

MARSHALLTOWN

IOWA

PLAN AND ZONING COMMISSION

Notice of Regular Meeting
Thursday, May 16, 2024, at 5:00 pm
City Council Chambers, City Hall
10 West State Street, Marshalltown, IA 50158

1. CALL TO ORDER

2. ROLL CALL

- o Boston
- o Brodin
- o Casady
- o Eilers
- o Gruendler
- o Isom
- o Valbracht

3. Approve Meeting Minutes From May 10, 2024

Documents:

[05092024_PZ_Min_FINAL.pdf](#)

4. PUBLIC HEARING And RECOMMENDATION To City Council On Text Amendment Request For 156.C.003-1, Section 156.C.007, Accessory Uses And Structures G Additional Standards For Specific Accessory Uses Or Structures 3 Solar Panel Array (Small Scale), And Section 156.M.002, Definitions Of The Zoning Ordinance In Chapter 156

PUBLIC HEARING: Written or verbal comments may be presented to the Board during the public hearing. Please state your name and address for the record.

Documents:

[05162024_PZ_Memo_Solar.pdf](#)
[Article C_Use Standards_Text Amendment.pdf](#)
[Article M_Word Usage_Text Amendment.pdf](#)

5. REVIEW And Recommendation To City Council Of Preliminary And Final Plat For Freedom Hills 1st Addition

Documents:

05162024_PZ_Freedom Hills 1st Addition_Preliminary and Final Plat.pdf
Preliminary Plat.pdf
Final Plat.pdf
Chapter 157.pdf
Cover Page.pdf
Auditors Certificate.pdf
Treasurer Certificate p2.pdf
Treasurer Certificate.pdf
Acknowledgement of Consent and Dedication of Final Plat.pdf
Affidavit of Nonservability.pdf
Attorneys Title Opinion.pdf

6. Discussion On Chapter 72 And 156 E Parking, Loading, And Stacking

Documents:

05162024_PZ_Memo_Chapter 72.pdf
Chapter 72 Parking Rules Mark-up 05162024.pdf
Article E_Parking, Loading, and Stacking.pdf

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – May 9, 2024

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

1. Roll Call:

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

Absent: Brodin and Isom

2. Approve Meeting Minutes from April 11, 2024

Minutes are approved as distributed

3. Meeting Minutes from April 18, 2024

Minutes are approved as distributed

4. Discussion on Solar Array (small-scale)

Boston was explaining how solar array ground-mounted created too many issues in residential, Valbracht agrees. Boston asked the commission if minimum lot size could help with this issue. Boston also expressed interest on only allowing 8FT in height for the solar panels. Eilers would like the text amendment to specify the total allowed height including structure to 8FT. Boston explained how communities have 6FT, 8Ft, and 12FT restriction on height. Eilers and Valbracht were in favor of only allow 6FT in total height for the solar panels structure. Valbracht also was concerned to continue to allow in general commercial (GC) for example the old Kmart building. Eilers also mentioned to add in the text amendment to present the landscape plan, site specifications, and dimensions. Valbracht and Boston suggested not to allow them in any residential zoning. Commission members agreed. Steve Valbracht also suggested eliminating ground-mounted from PI and GC. All members were in favor. Bradbury Aman, 12 N 10th Ave, asked about convenience stores being adjacent to residential areas and being allowed to have solar array ground-mounted. Valbracht stated that eliminating general commercial would prevent that from occurring in General Commercial. Eilers brought up the restriction that having smaller business not have an option of allowing solar array ground-mounted could hurt small business owner if it is by lot size.

Valbracht made the motion to Set the Public Hearing for the Text Amendment for 156.C.003-1, Section 156.C.007, Accessory Uses and Structures G Additional Standards for Specific Accessory Uses or Structures 3 Solar Panel Array (small scale), and Section 156.M.002, Definitions of the Zoning Ordinance in Chapter 156 on May 16. Eilers seconded. Motion carried 4-0.

5. Discussion on Chapter 72 (parking rules)

Boston, Eilers, Valbracht, Gruendler, and Casady reviewed the proposed changes on chapter 72 that was provided from Heather Thomas, public works director. Thomas also provided some examples on equipment that are for sale on grass. The public works director also mentioned that businesses and residential on the north side of town would need to be addressed on this chapter. The commission members made a few suggestions on chapter 72 which would present and discuss the changes at the next Plan and Zoning Commission meeting. No action was taken.

Meeting Adjourned at 6:00 pm.

MARSHALLTOWN

— I O W A —

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: May 16, 2024 – Meeting Date

SUBJECT: Public Hearing and Recommendation to City Council for Text Amendment for 156.C.003-1, Section 156.C.007, Accessory Uses and Structures G Additional Standards for Specific Accessory Uses or Structures 3 Solar Panel Array (small scale), and Section 156.M.002, Definitions of the Zoning Ordinance Chapter 156

Request: Zoning ordinance was adopted in April 2022. There have been some concerns regarding ground-mounted solar panel arrays in residential. Plan and Zoning Commission agreed to review and discuss proposed changes to the solar array section. On May 10, Plan and Zoning Commission set the public hearing for May 16.

Staff Review:

Two new sections for solar panel have been created on use category under utilities solar panels (accessory use) for roof mounted and ground-mounted. Ground-mounted would only be allowed in AG and GI with a special use permit. Solar Panel Arrays (Principal Use) would only be allowed in AG and GI with Special Use permit. Roof-mounted would be allowed in all zoning district. The solar panel array (small scale) would be eliminated and will be replaced with solar panel (accessory use). Ground-mounted would be limited in size by table 156. C.007 accessory structure. Ground-mounted solar panel structure cannot exceed 6FT in total height. New definition would be added in the zoning definition for solar panel (accessory use). Application shall be presented with site specifications, dimensions, and landscaping plan. Not allowed in residential use properties regardless of zone. Major utilities and minor utilities will have solar panel array deleted from the definition.

Next Steps:

Make recommendation to city council for text amendment for next city council meeting.

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.

