

STREET. The same as defined in § 156.M.003 of this code of ordinances.

TRAILER. The same as defined in § 70.001 of this code of ordinances.

Commented [HT14]: No definition in Ch 156; Reviewed 70.001; Looks good!

Formatted: Indent: Left: 1"

VEHICLE. The same as defined in § 70.001 of this code of ordinances.

Commented [HT15]: No definition in Ch 156; Reviewed 70.001; Looks good!

(B) All other words and terms, not enumerated in division (A) above shall be defined as provided in other chapters of this code of ordinances.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

(2013 Code, § 20-243) (Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14912, passed 11-26-2012)

STOPPING, STANDING OR PARKING

§ 72.~~001~~101 GENERAL PROHIBITION.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (A) On a sidewalk;
- (B) In front of a public or private driveway;
- (C) Within an intersection;
- (D) Within five feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within ten feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (G) Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (H) Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light;
- (I) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
- (J) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- (K) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (L) At any place where official signs prohibit stopping or parking;
- (M) Upon any street within the corporate limits of the city when the stopping, standing or parking is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets;
- (N) In front of a curb cut or ramp that is located on public or private property in a manner that blocks access to the curb cut or ramp; and/or
- (O) On the terrace or easement area if visual hazard is created.

(2013 Code, § 20-159) (Ord. 68, passed 8-14-1950; Ord. 14702, passed 6-10-2003) Penalty, see § 71.999

Statutory reference:

Similar provisions, see I.C.A. § 321.358

§ 72.~~002-102~~ OVERTIME PARKING.

(A) No person shall cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time at any location designated.

(2013 Code, § 20-160)

(B) In reference to overtime parking, the method of parking shall be as follows: every vehicle stopped or parked upon a roadway shall be stopped or parked with the wheels of such vehicle parallel with and within 18 inches of the curb, and not closer than four feet end to end from another vehicle.

(2013 Code, § 20-160.1)

~~—(C) The word VEHICLE means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.~~

~~(2013 Code, § 20-160.2)~~

~~(D)~~ (1) Overtime alternate parking shall apply to all streets within the incorporate limits of the city, except as to streets or portions of streets hereinafter expressly excluded or not signed as such.

(2) Overtime alternate parking shall apply to the entire length or course of said street within the incorporate limits of the city, except as to such portion hereinafter expressly excluded or not signed as such.

(2013 Code, § 20-160.3)

~~(E)~~ Streets and avenues running in an easterly and westerly direction, parking on the south side of said street or avenue prior to 9:00 a.m. is prohibited on Monday, Wednesday, Friday and Sunday, and on the north side of said street or avenue prior to 9:00 a.m. on Tuesday, Thursday and Saturday.

(2013 Code, § 20-160.4)

~~(F)~~ Streets and avenues running in a northerly and southerly direction, parking shall be prohibited on the west side of said streets and avenues prior to 9:00 a.m. Tuesday, Thursday and Saturday, and on the east side of street or avenue prior to 9:00 a.m. Monday, Wednesday, Friday and Sunday.

(2013 Code, § 20-160.5)

~~(G)~~ This section shall have no application and is expressly declared to be inapplicable to the existing parking ordinances or regulations in regard to the portions of streets and

avenues bordering on and immediately adjacent to all public-school grounds and also the portions of streets and avenues bordering on and immediately adjacent to all parochial school grounds.

(2013 Code, § 20-160.7)

~~(HG)~~ (1) General.

(a) A street or avenue beginning in a straight course from Main Street in a southerly and northerly direction, and then taking a diagonal course, shall for the purpose of this section be classified throughout its length as a north and south street or avenue. A street or avenue beginning in a straight course from Center Street in an easterly and westerly direction and then taking a diagonal course, shall, for the purpose of this section, be classified throughout its length as an east and west street or avenue.

(b) All other diagonal streets or avenues shall be deemed north and south streets if they angle less than 45 degrees from true north.

(c) All other diagonal streets or avenues shall be deemed east and west streets or avenues if they angle more than 45 degrees from true north.

(2) Curved streets. Streets curved in part shall be classified as north and south streets if the major portion thereof runs in a northerly and southerly direction. Streets curved in part shall be classified as east and west streets if the major portion thereof runs in an easterly and westerly direction.

(3) Specific designations. Brentwood Road and Brentwood Place shall be deemed and is so declared north and south streets or avenues for the purpose of this section. Brentwood Terrace shall be deemed and so declared an east and west street or avenue for the purpose of this section.

(2013 Code, § 20-160.8)

~~(H)~~ (1) The principal of the use of alternate sides for the control of the parking or leave standing of vehicles is hereby established.

(2) The hour of change shall be at 9:00 a.m. on each day of the week on the streets and avenues herein covered.

(2013 Code, § 20-160.9)

~~(H)~~ Appropriate signs stating thereon "NO PARKING" followed by the days of the week on which a vehicle shall not be parked or left standing shall be placed and maintained by the Street Department adjacent to the curb along the portions of the street included in the provisions of this section.

(2013 Code, § 20-160.10)

Penalty, see § 71.999

§ 72.~~003-103~~ SEMI-TRACTORS, TRUCKS OR TRAILERS.

~~(A) RESIDENTIAL ZONE shall mean for the purpose of this section any area of the city designated by the official zoning map of the city as a R-1, R-2, R-2A, R-3, R-4, R-5, R-6 or Residential Planned Unit Development District.~~

Commented [HT16]: Moved to Definition Section

(BA) The stopping, parking or leave standing of a semi-tractor, truck or trailer, either alone or in conjunction with each other with a five and one-half-ton license or more for more than three hours is hereby prohibited in any residential zone in the city; provided, however, that, the Police Department shall allow parking in excess of three hours when the tractor, truck or trailer is parked to render a service in the immediate vicinity.

(GB) The method and procedure of payment and collection for each violation in division (A) above shall be the same as that provided for the payment collection of fines for violation of city ordinances under state law.

(2013 Code, § 20-170) (Ord. 14317, passed 5-29-1990; Ord. 14875, passed 7-12-2010)
Penalty, see § 71.999

§ 72.~~004-104~~ RESPONSIBILITY FOR VEHICLES AND BICYCLES.

(A) Scope of section. This section shall apply to all ~~motor~~ vehicles and bicycles parked within the city in violation of ordinances regulating parking of such motor vehicles or bicycles.