ARTICLE C – USE STANDARDS

Section 156.C.001, Purpose and Applicability

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

Section 156.C.002, Use Table Legend

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

Section. 156.C.003, Use Table

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

Table 156.C.003-1, Use Table																	
Use Category	Specific Use¹	Cv = Conventional CI = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	CI	Cv	In	Cv	In							
Agriculture																	
Agriculture and Animal-Related Services	Community Garden	P	L	L	L	L	L	L	L	L	L	L	L	L	--	156.C.004	
	Kennel	--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004	
	Plant Nursery, Greenhouse, and Landscaping Business	P	P	--	--	--	--	--	--	--	--	--	--	L	P	156.C.004	
	Veterinary Clinic	--	--	--	--	--	--	--	--	P	P	P	--	--	--	N/A	
	Veterinary Hospital	--	--	--	--	--	--	--	--	S	S	P	--	--	P	N/A	
	All Other Agriculture and Animal-Related Services	L	L	--	L	--	--	--	--	--	--	--	--	--	P	156.C.004	
Residential																	
Household Living	Dwelling, Accessory	P	P	P	P	S	S	S	S	--	--	--	--	--	--	156.C.007.E	
	Dwelling, Apartment	--	--	--	--	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Single-Family Attached	--	--	P	P	P	P	P	P	P	P	--	--	--	--	N/A	
	Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	P	--	--	--	--	--	N/A	
	Dwelling, Duplex	--	--	P	P	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Townhouse	--	--	--	--	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Multiplex	--	--	--	--	P	P	P	P	P	P	P	--	--	--	N/A	
	Manufactured Home Park	--	--	--	--	S	S	--	--	--	--	--	--	--	--	156.C.005	
	Upper-Story Residential	--	--	--	--	--	--	L	L	P	P	L	--	--	--	156.C.004	
Group Living	Boarding or Rooming House	--	--	--	--	--	--	S	S	--	--	--	--	--	S	156.C.005	
	Group Home	P	P	P	P	P	P	P	P	P	P					N/A	
	Halfway Houses and Ex-Offender Rehabilitation Services	--	--	--	--	--	--	S	S	--	--	--	--	--	S	156.C.005	
	All Other Group Living Uses	--	--	P	P	P	P	P	P	P	P	P	P	--	--	156.C.005	
Public and Institutional																	
Day Care	All Day Care Uses	--	S	S	S	S	L	L	L	P	P	L	L	--	--	156.C.004	
Educational Facilities	College or University	--	--	--	--	--	--	P	P	P	P	P	P	--	P	N/A	
	Training Facility or Vocational School	--	--	--	--	--	--	--	--	P	P	P	P	--	P	N/A	
	All Other Educational Facilities	L	L	L	L	L	L	P	P	P	P	P	P	P	P	156.C.004	

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

Use Category	Specific Use ¹	Cv = Conventional CI = Cluster In = Infill	Residential								Mixed- Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	CI	Cv	In	Cv	In							
Government Facilities	All Government Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Medical Facilities	Hospital		--	--	--	--	--	--	S	S	--	--	--	P	--	P	156.C.005
	All Other Medical Facilities		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005
Parks and Open Areas	Cemetery, Columbarium, Mausoleum, or Memorial Park		P	S	S	S	S	S	S	S	--	--	--	--	P	--	156.C.005
	Golf Course		P	P	P	P	P	P	P	P	--	--	--	--	P	--	N/A
	All Other Parks and Open Areas		P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Passenger Terminal	Airport or Heliport		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
	All Other Passenger Terminal Uses		--	--	--	--	--	--	--	--	--	--	P	S	--	P	156.C.005
Public Assembly	All Public Assembly Uses		L	L	L	L	P	P	P	P	P	P	P	P	P	P	156.C.004
Social Service	Correctional Facility		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
	All Other Social Service Uses		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005
Utilities	Solar Panel Arrays (Principal Use)		S	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.004 156.C.005
	Ground-Mounted Solar Panels (Accessory Use)		S	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.007
	Roof-Mounted Solar Panels (Accessory Use)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	156.C.007
	Utilities, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
	Wireless Telecommunications Facilities		Refer to Table 156.C.009-1, Permitted Wireless Telecommunications Facilities by District														N/A
	All Other Utilities, Major		S	S	S	S	S	S	S	S	S	S	S	S	S	S	156.C.005
Commercial and Office																	
Adult Business	Adult Entertainment Businesses		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
Entertainment, Indoor	Archery / Firearms Range (Indoor)		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Convention Center		--	--	--	--	--	--	--	--	P	P	P	P	--	--	156.C.005
	All Indoor Entertainment Uses		--	--	--	--	--	--	--	--	P	P	P	P	P	P	N/A
Entertainment, Outdoor	Farmers Market		--	--	--	--	L	--	L	--	L	P	L	L	L	--	156.C.004
	Recreational Vehicle Park		--	--	--	--	--	--	--	--	--	--	L	--	P	--	156.C.004
	All Other Outdoor Entertainment Uses		--	--	--	--	--	--	--	--	P	P	L	P	P	--	156.C.004

Office	Bank or Credit Union	--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005
	Radio or Television Station or Studio	--	--	--	--	--	--	--	--	P	P	P	P	--	P	N/A
	All Other Offices	--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005

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

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

TABLE NOTES:

"Cv" = Conventional Development Type Option; "CI" = Cluster Development Type Option; "In" = Infill Development Type Option

¹Specific uses and use categories are defined in Section 156.M.002, *Definitions*.

Section 156.C.004, Limited Use Standards

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

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

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

10. Farmers Market.

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

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

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

12. All Commercial Parking.

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

13. Building or Development Contractor.

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

14. Micro-Manufacturing.

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

15. Research and Development Laboratory.

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

16. Other Light Industrial Uses.

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

Section 156.C.005, Special Use Permit Standards

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

B. Permit Required. A Special Use Permit is required for:

1. All land uses identified as a Special Use (S) in either Table 156.C.003-1, *Use Table*; or
2. A land use that is being proposed to be transferred from a nonconforming use to another nonconforming use per Section 156.K.007, *Conversion of Nonconformities*.

C. Review and Approval.

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

D. Standards for Residential Uses.

1. *Manufactured Home Park.*
 - a. *Area and Dimensional Regulations.* The area and dimensional regulations in Table 156.C.005-1, *Manufactured Home Park Development Standards*.

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

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

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

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

- 2. *Boarding or Rooming House.* Boarding or Rooming Houses that existed as of the effective date of this Ordinance shall be:
 - a. Registered with the State of Iowa and shall have submitted occupancy reports to the Department of Inspections and Appeals, in accordance with [Chapter 1350, Boarding Homes, Iowa Code](#);
 - b. In full compliance with [Section 152.024, Rooming House, Boarding House, Dormitory Rooms and Other Rooming Units](#) of the City's Code of Ordinances and all applicable building and fire codes of the City, as amended from time to time;
 - c. Subject to the City's rental registration and inspection program;
 - d. Responsible for making an application for a Special Use Permit as set forth in [Section 156.J.003, Legislative Review Procedures](#), which requires that the boarding home:
 - i. Has not more than six occupants;
 - ii. Has sleeping rooms that have no less than 50 square feet per person for multiple occupancy or 70 square feet of floor space per sleeping room for single occupancy;
 - iii. Has on-site staff supervision if there are three or more occupants;
- 3. *Halfway Houses and Ex-Offender Rehabilitation Services.* A halfway house or ex-offender rehabilitation is prohibited within 750 feet of any other such business, any school, place of public assembly, library, public park, public playground, or areas zoned or used for residential use.

E. Standards for Public and Institutional Uses.

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

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

F. Standards for Commercial Uses.

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

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

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

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

Section 156.C.006, Flood Hazard Districts Standards

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

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

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

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

O. Floodway Fringe Overlay District.

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

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

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

P. General Floodplain Overlay District.

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

Q. Appeals.

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

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

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

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

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

Section 156.C.007, Accessory Uses and Structures

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

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

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

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

TABLE NOTES:

¹Calculated as a percentage of the permitted rear yard.

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

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

9. *ADU Types.* There are two types of ADUs:

- c. Integrated ADUs; and
- d. Detached ADUs.

10. *Integrated ADUs.*

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

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

11. *Detached ADUs.*

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

Figure 156.C.007-1
Accessory Dwelling Unit Types



G. Additional Standards for Specific Accessory Uses or Structures.

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

- xi. *No Exterior Display.* No use shall indicate from the exterior any display that the building is being used in part for any purpose other than that of a dwelling, with the exception of permitted signage.
- e. *Existing Home-Based Businesses.* Existing home-based businesses that are in conformance at the time of adoption of this chapter shall remain in conformance. If an existing business is vacated, any new business must meet current regulations.

3. *Solar Panels (Accessory Use).*

- a. *Ground-Mounted Solar Panels.* Ground-mounted solar panels shall be:
 - i. Located in the interior side or rear yard and screened from adjacent residential property and all public rights-of-way with Type B bufferyard (see [Section 156.F.004, Buffering](#)); and
 - ii. Set back from lot lines as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.
 - iii. Ground-mounted solar panel structures cannot exceed 6FT in total height.
 - iv. Application shall be presented with site specifications, dimensions, and landscaping plan.
 - v. Not allowed in residential use properties regardless of zone.
- b. *Roof-Mounted Arrays.* Roof-mounted solar panels may be located on principal and accessory buildings.
 - i. A roof-mounted array on a pitched roof may not extend more than 12 inches above the roof surface if the roof is visible from the public right-of-way or from a residential property, nor may it extend more than 12 inches beyond any edge of the roof;
 - ii. Where an array is placed atop a flat roof, it may not extend more than five feet above the roof and shall be screened from the public right-of-way with the building's façade parapet or similar mechanism;
 - iii. Installed roof-mounted arrays shall meet the International Building Code standards for wind loads; and
 - iv. A roof-mounted solar panel array that cannot meet these placement standards requires a Special Use Permit.

4. *Small Wind Energy Conversion System (SWECS).*

- a. *General Regulations.*
 - i. *Other Permits Required.* The owner/operator of the SWECS shall also obtain any other permits required by other federal, state, and local agencies/departments prior to constructing the system.
 - ii. *Number of Systems Per Lot.*
 - (A) No more than one freestanding SWECS may be placed on any parcel or lot for residential use. Building-mounted SWECS are prohibited on any parcel or lot containing a single-family detached or attached use.
 - (B) No more than one freestanding SWECS may be placed on any parcel or lot with a non-residential use that is taller than the tallest existing principal building located on the parcel or lot. Additional freestanding SWECS which conform to setback requirements contained in this Subsection and which are no taller than the tallest existing principal building located on the parcel or lot may be allowed. Additional building-mounted SWECS may be allowed within the parameters of this Section.
 - (C) Any mixed-use building shall be considered a non-residential use for the purposes of this Subsection.
 - iii. *Tower.* Only monopole towers may be permitted for freestanding SWECS. Lattice, guyed or towers of any other type may not be considered to be in compliance with this Subsection. SWECS towers shall be utilized for the sole purpose of supporting wind energy conversion systems. No other uses may be permitted on SWECS towers.
 - iv. *Color.* Freestanding SWECS shall be a neutral color such as white, sky blue, or light gray. Building-mounted SWECS shall match the color of the building on which it is mounted. Other colors may be allowed at the discretion of the Board of Adjustment. The surface shall be non-reflective.

- v. *Lighting.* No lights may be installed on the tower, unless required to meet FAA regulations.

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

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

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

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

Section 156.C.008, Temporary Uses and Structures

A. Purpose.

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

B. Applicability.

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

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

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

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

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

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

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

Section 156.C.009, Wireless Communications Facilities

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

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

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

F. Standards.

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

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

5. *Freestanding Tower.*

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

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

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

G. Maintenance and Enforcement.

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

H. Removal of Defective or Abandoned Facilities.

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

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

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

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

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

Section 156.C.010, New and Unlisted Uses

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

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

Section 156.C.011, Performance Standards

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

Table 156.C.011-2 Vibration Standards ¹				
Frequency in Cycles Per Second	Adjoining Zoning District			Impact Vibration ²
	AG, RR, RL, RM, RH	MU, UC, GC, PI, REC	GI	
Less than 10	0.0004	0.0002	0.0039	0.0098
10 – 19	0.0002	0.0011	0.0022	0.0055
20 – 29	0.0001	0.0006	0.0011	0.0028
30 – 39	0.0001	0.0004	0.0007	0.0018
40 – 49	0.0001	0.0003	0.0005	0.0013
50 or more	0.0001	0.0002	0.0002	0.0010
Table Notes:				
¹ Vibrations that do not exceed 60 per minute may be twice this value.				
² Vibrations occurring no more than eight times in a 24-hour period with a maximum separation of one minute.				

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

1. *Glare from Use.* Glare from any process (such as or similar to arc welding or acetylene torch cutting), which emits harmful ultraviolet rays shall be performed in such manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines or street rights-of-way.
2. *Glare from Buildings and Structures.* Buildings and structures (including signs) shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.

J. Erosion Control.

1. *Storm Water Management.* Measures to protect water quality and to manage the quantity and velocity of stormwater runoff shall be implemented pursuant to the standards set out in [Chapter 55, Erosion and Sediment Control for Construction Sites](#) in the City's Code of Ordinances.
2. *Grading, Erosion, and Sediment Control.* Measures to protect water quality during construction and for land disturbance activities shall be implemented pursuant to the standards set out in Chapter 55, *Erosion and Sediment Control for Construction Sites* in the City's Code of Ordinances.

K. Other Performance Standards. In addition to the performance standards of this Section, the following shall apply to all uses:

1. *Outdoor Storage.*
 - a. Outside storage of non-saleable merchandise or other materials shall not be visible from the public right-of-way.
2. *Snow Storage.* Adequate area shall be provided on the lot for snow storage or provisions shall be made by the property owner for the snow to be hauled off-site.
3. *Use Compatibility.*
 - a. All uses shall be designed and operated to be compatible with the adjacent residential uses.
 - b. Limitations on design and operation of uses shall include architectural and building mass, hours of operation, delivery hours, noise and lighting controls, signage, and traffic considerations.
4. *Utilities.* All utilities shall be placed underground, where feasible.

ARTICLE M – WORD USAGE

Section 156.M.001, Rules of Construction

- A. **General.** All provisions, terms, phrases, and expressions contained in this Zoning Ordinance shall be construed such that the true intent of the City Council may be fully implemented.
- B. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.
1. “Day” means a calendar day.
 2. “Month” means a calendar month.
 3. “Year” means a calendar year.
- C. **Delegation of Authority.** Whenever a provision requires a City employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.
- D. **Nontechnical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- E. **Text, Tables, and Illustrations.** In case of any difference of meaning or implication between the text of this ZO and any illustrations, the text shall control. In case of a conflict between the text and a table, the text shall control. In case of a conflict between a table and an illustration, the table shall control.
- F. **References to Governmental Authority.** Where this Zoning Ordinance references a local, state, or federal regulation or publication, the reference is to the most recent edition or version, unless otherwise noted. If the referenced document has been repealed and not replaced by another regulation or publication, the requirement of compliance is no longer in effect.
- G. **Examples.** The use of the terms “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- H. **Additional Rules of Construction.**
1. The terms “shall,” “will,” or “must” are mandatory and are synonymous. The term “may” is discretionary.
 2. The term “and” indicates that all items being referred to are connected, inclusive, and applicable. The term “or” indicates that one or more of the items being referred to shall apply.
 3. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
 4. Words used in the plural number include the singular and vice-versa.
 5. “Person” includes an individual, a corporation, a partnership, and an incorporated association of persons such as a club.
 6. The term “building” includes a “structure”; a “building” or “structure” includes any part of the building. A structure is however not necessarily a building.
 7. The term “lot” includes plots and tracts.
 8. The terms “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
 9. Words not defined in this Zoning Ordinance but defined in any other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances. Words not defined in this Zoning Ordinance or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary in common usage.