(B) Owner's responsibility. If any ~~motor~~ vehicle or bicycle is found stopped, standing or parked in any manner violative of ordinances concerning parking, when the identity of the operator cannot be determined, the owner or person or corporation in whose name the vehicle or bicycle is registered shall be held prima facie responsible for the violation.

(2013 Code, § 20-171) (Ord. 13500, passed 2-12-1979) Penalty, see § 71.999

§ 72.~~005-105~~ REMOVAL OF UNATTENDED VEHICLE FROM BRIDGE, TUNNEL OR CAUSEWAY.

Whenever any peace officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(2013 Code, § 20-172)

Statutory reference:

Similar provisions, see I.C.A. § 321.357

§ 72.~~006~~106 STOPPING ON TRAVELED WAY.

(A) (1) Upon any highway outside of a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main-traveled part of the highway when it is practical to stop, park or so leave such vehicle off such part of the highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway; provided, however, school buses may stop on a highway for receiving and discharging pupils, and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in § 71.089 of this code of ordinances.

(2) This section shall not apply to a vehicle making a turn as provided in § 71.040 of this code of ordinances.

(3) This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main-traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

(B) The provisions of division (A) above shall not apply to the driver of any vehicle that is disabled while on the paved or improved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid so stopping and temporarily leaving such disabled vehicle in such position.

(C) Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the provisions of this section, such officer is authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or improved or main-traveled part of such highway.

(2013 Code, § 20-173) Penalty, see § 71.999

Statutory reference:

Similar provisions, see I.C.A. §§ 321.354 through 321.356

§ 72.~~007~~107 MOVING ANOTHER'S VEHICLE.

No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

(2013 Code, § 20-174) (Ord. 68, passed 8-14-1950) Penalty, see § 71.999

Statutory reference:

Similar provisions, see I.C.A. § 321.359

§ 72.~~008-108~~ THEATERS, HOTELS AND AUDITORIUMS.

A space of not to exceed 50 feet is reserved at the side of the street in front of any theater, auditorium or hotel having more than 25 sleeping rooms, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped, except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(2013 Code, § 20-175) (Ord. 68, passed 8-14-1950) Penalty, see § 71.999

Statutory reference:

Similar provisions, see I.C.A. § 321.360

§ 72.~~009-109~~ PARKING AT RIGHT-HAND CURB.

Except where angle or center parking or parking of a vehicle with the left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway is permitted by ordinance, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb.

(2013 Code, § 20-176) (Ord. 68, passed 8-14-1950; Ord. 8874, passed 7-12-1955; Ord. passed 4-9-1968) Penalty, see § 71.999

Statutory reference:

Similar provisions, see I.C.A. § 321.361

§ 72.~~010-110~~ PARKING WITHIN LINES.

Whenever stalls or sections for motor vehicles are marked or painted upon the surface of any street or municipally owned or leased parking lot, the driver or operator of any motor vehicle shall park the vehicle within the limits of one of the stalls or sections and not over or across the lines.

(2013 Code, § 20-177) (Ord. passed 4-9-1968) Penalty, see § 71.999

§ 72.~~011-111~~ PARKING OVER 24 HOURS.

(A) It shall be unlawful for any person to stop, park or leave standing any motor vehicle, machinery, mobile or movable equipment of any kind upon any street, avenue, alley or highway for more than 24 consecutive hours.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

(B) It shall be unlawful for any person to park or leave standing any motor vehicle, machinery, mobile, or movable equipment of any kind within any public street right-of-way or terrace for more than 24 consecutive hours.

(2013 Code, § 20-178) (Ord. 11652, passed 4-15-1970) Penalty, see § 71.999

§ 72.~~012-112~~ BUS STOPS AND TAXICAB STANDS.

It shall be unlawful to stop, park or leave standing any vehicle or in any bus stop or taxicab stand, except that a temporary stop may be made to load or unload passengers.

(2013 Code, § 20-179) (Ord. 68, passed 8-14-1950; Ord. 8141, passed 7-11-1951) Penalty, see § 71.999

§ 72.~~013-113~~ STREET RIGHT-OF-WAY & TERRACE PARKING.

It shall be unlawful for any person to park or leave standing any motor vehicle on any street right-of-way or terrace area between the outside curb line of any public street, road or avenue and the outside walk line of any street at any time or to use such terrace for the storage or parking of any such vehicle or other object, unless there is a designated parking area that does not create a visual hazard.

(2013 Code, § 20-180) (Ord. 68, passed 8-14-1950; Ord. 8141, passed 7-11-1951; Ord. 14206, passed 11-13-1984) Penalty, see § 71.999

§ 72.~~014-114~~ MEDIAN STRIPS.

It shall be unlawful for any person to stop, park or leave standing any motor vehicle on any part or portion of any median strip.

(2013 Code, § 20-181) (Ord. 13170, passed 7-11-1977) Penalty, see § 71.999

§ 72.~~015-115~~ PARKING IN ALLEYS.

(A)–It shall be unlawful to stop, park or leave standing any vehicle in any alley at any time, except for loading or unloading.

(B) In cases where the City has installed permanent or temporary signage in an alley to prohibit blocking, stopping a vehicle for loading and unloading of goods or product shall be unlawful with the following exception:

a. Garbage, refuse, or recycling collection where the loading/unloading occurs with the vehicle running and persons performing the collection services stays

Formatted: Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.61" + Indent at: 0.86"

at or within 30-feet of the vehicle and the collection services are to be anticipated to take 1-minute or less.

(2013 Code, § 20-182) (Ord. 68, passed 8-14-1950; Ord. 8141, passed 7-11-1951) Penalty, see § 71.999

§ 72.~~016-116~~ PARKING VEHICLES FOR DISPLAY OR SALE.

It shall be unlawful to use or occupy any part of the street ~~between lot lines~~right-of-way for the parking or standing of any vehicle, including a motor vehicle, which is owned or possession had thereof, for the purposes of sale or display.

(2013 Code, § 20-183) (Ord. 68, passed 8-14-1950; Ord. 8141, passed 7-11-1951) Penalty, see § 71.999

§ 72.~~017-117~~ MUNICIPALLY-OWNED PARKING LOTS.

(A) Blocking access or traffic flow in parking lots. No vehicle shall be parked in any lot in any manner or of such size so as to block the free access or flow of traffic in and through any parking lot.

(2013 Code, § 20-230)

(B) Impoundment of vehicles left on municipally-owned parking lots. Any motor vehicle parked or left standing on any municipally owned or municipally leased parking lot for longer than ~~7+2~~ continuous hours may be removed therefrom and stored under the direction of the Police Department, and all costs of such removal and storage shall be payable by the operator or owner thereof. Any expense incurred therefor shall be in addition to the assessment of any fine or costs arising out of any violation of this subchapter.

(2013 Code, § 20-231) Penalty, see § 71.999

(C) Consumption of alcoholic beverages on municipal parking lots prohibited. The consumption of alcoholic beverages, beer or wine in any municipally-owned or municipally-leased parking lot in the city is prohibited at all times.

(2013 Code, § 20-233)

(Ord. 14216, passed 6-10-1985; Ord. 14388, passed 8-10-1992) Penalty, see § 71.999

§ 72.~~018-118~~ STREET PARKING NEAR INTERSECTIONS.

(A) It shall be unlawful to stop, park or leave standing any motor vehicle on any street or avenue within 20 feet of the sidewalk extended to the curb at any street or avenue intersection.

(B) Upon application of the Director of Public Works/City Engineer, ~~and approval of the Transportation Committee of the City Council,~~ at designated intersections and school crossings, it shall be unlawful to stop, park or leave standing any motor vehicle on any street or avenue within 40 feet of the sidewalk extended to the curb at any street or avenue intersection or within 40 feet of a school crossing.

~~(C) Upon approval by City Council as an ordinance, additional~~ The prohibited parking areas ~~may be designated.~~

~~(C)(D)~~ In divisions (B) and (C), above, it shall be indicated by appropriate signage. Yellow striping of the curb may be used in addition, all consistent with uniform practices.

(2013 Code, § 20-234) (Ord. 14521, passed 12-11-1995) Penalty, see § 71.999

PARKING IN ~~BUSINESS AND~~ RESIDENTIAL YARDS

§ 72.~~035-201~~ PURPOSE.

~~(A)~~—The purpose of the ~~front yard residential~~ parking regulations in this subchapter is to prevent the unreasonable diminishing or impairment of established property values and aesthetics within the city and to preserve the public health, safety and welfare.

(2013 Code, § 20-241) (Ord. 14561, passed 10-13-1997)

§ 72.~~036-202~~ SCOPE.

~~(A)~~—The regulations proscribed in this subchapter apply to all residential zoned districts and residential ~~real-use~~ properties, regardless of zone, within the city.

~~(B) Nothing in this subchapter is intended to conflict or supersede regulations in Chapter 156: Zoning, Article E – Parking, Loading, and Stacking. All applicable developments or use changes must meet §156.E. Properties that have applied for and been approved for Limited Use, Special Use, Variance, or other zoning related requirements and waivers shall govern if a conflict in parking requirements are specifically listed and included in the permit or variance approved.~~

(2013 Code, § 20-242) (Ord. 14561, passed 10-13-1997)

§ 72.037 DEFINITIONS.

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.11" + Indent at: 0.36"

~~—(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~CURB DROP. A cut made through the street curb that has previously been authorized and approved by the city.~~

~~DRIVEWAY. A surface consisting of concrete, asphalt, seal coat, solid bricks, gravel or crushed stone, constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway or soil beneath from the operation or parking of motor vehicles or vehicles thereon, located within a yard and connected to an approved curb drop or entrance.~~

~~DRIVEWAY EXTENSION. The portion of a driveway which is in excess of the allotted driveway width, which is contiguous to a driveway, which shall lead to a curb drop, and which consists of concrete, asphalt, seal coat, solid bricks, gravel or crushed stone, constructed and maintained in quality, quantity and size to prevent the creation of ruts in, or deterioration or damage to, the driveway extension or soil beneath from the operation or parking of motor vehicles or vehicles, or both, thereon.~~

~~DWELLING. Any portion of a building that is designed or used for residential living purposes, not including any attached garage portion.~~

~~ENTRANCE. A portion of the driveway that is the approved exit from a street or alley onto private property, which has previously been authorized and approved by the city.~~

~~FRONT YARD. For a corner lot, means any yard of a corner lot having a frontage on a street.~~

~~MOTOR VEHICLE. The same as defined in § 70.001 of this code of ordinances.~~

~~TRAILER. The same as defined in § 70.001 of this code of ordinances.~~

~~VEHICLE. The same as defined in § 70.001 of this code of ordinances.~~

~~—(B) All other words and terms, not enumerated in division (A) above, including, but not limited to, the terms “frontage”, “lot”, “corner lot”, “street”, “yard”, “front yard”, “side yard” and “rear yard”, shall be defined as provided in the zoning ordinance, any amendments thereto or any future zoning ordinances enacted by the city.~~

~~(2013 Code, § 20-243) (Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14912, passed 11-26-2012)~~

§ 72.038-203 DRIVEWAYS; NUMBER, COMPOSITION, LOCATION AND SIZE.

(A)—Composition of driveway and entrance surface. Under this subchapter, a driveway and entrance shall be a surface constructed of materials as follows:

	<u>Allowable Driveway Approach Materials</u>	<u>Allowable Front Yard Driveway &</u>	<u>Allowable Rear and Side Yard Driveway</u>
--	--	--	--

Formatted Table

		<u>Extension Materials</u>	<u>& Extension Materials</u>
<u>Driveways Installed prior to 2010 & Continuously Maintained</u>	<u>Concrete, Asphalt, Seal Coat, Solid Bricks, Gravel, or Crushed Stone</u>	<u>Concrete, Asphalt, Seal Coat, Solid Bricks, Gravel, or Crushed Stone</u>	<u>Concrete, Asphalt, Seal Coat, Solid Bricks, Gravel, or Crushed Stone</u>
<u>Driveways Installed after 01/01/2010 and prior to 05/01/2024</u>	<u>Concrete, Asphalt, or Solid Bricks</u>	<u>Concrete, Asphalt, or Solid Bricks</u>	<u>Concrete, Asphalt, Seal Coat, Solid Bricks, Gravel, or Crushed Stone</u>
<u>Driveways Installed on or after 05/01/2024</u>	<u>Concrete or Asphalt</u>	<u>Concrete, Asphalt, or Solid Bricks</u>	<u>Concrete, Asphalt, Seal Coat, or Solid Bricks.</u> <u>Exception: Gravel or Crushed Stone shall be allowed if directly connected through the driveway to a gravel street, gravel alley, or grassed alley.</u>

Formatted: Font: Italic

Formatted: Font: Italic

concrete, asphalt, seal coat, solid bricks, gravel or crushed stone, constructed and
Driveways shall be -maintained in quality, quantity and size to prevent the creation of ruts in or deterioration or damage to the driveway or soil beneath from the operation or parking of motor vehicles or vehicles, or both, thereon.