Section 156.M.002, Acronyms and Abbreviations

ADA = Americans with Disabilities Act

ADU = Accessory Dwelling Unit

AG = Agricultural

ATM = Automatic Teller Machine

BOA = Board of Adjustment

CCC = Changeable Copy Center

CFR = Code of Federal Regulations

CLOMR = FEMA Certified Letter of Map Revision

DAS = Distributed Antenna Systems

EIFS = Exterior Insulation and Finish Systems

EPA = U.S. Environmental Protection Agency

FAA = Federal Aviation Administration

fc = Footcandles

FCC = Federal Communication Commission

FEMA = Federal Emergency Management Administration

FIRM = Flood Insurance Rate Map

ft = feet

GC = General Commercial

GFA = Gross Floor Area

GI = General Industrial

IAC = Iowa Administrative Code

IESNA = Illuminating Engineering Society of North America

LEED = Leadership in Energy and Environmental Design

MU = Mixed-Use

PI = Public and Institutional

PUD = Planned Unit Development

PZC = Plan and Zoning Commission

REC = Recreational

RH = High-Density Residential

RL = Low-Density Residential

RM = Medium Density Residential

RR = Rural Residential

s.f. = square feet

SWECS = Small Wind Energy Conversion System

UC = Urban Core

U.S. = United States of America

VUA = Vehicle Use Areas

ZO = Zoning Ordinance

Section 156.M.002, Definitions

§ 156.002 DEFINITIONS.; § 156.398 DEFINITIONS.; § 156.551 DEFINITIONS.; § 156.585 DEFINITIONS.

Supplemental Definitions

A

Accessory means as applied to use or structure, means customarily subordinate or incidental to, and on the premises of such use or structure. The words "on the premises of" mean on the same lot or on the contiguous lot in the same ownership.

Accessory Living Unit means a portion of a detached single-family dwelling unit to include such incidental and subordinate facilities necessary to accommodate either relatives, nontenant employees, or no more than two persons.

Acreage means a parcel of land, regardless of area, described by metes and bounds and not a lot of any recorded subdivision plat.

Addition means any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter.

Administrator means the zoning administrator as designated by resolution of the city council.

Adult Bookstore/Videostore means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals and/or videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or any other similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas" or are intended for the sexual stimulation or titillation of patrons.

Adult Business means a use category containing uses that regularly emphasize an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Uses in this use category include: Adult bookstore/videostore; Adult mini-motion picture theater; Adult motion picture theater; Adult store; a business providing adult entertainment or any other establishment, including without limitation any Adult modeling studio; Adult cocktail lounge; or Adult nightclub; and other uses meeting the definition of Day Care according to the Zoning Administrator. that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; and Minor utilities.

Adult Day Care Center means a building or structure where care and supervision are provided on a regular schedule for disabled adult persons and/or senior citizens for less than 24 hours per day.

Adult Entertainment means dancing, modeling or other live performances if the performers' performance is characterized by an emphasis on specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Adult Merchandise means magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices or paraphernalia either designated as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult Mini-Motion Picture Theater means an enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult Motion Picture Theater means an enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult Store means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

AG means Agricultural Zoning District.

Agricultural And Animal-Related Service means a use category that contains uses related to the commercial production, storage, processing, marketing, distribution or export of floricultural, horticultural, or viticultural crops and the small-scale keeping and treatment of animals.

Uses in this use category include: Community garden; Floriculture, horticulture, row and field crops, viticulture, or orchard; Kennel; Plant nursery, greenhouse, and landscaping business; Stable, private and noncommercial; Veterinary clinic; Veterinary hospital; and other uses meeting the definition of Agricultural and Animal-Related according to the Zoning Administrator.

Typical accessory uses include: Associated office; Barn, silo, stable (private) or other agricultural storage; Buildings associated with agricultural uses being pursued on site; Greenhouse; Minor utilities; Parking and storage of operable farm vehicles and farm machinery; and Roadside stand.

Airport or Heliport means an area of land or water used for the landing and take-off of aircraft.

All-Weather Surface means 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.

Alley means any passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

Alter means any change to a sign or its supporting structure, including a change in size, height, or location. The term "alter" shall not apply to the change of message on signs designed to have periodic changes in message, such as changeable copy signs.

Alteration means any material change in the floor area, use, adaptability or external appearance of an existing structure.

Alternative Support Structure means with regard to wireless telecommunications, any structure currently used primarily for something other than supporting a wireless telecommunications facility.

Animated Sign means a sign or part of a sign that is designed to rotate, move, flutter, spin, scroll, or to have a similar appearance of rotating, moving, fluttering, spinning, and scrolling.

Antenna means a whip, panel, disc, rod, dish, or similar device used for transmission or reception of telecommunications.

Apartment Building means see "Dwelling, multiple apartment."

Appurtenant or Accessory Structure means accessory structures not to exceed 200 square feet.

Archery / Firearms Range (Indoor) means a facility for archery or the discharging of firearms for the purposes of target practice.

Assisted Living Facility means residential facilities with 90 percent occupancy by persons 60 years or more of age that provide rooms, meals, personal care and supervision of self-administered medication.

B

Bank or Credit Union means a federally- or state-chartered establishment that is engaged in business as a bank or credit union.

Banner means a sign of flexible material affixed to a framework or flat surface.

Base Flood Elevation means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. This is a regulatory standard that is also referred to as the "100-year" flood.

Base Station means a wireless telecommunications facility; such facility may consist of radio transceivers; antennas; coaxial, fiber optic, or other cables; a regular and back-up power supply; and other associated electronics and technology. Such facilities are sometimes referred to as base transceiver stations. Base stations may also be structures that currently support or house any of the technology listed in this definition or other associated equipment that constitutes part of a base station in any technological configuration, including distributed antenna systems and industrial microcells.

Basement means a story at least one-half its height below grade. A basement is not counted as a story for the purpose of height regulations.

Bed And Breakfast Facilities see "short-term rental."

Board of Adjustment ("BOA") means the City of Marshalltown Board of Adjustment (BOA) who, in accordance with Chapter 414, City Zoning, Iowa Code, Section 414.7, Board of Adjustment, may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Code in harmony with its general purposes and intent and in accordance with the general and specific rules contained in this Code, and who may also provide that any property owner aggrieved by an action of the City may petition to modify the regulations and restrictions of this Code.

Boarding or Rooming House means a single detached dwelling, where the property owner or property lessee/operator resides on the premises, and where for compensation and by prearrangement, for definite periods, lodging and/or meals are provided for three persons to a maximum of 10 persons. The resident property owner or resident property lessee, who operates the boardinghouse or rooming house, shall be responsible for making an application for any required special use permit.

Boat or Recreational Vehicle Outdoor Storage means a facility where boats, other watercraft, and recreational vehicles are stored outdoors.

Building Area means the portion of a lot remaining after required yards have been provided.

Building means any structure intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Setback Line means a line establishing the minimum allowable distance between the nearest portion of any building, excluding any uncovered porches, steps, patios, fences, etc., and similar fixtures.

Building Setback means the minimum distance a building must be set back from the street line.

Building, Community means a building for social, educational, cultural, and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.