(A),(B) Location of driveway or parking areas.

(1) Front yard.

- a. Only one driveway shall be allowed in a front yard per street frontage, except that a duplex with garages located at each end of the building shall be permitted a driveway for each garage.
- b. No driveway shall be located in front of a dwelling, except for any dwelling area portions attached to and located above or behind a garage.
- c. A driveway shall not lead to the side of a garage where there is no garage door.
- (2)d. A driveway shall be connected and lead to only one curb drop or entrance, except for residences on a corner lot located on a major or

Formatted

minor arterial or major collector roadway, as defined in the city's Comprehensive Plan and any future amendments to the plan, which can apply to the City Engineer for permission to connect a driveway to two curb drops for the sole purpose of allowing safe entry onto the roadway. ~~Front yard driveways constructed after 1-1-2010 shall be constructed only with solid concrete, asphalt or solid bricks.~~

(2) Rear and side yards.

a. Parking of all vehicles, including licensed and operable vehicles, recreational vehicles and trailers, must be parked in a permanent roofed structure or on a driveway meeting the materials allowed in section § 72.038, hard surface consisting of solid concrete, asphalt, solid bricks, crushed stone or gravel. Such hard surfaced

b. Driveway and parking areas in a side-yard or rear-yard must be connected to a driveway leading from an approved curb drop or entrance which also consists of a hard surface consisting of solid concrete, asphalt, solid bricks, gravel or crushed stone, with the following exception:-

i. A maximum of two parking pad spaces may be created per parcel without connection to a driveway, curb drop, or entrance for seasonal or temporary parking of licensed and operable vehicle that is not moved or driven off the parking pad more than 6 times annually and does not create ruts in the yard exceeding ½-inch as a result. The parking pad shall meet materials allowed in section § 72.038 and not be larger than 12-ft x 24-ft for each pad. Stand-alone parking pads shall not be closer than five feet to any established property line.

c. The maximum number of vehicles, including licensed and operable vehicles, recreational vehicles and trailers, allowed to be parked at one time in the side and/or rear yard of a dwelling shall be as follows:

i. DWELLING, SINGLE-FAMILY ATTACHED; DWELLING, SINGLE-FAMILY DETACHED; DWELLING, DUPLEX; and DWELLING, TOWNHOUSE: Not more than two (2) per dwelling unit. (Effective 9-30-2013)

ii. DWELLING, MULTIPLEX and DWELLING, APARTMENT: Not more than one and a half (1.5) per dwelling unit, unless parking area was/is:

1. Submitted and approved with a City of Marshalltown Building or Parking Lot permit

2. Constructed of concrete, asphalt, or solid brick.

Formatted: Font: Italic

3. Meet all requirements of § 156, Article E, including maximum stall counts. (Effective 5-1-2024)

Formatted

iii. On properties where there is no front yard driveway, the above numbers of allowed vehicles shall be allowed to be increased by one half (0.5).

iv. Where calculations yield a fractional result, only fractions of 0.5 or greater shall be rounded to the higher whole number.

v. Vehicles in excess of this number, or not parked on surfaces meeting the requirements of this chapter, are subject to penalties outlined in § 72.999 of this chapter.

Formatted

(3) The vehicle wheels and any component touching the ground must be located entirely on and directly above the appropriate surface.

(4) Maintenance.

a. Existing gravel or crushed stone must be maintained so as to be free from weeds and grass and to a depth to prevent erosion and rutting.

~~a.b.~~ All other surfaces, ~~including gravel or crushed stone,~~ must meet the requirements of division (A) above.

c. Failure to maintain driveways and parking areas in accordance with requirements of this section are subject to penalties outlined in § 72.999.

~~(4) Effective 9-30-2013, not more than two vehicles, including licensed and operable vehicles, recreational vehicles and trailers shall be parked on the side or rear yard of any single-family residential property. Vehicles in excess of this number, or not parked on surfaces meeting the requirements of this section, are subject to penalties outlined in § 72.999 of this chapter.~~

Formatted

~~(B)~~(C) Width of driveway.

(1) A driveway, whether in front, side, or rear yard shall be no wider than the approved existing curb cut or entrance therefor, which intersects the street or alley, or shall be no wider than as follows:

<u>No connected garage</u>	<u>10 feet*</u>
1 vehicle stall wide garage	12 feet*
2 vehicle stall wide garage	24 feet*
3 vehicle stall wide garage	24 feet*

4 stall garages and larger	All 4-vehicle stall wide garages and larger shall be placed on the lot so all the garage doors do not face the primary street. Some or all of the doors shall be perpendicular to the street. The driveway width in the front yard shall not be greater than 24 feet, plus 1 driveway extension
----------------------------	---

NOTES TO TABLE:

* One driveway extension with a maximum width of ~~ten-14~~ feet can be added to the maximum driveway width designated, but must meet the requirements of § 72.~~039-204~~ of this chapter.

-In cases where the garage is more than four feet wider than the edge of a garage overhead door, the Engineering Office shall have the discretion to reclassify the # of vehicle stalls the garage is based on the width the garage is and not the # of vehicles the door allows.

(2) Where the driveway maximum allowable widths do not provide for the desired and allowable parking for properties of DWELLING, MULTIPLEX and DWELLING, APARTMENT, parking lots shall be required. Parking Lots shall be:

a. Submitted and approved with a City of Marshalltown Building or Parking Lot permit

b. Constructed of concrete, asphalt, or solid brick.

a.c. Meet all requirements of § 156, Article E, including maximum stall counts. (Effective 5-1-2024)

~~(C)~~(D) Exemption for large lots. Residential lots greater than one-half acre and with a front yard depth greater than 75 feet are exempt from the provisions of division (B) above and § 72.~~039-204~~ of this chapter, with the exception of paving requirements. A driveway permit application is required to be submitted and approved by the city to verify that the lot qualifies as a large lot. The driveway width at the property line shall not be greater than 24 feet with no opportunity for a driveway extension.

~~(D)~~(E) Exemption for approved planned unit developments (PUD).

(1) Residential PUDs which have been approved by the Plan and Zoning Commission and the City Council are exempt from the provisions of divisions (B) and (C) above and § 72.~~039-204~~ of this chapter only if driveway regulations are included in the approved PUD plans.