Building, Height of means the vertical distance measured from the floor closest to curb grade to the level of the highest point of the roof surface, if the roof is flat or inclines not more than one inch vertical to one foot horizontal, or the mean level between the eaves and the highest point of the roof if the roof is of any other type.

Building, Principal means a building which contains the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building.

Building, Public means a building owned (or leased) by a governmental agency and used for governmental functions.

Building or Development Contractor means facilities for building, heating, plumbing, or electrical contractors, and related storage facilities. The site may include an unenclosed portion upon which a contractor maintains an area used to store equipment and other materials customarily used in the trade carried on by the contractor. This definition excludes temporary contractor storage associated with the site of an on-going construction project.

Bus Shelter means a structure located at a designated transit stop designed primarily for the shelter of transit bus passengers.

Business Garden means a home-based business, where areas of a parcel are managed and maintained by individuals residing on the same parcel or adjoining parcels under the same ownership, used to cultivate fruits, vegetables, herbs, or flowers for sale purposes. This definition does not include cultivation only for personal consumption or use. (See article BB, business gardens for operating regulations.)

C

Camouflage means with regard to wireless telecommunications facilities, a way of painting, mounting, or locating related equipment so it is not readily apparent to the casual observer. Camouflaged wireless telecommunications facilities are often collocated, utilize flush mounted antennas and related equipment, are painted to match the color of the support structure, or hidden from view by things like parapet walls. Camouflaging equipment is not equivalent to concealing equipment.

Canopy means a fixed shelter of any material and of any length projecting from a building and supported by columns or posts from the ground. Also known as an “awning.”

Car Wash means a facility for the washing or cleaning of vehicles. A car wash may be:

- A bay or a group of bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;
- An automated conveyor or drive-through bay that allows washing a vehicle while moving through the structure.

Carnival means an establishment with amusement activities; merry-go-rounds, ferris wheels and similar types of amusement rides; booths for the conduct of games of skill; food dispensing facilities; and sideshows; that are temporarily conducted outdoors and not within a theater, auditorium, gymnasium or other permanent building.

Cemetery, Columbarium, Mausoleum, or Memorial Park means uses intended for the burial of the dead and dedicated for cemetery purposes or to commemorate the dead without burial taking place on-site.

Changeable Copy Sign means a sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Child Day Care Center means a regularly operating service arrangement for two or more children under the age of 13, where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four-hour period, in a facility that is not the residence of the provider or of any of the children in care. A nursery school shall be considered to be a child day care center.

Circus means an event with a variety of shows, including, but not limited to, animal acts, feats of physical skill, and performances by entertainers such as jugglers or clowns, which is temporarily conducted out-of-doors and not within a theater, auditorium, gymnasium or other permanent building.

Clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more physicians practicing medicine, dentistry or psychiatric treatment.

Club means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Coastal A Zone means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

Collector Street means a street that brings traffic from local residential (minor) streets to major streets.

College or University means a public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty.

Collocate means with regard to wireless telecommunications facilities, the act of locating wireless telecommunications facilities on any existing support structure.

Commission means the city Plan and Zoning Commission.

Community Garden means a private or public facility for cultivation of fruit, flowers, vegetables, or ornamental plants by more than one person or family.

Concealed Wireless Telecommunications Facility means any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.

Consumer Microcell means with regard to wireless telecommunications, a signal booster that is marketed and sold to the general public for use without modification. These types of devices do not require professional installation and are used for personal use by individuals to improve coverage in a home, car, boat, recreational vehicle and other related areas.

Convenience Store means a small commercial shopping facility designed as a component of the neighborhood or district in which it is located.

Convention Center means a facility used for business or professional conferences and seminars, exhibitions, and entertainment events.

Correctional Facility means an establishment providing housing and care for individuals legally confined for violations of law.

Cul-De-Sac means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Curb Grade means the elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the city engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the city.

D

Day Care means a use category containing principal uses that provide care, protection, and supervision for at least two children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 24 hours each day, although the facility may be open 24 hours each day.

Uses in this use category include: Adult day care center; child day care center; Pre-school; and other uses meeting the definition of Day Care according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Food preparation and dining facility; Minor utilities; and Recreation facility

Density means the total number of dwelling units divided by the area in acres of all land within a development dedicated to residential uses, including residential lots and buildings and the streets, parking areas, landscape areas, parks and open space serving the residential uses.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Distributed Antenna Systems (DAS) means a wireless telecommunications facility; a system or network of spatially separated antennas connected to a common transport medium (i.e. coaxial, fiber optic, or other cable) to a signal source, such as a base station or an external antenna capable of connecting to a base station wirelessly. Such systems/networks commonly have three primary components: remote communications nodes, each having at least one antenna for transmission and/or reception; a high capacity signal transport medium, which is either underground or aerial; and a central communications hub to propagate and/or convert, process or control signals transmitted and received through the nodes. DAS may also include additional equipment such as amplifiers, remote radio heads, signal converters, power supplies, and other related equipment.

Domestic Abuse, Homeless, or Youth Shelter means an establishment used for the reception and temporary care of persons who, by some circumstances, are without safe and proper shelter.

Dormitory means a building used as a group living quarters for students or members of a religious order.

Double-Faced Sign means a sign with two faces supported by the same structure and diverge from a common edge by an internal angle of no more than 45 degrees. Signs with faces diverging from an angle more than 45 degrees shall be considered multiple signs.

DT means Downtown Zoning District.

Drive-Through Facility (Same As "Drive-In") means any portion of a building or structure from which customers can receive a service or obtain a product while in their motor vehicle. Regulated as a subordinate use to a principle use, regardless of the nature of the principle use.

Driveway means 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.

Dwelling means a building or portion thereof which is designed or used exclusively for residential purposes.

Dwelling, Apartment means a building comprised of at least five or more dwelling units, not separated by a property line, within which each unit may not have a minimum of two outside walls and where each unit is designed for one family or occupancy, as described by the specific zoning district.

Dwelling, Duplex means two connected dwelling units totally separated from each other without openings where each is designed for one family or occupancy as described by the specific zoning district.

Dwelling, Single-Family Attached means two attached single-family dwellings located on two separately platted lots that share a common fire-rated wall without openings along the interior lot line and where each is designed for one family.

Dwelling, Single-Family Detached means a building occupied by or designed for occupancy by one family or occupancy as described by the specific zoning district building located on a single lot, designed exclusively for one family and entirely separated from any other dwelling by setbacks on all sides.

Dwelling, Townhouse means unless otherwise specified within a zoning district, a townhouse is one of a series of at least three attached dwelling units, not to exceed eight, for rent or sale, separated from one another by common walls and property lines without openings from basement floor to roof and having varied but compatible elevations, and with not more than two abutting dwelling units having the same front yard setback. The lots, utilities and other improvements for each "townhouse" would be designed to permit individual and separate ownership of such lots and dwelling units.

Dwelling, Multiplex means a type of attached multiple dwelling containing three or four attached dwelling units in one building with each unit having a minimum of two outside walls and sharing one or more walls with an adjoining unit or units. Each dwelling unit has direct access to the outside or to a common hall. These dwellings can be designed and constructed to permit individual and separate ownership of lots and dwellings or combinations of dwelling units. and where each is designed for one family or occupancy as described by the specific zoning district.