(2) All front yard driveways and driveway extensions must be paved in accordance with division ~~(B)~~A and ~~(4B)~~ above.

~~(E)~~, (F) Responsibilities of owners. Any person, corporation or legal entity who is the owner, whether the legal or equitable titleholder, of a residential lot shall be responsible for any violation of the driveway regulations provided in divisions (A), (B) and (C) above.

(2013 Code, § 20-244) (Ord. 14561, passed 10-13-1997; Ord. 14672 , passed 2-26-2001; Ord. 14912, passed 11-26-2012) Penalty, see § 72.999

§ 72.039-204 DRIVEWAY EXTENSIONS IN FRONT YARDS; EXCEPTIONS.

(A) (1) Prior written authorization of the Engineering Department or other authorized designee is required for all driveways and driveway extensions in front yards and regulations for authorization. No driveway extension shall be installed or construction thereon begun in any residential front yard without the prior written authorization of the Engineering Department or other authorized designee, issued to the owner, whether the legal or equitable title holder, of the lot.

(2) Prior to the Engineering Department or other authorized designee's consideration of any request for or issuance of a written authorization for any driveway or driveway extension in any residential front yard, any owner, whether the legal or equitable title holder, of the lot shall submit a written application and pay to the City Clerk a fee set by resolution. ~~If any driveway extension has been installed or construction thereon begun prior to Engineering Department or other authorized designee's written authorization, the fee shall double. The City Clerk is not required to accept any coin in payment of any such application fee.~~

(3) The Engineering Department or other authorized designee shall issue a written authorization for a driveway extension in a residential front yard to an owner, whether the legal or equitable title holder, of a residential lot, upon submission of an application by the owner and payment of the fee therefor and only if a proposed driveway extension will be in compliance with all of the following, which shall be specified in writing in each written authorization issued:

(a) One driveway extension no wider than ~~ten-14~~ feet in width shall be permitted in a front yard;

(b) A driveway extension must be contiguous and parallel to the driveway;

(c) A driveway extension must be located between the driveway and the side property line in the direction away from the dwelling, if there is sufficient space for placement between the driveway and that side property line; and

(d) The surface of a driveway extension must be a surface material allowed in section § 72.038 ~~consisting of concrete, blacktop, asphalt or solid bricks,~~ and constructed and maintained in quality, quantity and size to prevent the creation of ruts in or deterioration or damage to the driveway extension or soil beneath from the operation or parking of motor vehicles or vehicles, or both thereon.

(4) Any person, corporation or legal entity who is the owner, whether the legal or equitable title holder, of a residential lot shall be responsible for any violation of this section pertaining to driveways or driveway extensions.

(2013 Code, § 20-245)

(B) (1) The following driveways and driveway extensions, in existence on or before 2-26-2001, are excepted or grandfathered from any of the regulations in § 72.~~038-203~~ of this chapter and division (A) above that would otherwise prohibit them:

(a) Driveway extensions that otherwise conforms to the driveway extension regulations prescribed by divisions (A)(3)(a), (A)(3)(b), (A)(3)(c) and (A)(3)(d) above without the necessity for Engineering Department or other authorized designee for a driveway extension that is located on the side of the driveway towards the dwelling, regardless if there exists sufficient space to have located the extension on the side of the driveway in the direction away from the dwelling;

(b) Driveways connected and leading to one or two approved existing curb cuts or entrances, which is in the nature of a circle-type or horseshoe-type driveway, whether located in front of a dwelling that otherwise conforms to the driveway regulations prescribed by § 72.~~038-203~~ of this chapter; or

(c) Driveways connected and leading to only one entrance from a street or alley, although the entrance has not been authorized and approved by the city, that otherwise conforms to the driveway regulations prescribed by § 72.~~038-203~~ of this chapter.

(2) The grandfather exceptions provided in this section shall automatically terminate for any driveway or driveway extension that is replaced, altered or expanded on or after 2-26-2001. However, maintenance, without changing the configuration, of a grandfathered driveway or driveway extension will not terminate its grandfathered status.

(2013 Code, § 20-246)

(Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14912, passed 11-26-2012) Penalty, see § 72.999

§ 72.~~040-205~~ FRONT YARD PARKING.

(A) Front yard parking off driveway or driveway extension prohibited. It shall be unlawful for any person, corporation or legal entity to park a motor vehicle, trailer or vehicle in the front yard of any residential lot, unless the motor vehicle, trailer or vehicle is parked completely upon a driveway, driveway extension or combination thereof or in a permanent roofed enclosure. However, this section shall not apply to motor vehicles, trailers or vehicles being used to move, deliver and/or take articles to and from a yard or building or structure located thereon or used in connection with providing a temporary service thereon for a reasonable period of time while in the active process of such use.

(B) Parking of trucks, other than panel or pickup trucks of less than or equal to one-ton capacity, ~~is~~are prohibited in residential areas, except to load or unload. Heavy commercial vehicles, including tractor cab units rated at more than one-ton capacity, shall not be parked at any time in residential zoning districts.

(2013 Code, § 20-248) (Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14702, passed 6-10-2003; Ord. 14912, passed 11-26-2012) Penalty, see § 72.999

§ 72.~~041-206~~ UNLICENSED, INOPERABLE ~~MOTOR~~ VEHICLES.

It shall be unlawful for any person, corporation or legal entity to park or store an unlicensed or inoperable ~~motor vehicle or~~ vehicle anywhere in the side or rear yard, including upon any driveway or driveway extension, unless the ~~motor vehicle or~~ vehicle is parked or stored in a permanent roofed enclosure. Mere licensing of an inoperable ~~motor vehicle or~~ vehicle shall not constitute a defense to the finding that such ~~motor vehicle or~~ vehicle is in violation of this section.

(2013 Code, § 20-249) (Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14912, passed 11-26-2012) Penalty, see § 72.999

§ 72.~~042-207~~ RESPONSIBILITY FOR VIOLATIONS.

When the identity of the operator of a ~~motor vehicle or~~ vehicle cannot be determined, any person, corporation or legal entity who was the registered owner of such ~~motor vehicle or~~ vehicle and any person, corporation or legal entity who was in lawful possession of the residential lot where the violation occurred at the time of a violation shall be held prima facie responsible for any violation of the provisions of §§ 72.~~040-205~~ and 72.~~041-206~~ of this chapter.