Dwelling, Unit means a single enclosed area providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Unless otherwise specified, dwelling units shall be for nontransient occupancy of 30 days or more. The term does not include recreational vehicles. one or more rooms located within a building and forming a singular unit with facilities which are used or intended to be used for living, sleeping and dining purposes. A dwelling unit shall have customary kitchen facilities. An efficiency apartment unit is defined as a dwelling unit. Dwelling units which will be occupied for predetermined periods of time of more than one month in succession shall be termed nontransient dwelling units.

E

Easement means a grant by a property owner of the use of land for a specific purpose.

Educational Facilities means a use category containing public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Uses in this use category include: College or university; Training facility or vocational school; Public schools or private school elementary, middle, or high school; and other uses meeting the definition of Educational Facilities according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Athletic facilities; Auditorium or theater; Before- and after-school day care; Concession; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; and Recreation facility.

Electronic Message Center means an electronic message center is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Such a sign is not a changeable copy sign.

Elevated Building means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Entertainment, Indoor means a use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Bowling center; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or micro-distillery; Movie or other indoor theater; Pool hall; Skateboard or trampoline park; Skating rink; Swimming pool (indoor); Tennis or racquetball facility (indoor); and other uses meeting the definition of Indoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; Minor utilities; and Swimming pool, indoor.

Entertainment, Outdoor means a use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include: Amphitheater; Amusement park; Animal racing or training; Campground; Fairgrounds or rodeo grounds; Farmers market, outdoor; Flea market, outdoor; Golf course, driving range or mini-golf course; Paintball facility; Recreational vehicle park; Stadium, arena, running track or ball field; Track, vehicle race; and other uses meeting the definition of Outdoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

Entry/Exit Sign means a wall or freestanding sign not exceeding four square feet in area. If such sign is a freestanding sign, the height may not exceed four feet.

Equipment Cabinet means with regard to wireless telecommunications, a cabinet, shed, shelter, or other structure, where equipment is housed to support wireless telecommunications services.

Establishment means a public or private institution or a place of business.

Existing Construction means for the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM." structures for which the "start of construction" commenced before November 3, 1989. "Existing construction" may also be referred to as "existing structures."

F

Facade, Front means the principal frontage of a building which, by either aesthetic attention, main entry and egress, or the longitudinal dimension of the structure, becomes the primary frontage.

Facade, Rear means that portion of a building which is, by either service area, secondary entry and egress or the facade directly opposite the front facade of the structure, the reverse frontage of the building.

Family Day Home, Major means a child day care program offered in the residence of the provider or the home of any of the children in care for five through twelve children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

Family Day Home, Minor means a child day care program offered in the residence of the provider or the home of any of the children in care for one through four children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

Family means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit. Family specifically includes all persons living in "family homes" or "elderly family homes" as those terms are defined under, respectively, Iowa Code Sections 414.22 and 231A.1.

Farm Product means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farm Product, Value-Added means any product processed from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Farmers Market means an outdoor market where at least 75 percent of the items for sale are farm products or value-added farm products.

Feather Sign means a lightweight sign mounted along one edge on a single and vertical pole structure, which may resemble a feather, sail, bow, or teardrop. Feather signs are animated signs.

Financial Institution And Offices means any building wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment/securities companies.

First-Row Building means a multiple-family building or buildings that are part of a complex of multiple-family buildings and that are closest to the street from which primary access to the complex takes place.

Flag means a piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope.

Flashing Sign means a sign that includes lights that flash, blink, or turn on and off at less than five second intervals.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood Insurance Study (FIS) means a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Flood or Flooding means

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

Flood Proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community..

Floor Area means the gross horizontal areas of all floors, including basements, cellars and attics (but not such areas within a building which are used for parking), measured from the exterior faces of the exterior walls of a building.

Floorplate means the horizontal land area occupied by a building at finished grade including projections and overhangs.

Fraternity or Sorority House means a single detached dwelling being occupied by persons who are members of a fraternity, sorority, association or group chartered for social, educational, religious or service purposes.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Freestanding Sign means any non-portable sign supported by a fence, wall, or by upright structural members or braces on or in the ground and not attached to a building.

Funeral Home means a building used for the preparation of corpses for burial or for cremation which may also be used for funeral services.

G

Garage, Storage, or Parking means a building or portion thereof designed or used exclusively for storage or motor-driven vehicles.

GC means General Commercial Zoning District.

GI means General Industrial Zoning District.

Golf Course means an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses.

Government Facilities means a use category containing offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

Uses in this use category include: Detention center, jail or prison, publicly-owned and operated; Emergency services, police or fire station; Post office; Utility office and other uses meeting the definition of Government Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Dormitory; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees or inmates; Meeting space; Minor utilities; and Recreation facility.

Governmental institutions; Other governmental uses, such as community centers, parks and playgrounds; provided, that any new building shall be located at least fifty (50) feet from any adjoining property line, including right-of-way lines;

Group Home means a property used for the residential care of tenants who are mentally or physically ill, wards of the state or any other similar group deemed appropriate by the Zoning Administrator.

Group Housing Project means a group housing project shall consist of two or more buildings located on a site where the building arrangement is such that the property cannot be subdivided into conventional streets and lots that meet the requirements of this chapter and chapter 2 of this title.

Group Living means a use category containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include: Boarding or rooming house; Dormitory or fraternity or sorority house; Nursing home; and other uses meeting the definition of Group Living according to the Administrator.

Typical accessory uses include: Associated office; Facilities for treatment of sickness or injuries; Food preparation and dining facility; Minor utilities; Pool house; Private community center; Swimming pool; Recreational facility; and other miscellaneous household amenities.

H

Halfway Houses and Ex-Offender Rehabilitation Services means a property used to temporarily house ex-offenders in a rehabilitation or transitioning period.

Heavy Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include the manufacture, assembly or processing of: acid, acetylene gas, aircraft, alcoholic beverages (wholesale), ammonia, asbestos and asbestos products, asphalt, automobiles or trucks, batteries, bones, boxes or crates or pallets, brick or tile or terra cotta, building materials, celluloid, cement, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, gas, gelatin, glass, glue, graphite, grease, gunpowder, gypsum, hemp, insecticide, lacquer, lard, lime, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paint, paraffin, petroleum, plaster of Paris, plastic, poison, porcelain, recreational vehicles, railroad vehicles and equipment, rubber, salt, shellac, tallow, tar, tires, trailers, turpentine, varnish, vinegar, wax, or yeast.

Additional uses include: Arsenal; Boiler works; Bulk storage of explosive or hazardous materials; Concrete batching and asphalt processing and manufacture; Fertilizer storage; Grain elevator; Grain and feed manufacturing building; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Railroad yard or repair shop; Sawmill; Smelter; Slaughtering, packaging or processing of animals; Wrecking, junk or salvage yard; and other uses meeting the definition of Heavy Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; and Single residential unit for caretaker.

Heavy Vehicular Equipment Sales, Service, and Repair means an establishment engaged in the display, sale, leasing, rental, or repair of heavy equipment of 12,000 or more pounds gross vehicular weight.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Area means an area or existing site containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

Historic Structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home-Based Business means any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building, other than business gardens as defined, by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage or variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition.

Homestay means, in a single-family detached, duplex, or townhouse dwelling unit, the provision of a guest room or accommodation space within the principal building that is suitable or intended for transient occupancy of a maximum of four guests in the homestay at any one time for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy a maximum of 90 days per calendar year.