(2013 Code, § 20-250) (Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14912, passed 11-26-2012)

§ 72.~~043-208~~ NO PRIOR NOTICE, WARNING REQUIRED.

The offenses enumerated in this subchapter do not contain elements that require any prior notice or warning be given an offender regarding any offense.

(2013 Code, § 20-251) (Ord. 14561, passed 10-13-1997; Ord. 14672, passed 2-26-2001; Ord. 14912, passed 11-26-2012)

PARKING IN BUSINESS YARDS

§ 72.301 DRIVEWAY AND PARKING COMPOSITION: Parking of all vehicles, including licensed and operable vehicles, recreational vehicles and trailers, must be parked in a permanent roofed structure or on a driveway meeting the materials allowed in section § 72.038 or applicable sections of § 156: Zoning.

§ 72.302 UNLICENSED, INOPERABLE VEHICLES: It shall be unlawful for any person, corporation or legal entity to park or store an unlicensed or inoperable vehicle anywhere unless it is parked or stored in a permanent roofed enclosure or allowed by § 156: Zoning. Mere licensing of an inoperable vehicle shall not constitute a defense to the finding that such vehicle is in violation of this section.

§ 72.303 RESPONSIBILITY FOR VIOLATIONS: When the identity of the operator of a vehicle cannot be determined, any person, corporation or legal entity who was the registered owner of such vehicle and any person, corporation or legal entity who was in lawful possession of the lot where the violation occurred at the time of a violation may be held prima facie responsible for any violation of this subchapter.

§ 72.304 NO PRIOR NOTICE, WARNING REQUIRED: The offenses enumerated in this subchapter do not contain elements that require any prior notice or warning be given an offender regarding any offense.

SPECIAL STOPS

Formatted: Font: Bold

§ 72.055-401 RAILROADS; OBEDIENCE TO SIGNALS; CROSSINGS/.

(A) Obedience to signal of train.

(1) Whenever any person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal or crossing gates or a flag person or otherwise of the immediate approach of a train, the driver of such vehicle shall stop within 50 feet, but not less than 15 feet from the nearest track of such railroad and shall not proceed until he or she can do so safely.

(2) The driver of a vehicle shall stop and remain standing and shall not traverse such a grade crossing when a crossing gate is lowered or when a human flag person gives or continues to give a signal of the approach or passage of a train.

(2013 Code, § 20-201)

(B) Stopping at railroad crossing. The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to crossing the railroad at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad traffic.

(2013 Code, § 20-202)

(C) Certain vehicles required to stop at railroad crossings.

(1) (a) The driver of a motor vehicle carrying passengers for hire, a school bus or a vehicle carrying hazardous material and required to stop before crossing a railroad track by motor carrier safety rules adopted under I.C.A. § 321.449, before crossing at grade any track of a railroad, shall stop the vehicle within 50 feet, but not less than 15 feet from the nearest rail.

(b) While stopped, the driver shall listen and look in both directions for an approaching train and for signals indicating the approach of a train and shall not proceed until the driver can do so safely.

(2) No stop need be made at a crossing where a peace officer or a traffic control device directs traffic to proceed. No stop need be made at a crossing designated by an "exempt" sign. An exempt sign shall be posted only where the tracks have been partially removed on either side of the roadway.

(2013 Code, § 20-203)

(D) Heavy equipment at railroad crossing.

(1) No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of six or less mph or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to a superintendent of such railroad, and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

(3) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the vehicle or equipment not less than ten feet or more than 50 feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flag person or otherwise of the immediate approach of a railroad train or car.

(2013 Code, § 20-204)

(Ord. 68, passed 8-14-1950) Penalty, see § 72.999

Statutory reference:

Similar provisions, see I.C.A. §§ 321.341 through 321.344

§ 72.~~056~~402 PRIMARY ROADS DESIGNATED AS THROUGH HIGHWAYS.

Primary roads and extensions of primary roads within the city are designated as through highways.

(2013 Code, § 20-205) (Ord. 68, passed 8-14-1950)

Statutory reference:

Similar provisions, see I.C.A. § 321.350

§ 72.~~057~~403 EMERGING AND YIELDING WHEN EMERGING FROM PRIVATE ROADWAY, ALLEY, BUILDING OR DRIVEWAY.

The driver of a vehicle emerging from a private roadway, alley, driveway or building shall stop such vehicle immediately prior to driving onto the sidewalk area and, thereafter, the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic, and the driver shall yield the right-of-way to any vehicular traffic on the street into which the driver's vehicle is entering.

(2013 Code, § 20-206) Penalty, see § 72.999

HABITUAL VIOLATOR PENALTY AND PROCEDURES

§ 72.~~070~~-501 HABITUAL VIOLATOR.

(A) For the purposes of this subchapter, a delinquent parking citation-complaint is one that has not been paid within 30 days of the date upon which the violation occurred.

(B) Any person who has allowed five or more overtime and/or illegal parking citation-complaints issued on a motor vehicle or registration plate to become delinquent shall be deemed to be a habitual violator.

(C) No person shall park a vehicle and permit it to remain standing upon any public street or municipal lot in the city when there are five or more delinquent parking citation-complaints outstanding against that vehicle or registration plate.

(D) A violation of this section shall place such vehicle in the status of an illegally parked vehicle, and the vehicle may be dealt with pursuant to § 72.~~071~~-502 of this chapter.

(2013 Code, § 20-187) (Ord. 14601, passed 9-14-1998) Penalty, see § 72.999

§ 72.~~071~~-502 REMOVAL AND IMPOUNDMENT OF ILLEGALLY PARKED VEHICLES.

The Police Department may remove and impound vehicles or cause vehicles to be removed and impounded when the vehicles are stopped or parked in violation of this chapter or other city ordinances and, in so doing, may employ such means as are reasonably necessary. Impounded vehicles shall be stored in a location designated by the city.

(2013 Code, § 20-188) (Ord. 14601, passed 9-14-1998)

§ 72.~~072~~-503 RIGHT OF OWNER TO REDEEM IMPOUNDED VEHICLE.

(A) The registered owner or person having a legal entitlement to possession of a motor vehicle impounded pursuant to § 72.~~071~~-502 of this chapter may claim the vehicle by paying the city ~~and/or~~ the city's impoundment contractor, if one is contracted, in an amount sufficient to cover all charges attributable to the impoundment and storage of the vehicle.

(B) If a hearing pursuant to § 72.~~074~~-505 of this chapter is held and a Hearing Officer determines there was no probable cause to impound the vehicle, the costs attributable to the impoundment shall be refunded upon the presentation to the city's Finance Director of:

- (1) A certificate of no probable cause issued by the city; and

(2) The bond receipt.

(C) If a motor vehicle was impounded pursuant to § 72.~~070-501~~ of this chapter, all delinquent parking citation-complaints must be satisfied. An administrative fee ~~of \$50 set by resolution~~ will be required, payable to the City ~~Clerk of Marshalltown~~.

(D) If the vehicle is not claimed until after a hearing requested pursuant to § 72.073 of this chapter, the vehicle may be claimed upon:

(1) Payment of all charges referred to in § 72.~~074-505~~ of this chapter; or

(2) Presentation of a certificate of no probable cause within two working days of its issuance to the party in possession of the vehicle.

(E) Failure to timely present such certificate will result in assumed liability on the part of the owner or person having legal entitlement to possession to the vehicle for all related storage charges.

(2013 Code, § 20-189) (Ord. 14601, passed 9-14-1998)

§ 72.~~073-504~~ RIGHT TO HEARING.

(A) The registered owner or person having legal entitlement to possession of a vehicle impounded pursuant to this subchapter has a right to a post-seizure administrative hearing before a Hearing Officer designated by the City Administrator, to determine whether there was probable cause to impound the vehicle and any personal property contained within the vehicle; provided, the registered owner or person having legal entitlement to possession files a written demand with the City Clerk's office within ten days of mailing of the notice of the impoundment. A copy of this subchapter shall be given to the person requesting a hearing.

(B) Failure to request a hearing within such time period or to attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing.

(2013 Code, § 20-190) (Ord. 14601, passed 9-14-1998)

§ 72.~~074-505~~ CONDUCT OF HEARING.

(A) The post-seizure administrative hearing held under this subchapter shall be conducted before the Hearing Officer designated by the City Administrator within a reasonable period of time, but not to exceed 15 business days, excluding Saturdays, Sundays and city holidays, from the date of receipt of a written demand. Such hearing may be continued from time to time for good cause. The sole issue before the Hearing Officer shall be whether there was probable cause to impound the vehicle and personal property contained within the vehicle in question. The department causing the vehicle to be impounded shall carry the burden of establishing that there was ~~probably~~probable cause to impound the vehicle in question. The Hearing Officer shall decide only that either there was

~~probably~~probable cause to impound the vehicle and contents, or there was no probable cause to impound the vehicle and contents. If the Hearing Officer determines there was probable cause to impound the vehicle and contents, the registered owner or person having legal entitlement to possession of the vehicle is responsible for payment of all charges attributable to the impoundment and storage of the vehicle and the costs of the administrative hearing. If the Hearing Officer determines there was no probable cause, the Hearing Officer shall prepare a certificate of no probable cause and the bond filed or charges paid shall be refunded pursuant to § 72.~~072-503~~ of this chapter.

(B) The proceedings at the administrative hearing shall be ~~tape~~ recorded by the Hearing Officer. Such ~~tape~~ recording shall serve as the official record of the administrative hearing for appeal purposes. The Hearing Officer shall retain all such ~~tape~~ recordings until the time for filing a notice of appeal has expired. If a notice of appeal is timely filed, the Hearing Officer shall retain the ~~tape~~ recorded record of the administrative hearing until the appeal has been acted upon by the City Council.

(C) The decision of the Hearing Officer shall in no way affect any criminal proceeding in connection with the impoundment in question.

(D) Criminal charges, if any, may only be challenged in the appropriate court.

(2013 Code, § 20-191) (Ord. 14601, passed 9-14-1998)

§ 72.999 PENALTY.

(A) (1) The penalty for violating any permit parking, overtime parking, no parking any time and restricted parking provisions shall be a fine ~~set by resolution. of \$20 if paid within 30 days of the violation and, if not so paid within 30 days of the violation, the fine shall be \$25. The penalty for violating fire lane parking shall be a fine of \$30 if paid within 30 days; and, if not so paid within 30 days, the fine shall be \$35. Fines shall not be paid in pennies.~~

(2) Payment of the fines referred to in division (A)(1) above may be made by depositing the money in the envelope provided in the courtesy box, by paying same at ~~the City Clerk's office,~~ City Hall, or by mailing the fee in the envelope provided by depositing it in any proper U.S. mail box with sufficient U.S. postage affixed thereon.

(3) Each subsequent hour that the vehicle shall remain improperly parked after each summons is issued shall constitute a new and separate violation and shall incur the same penalty.

(4) If such penalty provided for in divisions (A)(1) and (A)(2) above is not paid as provided or if sufficient U.S. postage is not affixed when the citation is mailed ~~such a~~ penalty shall be ~~\$5 assessed as set by resolution.~~

(5) If any penalty set forth in this section is not so paid as provided in this section within ten days after such violation, the person, firm or corporation liable shall be chargeable upon an information filed in the appropriate court and shall be subject to such penalty under costs as the court shall determine.

Commented [AH17]: Confirm with PD.

Commented [AH18]: Need PD input.

(2013 Code, § 20-168)

(B) The fine for each violation in § 72.~~003-103~~ of this chapter shall be ~~\$50, plus surcharges, set by resolution.~~

(2013 Code, § 20-170)

(C) Anyone violating the provisions of § 72.~~0118~~ of this chapter shall be ~~a fine as set by resolution fined \$20, if paid within 30 days of the date of the violation. If not paid within 30 days the fine shall be \$25.~~ Violations shall be charged and collected in the same manner as other parking violations, by notice of a fine payable to the City ~~Clerk.~~

(2013 Code, § 20-234)

(D) (1) Number of parked vehicles, composition, location and size of driveways and driveway extensions. Any person, corporation or legal entity who is the owner, whether the legal or equitable title holder, of a residential lot who violates any of the regulations for the number of parked vehicles, composition, location and size of driveways and driveway extensions contained in §§ 72.~~038-203~~(A), (B) and (C) and 72.~~039-204~~(A)(1), (A)(2), (A)(3) and (A)(4) of this chapter is guilty of and may be charged either with a simple misdemeanor, which, upon conviction, is punishable pursuant to § 10.999(A) of this code of ordinances or a municipal infraction, which, upon judgment entered against a defendant, is punishable by the civil penalties and subject to the remedies defined in I.C.A. § 364.22 or any amendments thereto. Each day that a violation occurs or is permitted to exist constitutes a separate offense, whether charged as a simple misdemeanor or municipal infraction.