Hospital means a facility in which patients or injured persons are given medical, surgical and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of contagious or incurable diseases.

Hotel, or Motel And Similar Transient Housing means a facility offering overnight lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. The office has a 24 hour employee on site and daily rates. building or group of buildings which are designed or intended to be used or hired out on weekly basis, primarily for transient or temporary occupancy.

Household Living means a use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include: Apartment; Duplex; Manufactured home; Single-family attached; Single-family detached; Townhouse; Tri- or quadraplex; and other uses meeting the definition of Household Living according to the Zoning Administrator.

Typical accessory uses include: Business garden; Chickens, keeping of (subject to Sec. 15-2-24, Fowls, Chickens, and Other Domestic Birds, of the City Code) Child care; Domestic storage; Family day home, major or minor; Minor utilities; Garage, attached or detached; Home-based business; Leasing office for manufactured home park or apartment complex; Model home with sales office in model home; Pool house; Private community center; Short-term rental or homestay; Swimming pool (private); and other miscellaneous household amenities.

Housing means see "Dwelling."

I

Illegal Sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated Sign means a sign that is backlit, internally lighted, or indirectly lighted.

Industrial Microcell means a wireless telecommunications facility; a standalone, short range radio transceiver located in specific locations, either indoors or outdoors, where there is often low signal quality and high demand for a wireless telecommunications signal. Examples include but are not limited to industrial signal boosters, repeaters, bi-directional amplifiers, and devices specifically identified as microcells. Consumer microcells, such as femtocells, for residential or household use or mobile use (i.e. vehicular, boat, etc.), and equipment meeting the thresholds to be considered small cell facilities, are excluded from this definition.

Institution means a nonprofit corporation or a nonprofit establishment whose purpose is civic, educational, charitable, religious or philanthropic in nature.

J

Junk Yard means any space or area or portion of lots used for the storage, sale, keeping or abandonment of junk or waste materials, including used building material, or for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery or parts thereof.

K

Kennel means a premise on which four or more dogs, six months or older, are kept. This term includes privately-owned animal shelters.

L

Landscaping Island means an area that includes landscaping within a parking lot.

Landscaping means living vegetation primarily used to enhance property aesthetics, values, and/or to improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation. Mulch and/or stone shall be used only for the enhancement of vegetation. The use of mulch and/or stone alone is not considered landscaping.

Letters of Map Change (LOMC) means a letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (3) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

Letter of Map Amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

Light Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include manufacture or assembly of: appliances, artificial limbs, awnings, beds, blinds, boats, books, brooms, buses, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items, felt, hardware, ice, jewelry, medical, optical or dental instruments or supplies, mirrors, medical instruments, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, and toys.

Additional uses include: Bakery, wholesale; Bottling or canning; Brewery; Building and development contractors; Bulk mailing service; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Exterminator service; Food processing; Janitorial and building maintenance service; Maintenance and repair shop; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research and development laboratory; Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing; and other uses meeting the definition of Light Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; Single residential unit for caretaker; and Wholesale and/or retail sales.

Lot Area means the total horizontal area within the lot lines of a lot. No existing alley, public way, public land or area proposed for future street (alley) purposes is included within the net area of a lot. On-site easements are included in the land area of a lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot means a parcel of land occupied or intended to be occupied by a use permitted in this chapter, including one main building together with its accessory buildings, and the yards and parking spaces required herein, and having its principal frontage upon a street or upon an officially approved place.

Lot of Record means a lot which has been recorded in the office of the clerk of the circuit court.

Lot, Nonconforming means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Lot, Width means the distance between side lot lines measured at the building line.

Low-Impact Development means an approach to stormwater management that mimics a site's natural hydrology as the landscape is developed.

Lowest Adjacent Grade means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

M

Macrocell means any wireless telecommunications facility not considered a concealed wireless telecommunications facility, a consumer microcell, a small cell facility, an industrial microcell, or a distributed antenna system.

Major Street means a street shown as a major street on the city "master transportation plan".

Manufactured Home means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured Home (floodplain) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park means an area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for two or more manufactured homes intended to be used as living facilities.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Sales And Service Establishment means use of land whereon the primary occupation is the sale and ancillary service of manufactured homes. This use shall not include storage of nonhabitable manufactured homes for a period of time exceeding 90 days.

Marginal Access Street means a minor street generally paralleling and contiguous to a major street designed primarily to promote safety by providing free access to abutting properties and limited access to the major street.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond a building wall designed and constructed to provide protection against the weather.

Mean Sea Level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

Medical Facilities means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include: Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office; and other uses meeting the definition of Medical Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated helicopter landing facility; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care for children of employees or patients; Dormitory; Fleet maintenance; Food preparation and dining facility; Minor utilities; Place of worship; Pharmacy; and Recreation facility.

Micro-Manufacturing means the retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers.

Micro-Wireless Facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

Mini-Warehouse means a structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis but not for human or animal occupancy.

Minor Street means a local residential street which provides access to building sites, space for public utility lines and space for light and air.

Mobile Food Unit means a temporary establishment engaged in the retail sale of prepared food for consumption, on site or offsite, from a movable vehicle, portable structure, or pushcart.

MU means Mixed-Use Zoning District.

Multiple Establishment Building means a commercial development with two or more establishments on a single parcel of common ownership attached by common walls or, if located in separate buildings, are interconnected by walkways and/or access ways on one or more commonly owned or managed properties, providing common parking facilities for all establishments, having multiple tenancy of a single or several common structures, and otherwise presenting the appearance of one continuous commercial area.

N

Neighborhood Sign means freestanding sign located at the entrance of a neighborhood or subdivision.

Net Development Area means the total area of land in the MX-U development designated on the master development plan for residential, nonresidential, or open space uses, excluding streets.

New Construction means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after November 3, 1989, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Sign means any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this article and which fails to conform to current standards and restrictions.

Nonconforming Structure means any lawful structure existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

Nonconforming Use means any lawful use existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

No-Impact Home-Based Business means a home-based business for which all of the following apply:

- A. The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property; and
- B. The business activities are characterized by all of the following:
 - 1. The activities are limited to the sale of lawful goods and services;
 - 2. The activities do not generate on-street parking or a substantial increase in traffic through the residential area;
 - 3. The activities occur inside the residential dwelling or in the yard of the residential property; and
 - 4. The activities are not visible from a street adjacent to the residential property.

Nursing Home means a home for the aged, or infirm, senile, chronically ill or convalescent in which persons not of the immediate family are received, kept or provided with food, shelter, treatment and care for compensation, but not including hospitals, clinics or similar institutions.

O

Off-Premises Sign means a sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered at a location other than the parcel on which the sign is located.

Office means a use category containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include business and professional offices or agencies for services such as: accounting, advertising, architecture, bill collection, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel.

Additional uses include: Bank or credit union; TV, recording, or radio studio; and other uses meeting the definition of Office according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Medical clinic for employees; Minor utilities; Food preparation and dining facility for employees; Recreation facility for employees; and Private telecommunication or transmission tower.

On-Premises Sign means any sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered on the parcel upon which the sign is located.

Open Space, Common means land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan.

Outdoor Display Area means an area for display of finished products actively available for retail sale, rental, or lease. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered outdoor storage. generally considered accessible to the public that utilizes parking spaces or paved and/or graveled areas to displays goods for sale, rental, or lease, except those areas counted as part of the gross floor area for purposes of calculating required parking. Goods include but are not limited to vehicles, recreation equipment, trailer sales, heavy equipment, manufactured homes, industrialized buildings, agricultural equipment, yard and landscaping equipment, and other similar products.