(2) Front, side and rear yard parking regulations. Any person, corporation or legal entity who violates any of the regulations for parking or storing a motor vehicle or vehicle in the front, side or rear yard of a residential lot contained in §§ 72.~~040-205~~(A) and (B) and 72.~~041-206~~ of this chapter is subject to the following procedures.

(a) Any such violator may be issued a notice of violation and fine due and payable to the City ~~Clerk.~~ The fine for any such violation shall be ~~\$30 if paid within 30 days of the date upon which the violation occurred, and \$35 if not paid within 30 days of the date upon which the violation occurred, due and payable to the City Clerk~~ set by resolution. Each day that a violation occurs or is permitted to exist constitutes a separate violation. Payment of any such fine may be made by depositing the money in the envelope provided in any courtesy box, by payment at ~~the City Clerk's office in~~ City Hall, or by mailing the money in the envelope provided by depositing it in the U.S. mail with sufficient U.S. postage affixed thereon. The City ~~Clerk~~ is not required to accept any coin in payment of any such fine.

(b) Any such violator may be charged either with a simple misdemeanor, which, upon conviction, is punishable pursuant to § 10.999(A) of this chapter, or a municipal infraction, which, upon judgment entered against a defendant, is punishable by the civil penalties and subject to the remedies defined in I.C.A. § 364.22 or any amendments thereto, if any such violator either denies any violation contained in any notice of violation issued pursuant to division (E)(2)(a) above or fails to pay the fine provided in division (E)(2)(a) above and

Commented [AH19]: Confirm section

Commented [AH20]: confirm

indicated in any notice of violation issued pursuant thereto within 30 days of the date upon which the violation occurred. Each day that a violation occurs or is permitted to exist constitutes a separate offense, whether charged under this division (E)(2)(b) as a simple misdemeanor or municipal infraction.

Commented [AH21]: confirm

(2013 Code, § 20-252)

(Ord. 13560, passed 6-25-1979; Ord. 14521, passed 12-11-1995; Ord. 14540, passed 4-22-1996; Ord. 14561, passed 10-13-1997; Ord. 14665, passed 11-13-2000; Ord. 14672, passed 2-26-2001; Ord. 14714, passed 7-14-2003; Ord. 14782, passed 4-24-2006; Ord. 14912, passed 11-26-2012; Ord. 14998, passed 6-22-2020)

enforced would cause the driveway width to be less than ten feet, a reduced driveway setback may be permitted if approved by the zoning administrator.

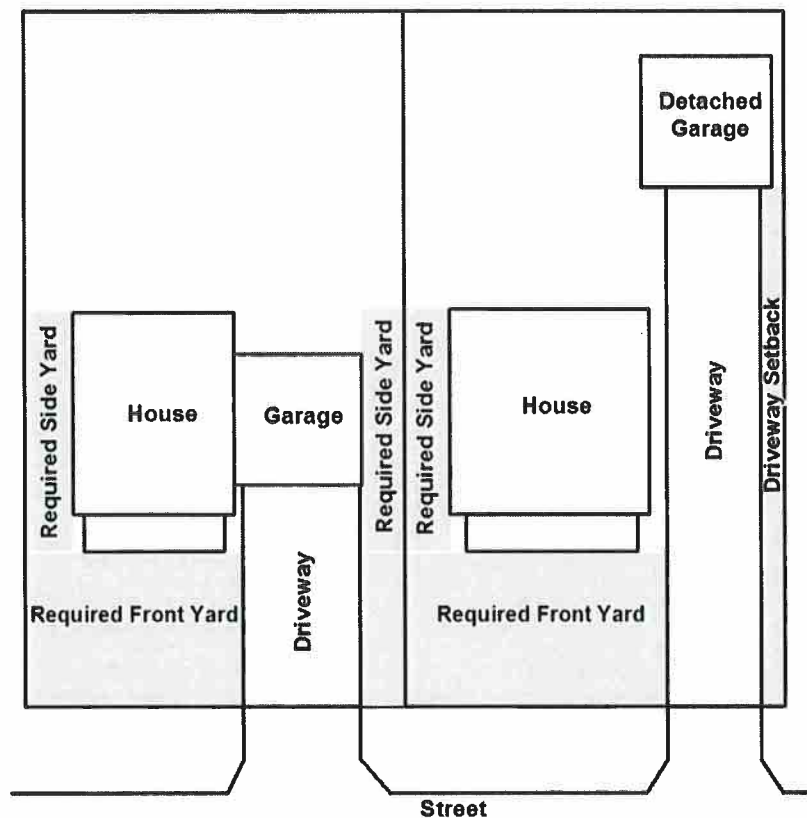


Figure 5

-) All second curb cuts and second accesses from the public street that extend across the front or side yard are allowed if approved by the city engineer

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: April 18, 2024 – Meeting Date

SUBJECT: **Work Session on Solar Array (Small Scale)**

Request: Zoning ordinance was adopted in April 2022. There have been some concerns regarding solar array in residential on ground. Plan and Zoning agreed

Staff Review:

Solar arrays are allowed in any district as on Section 156 Solar Panel Array (Small-Scale).

- a. Ground-Mounted Solar Panels. Ground-mounted solar panels shall be:
- 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
 - 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.

Table 156.F.004-1 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence¹
		Overstory Trees	Understory Trees	Evergreen Trees	Shrubs	
Option 1: Landscape Only Bufferyard						
Type A	5 ft.	0	2	--	10	N/A
Type B	10 ft.	1	2	1	12	N/A
Type C	15 ft.	2	1	1	15	N/A
Option 2: Landscape with Berm, Wall, or Fence²						
Type A	3 ft.	--	--	--	10	6' tall fence or wall / 4' tall berm
Type B	5 ft.	--	--	--	15	6' tall fence or wall / 4' tall berm

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

Table 156.F.004-1 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence ¹
		Overstory Trees	Understory Trees	Evergreen Trees	Shrubs	
Type C	10 ft.	--	2	--	20	6' tall fence or wall / 4' tall berm

TABLE NOTES:

¹ A berm, wall, or fence is not required for landscape only bufferyards.

² Plant material, including overstory trees, may be installed on the inside or outside of the wall or fence facing the abutting properties. Plant material, including overstory trees, must be installed on the outside of the wall or fence facing the street.