Outdoor Storage means the storage of any item outside of an enclosed structure that is not accessible to the general public. This includes but is not limited to garden supplies, building supplies, plants, materials stored in crates, boxes, or shipping containers; lumber yards; pipe; contractor's equipment; and other similar uses.

Overnight Accommodations means a use category containing uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include: Hotel, Motel, or Resort; and other uses meeting the definition of Overnight Accommodations according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Meeting space; Minor utilities; Recreational facility; Restaurant; and Swimming pool (public).

P

Parking Bay means multiple parking spaces arranged in single or double loaded rows.

Parking, Commercial means a use category containing commercial facilities that provide parking that is not accessory to a principal use, for which a fee may or may not be charged.

Uses in this use category include: Park-and-ride facility; Parking lot or structure, commercial; Truck, tractor, trailer or bus storage or parking yard, lot, or garage; and other uses meeting the definition of Commercial Parking according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; and Minor utilities

Parking Lot means a defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive-throughs, except public street ingress and egress.

Parking Space means the area required for parking one automobile which shall be a minimum of nine feet wide and 18 feet long, not including passageways.

Parking Unit, Private means a self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit may be entered by a private drive from the public street; provided, that such drive offers adequate ingress and egress for emergency vehicles and otherwise complies with acceptable city standards.

Parking, Off-Street means any on-site space specifically allotted to or required for vehicle and bicycle parking.

Parks and Open Areas means a use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Uses in this use category include: Private club and golf course; Cemetery, columbarium, mausoleum, or memorial park; Dog park, publicly-owned; Park or playground; and other uses meeting the definition of Parks and Open Areas according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales area related to the primary use; Boat launch; Concession; Dining area; Minor utilities; and Recreation facility.

Passenger Terminal means a use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.

Uses in this use category include: Airport; Heliport; Bus terminal; Transportation service facilities, including but not limited to those for: taxicab, limousine, or bus; and other uses meeting the definition of Passenger Terminal according to the Zoning Administrator.

Associated office and storage; Associated retail sales area related to the primary use; Concession; Fleet maintenance; Freight handling area; Fueling facility; and Minor utilities.

PI means Public and Institutional Zoning District.

Plan of Development means a sketch of the site drawn to scale, showing the dimensions and acreage of the property, and approximate location of buildings, roads, parking areas and landscaping, the number of dwelling units or commercial or other types of buildings and other information essential for determining whether the provisions of this chapter are being observed, such as pertinent site engineering data.

Plant Nursery, Greenhouse, and Landscaping Business means a facility where plants and landscaping materials are raised and/or sold. Such uses must be served by a permanent building. These uses may include the storage of materials used for installation of landscaping materials.

Plat means a drawing, map or plan for a parcel of land or subdivision, or rearrangement, revision or resubdivision of land.

Plat means a map or drawing on which the proposed subdivision of land is presented for approval and, when in final form, for recording.

Pole Sign means a sign that is attached to one or more freestanding poles. Pole signs are freestanding signs.

Portable Restroom Facility means a movable restroom facility including but not limited to single portable toilets, portable sinks, trailer-mounted toilets, and restroom trailers that may include showers and tubs. Portable restroom facilities, as defined herein, shall be considered accessory buildings.

Portable Storage Unit means a large container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

Post-Firm Structures means a structure for which construction or substantial improvement occurred after November 3, 1989.

Pre-Firm Structures means a structure for which construction or substantial improvement occurred on or before November 3, 1989.

Premises means a parcel of land, together with any building or structures occupying it.

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

Private Club means an association organized and operated on a nonprofit basis for persons who are bona fide members paying dues, with which the association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available. This definition includes country clubs.

Professional Offices means offices limited to personal services customarily performed by professionals such as doctors, dentists, architects, engineers, lawyers, accountants, real estate agents, insurance agents and brokers, who are not dependent on extensive on-site advertising.

Property means any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Public Area means any public place, public right-of-way, or parking lot or other right-of-way open to use by the general public.

Public Assembly means a use category containing establishments where people assemble for religious, philosophical, fellowship, or cultural purposes.

Uses in this use category include: Assembly, meeting, event or exhibition hall; Church, mosque, temple, synagogue, or other place of worship; Museum; Public library; Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities; Club or lodge; Community, senior, or youth center; Philanthropic institution; and other uses meeting the definition of Public Assembly according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Associated retail sales area related to principal use; Athletic facilities; Auditorium or theater; Before- and after-school day care; Classrooms; Concession; Day care; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; Pre-school; and Recreation facility.

Public Floor Area means the gross building area, as figured on a per-story basis, which clearly serves the general public, such as vestibules and lobbies, corridors, waiting rooms and toilets, servicing areas, and required stairs, ramps and elevators. Employee oriented areas, such as kitchens and freezer rooms, storage, maintenance and service areas, shall not apply. Unfinished areas shall be included and figures on the basis of potential use.

Public Use means any instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the city, or (2) another governmental entity having a contractual relationship with the city for the use of such lot or parcel or improvement.

R

Radio or Television Station or Studio means an establishment containing one or more broadcast studios for over-the-air, cable, or satellite delivery of radio or television programs.

REC means Recreational Zoning District.

Recreational Vehicle means a vehicle which is (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light duty truck; and, (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Park means any property upon which two or more occupied recreational vehicles are situated, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the park.

Recycling Facility means a facility or land use, regardless of name or title, at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste are collected, cleaned, sorted, stored, flattened, shredded, dismantled, crushed, bundled, or separated by size, grade, quality, or type, and compacted, baled, or packaged for shipment or delivery for the eventual manufacture of new products.

Repair-Oriented Use means a subset of uses in the Retail Repair, Sales, and Service use category that is primarily engaged in the provision of repair services to individuals and households rather than other businesses, but excluding vehicle and commercial repair services.

Uses in this use category include store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service use type, and including, but not limited to: appliances, bicycles, clocks, electronics, furniture, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches. and other uses meeting the definition of Repair-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

Repetitive Loss Structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood related damage, the contract for flood insurance contains increased cost of compliance coverage.

Research and Development Laboratory means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Restaurant means a use category containing uses serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down; Restaurant, drive-in or drive-through; and Other uses that the Zoning Administrator interprets to be functionally similar to a use in this use category.

Typical accessory uses include: Associated office and storage; Drive-through facility; Minor utilities; Outdoor dining area; and Recreational facility.

Restaurant, Drive-In or Drive-Through means a restaurant located either within a coordinated development or situated in a stand-alone structure, that contains a drive-in or drive-through facility and customarily serves food in disposable containers.

Retail Repair, Sales, and Service means a use category containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

RH means High-Density Residential Zoning District.

Right-of-Way Lines means lines which separate private property from dedicated public property containing or proposed to contain publicly owned street surfaces, curb and gutter, sidewalks and planted strips. Where a public street is designated on the major thoroughfare plan, all requirements of this chapter which relate to rights-of-way shall be measured from the indicated proposed right-of-way lines.

Riparian area relating to or situated on the banks of a river.

RL means Low-Density Residential Zoning District.

RM means Medium-Density Residential Zoning District.

Roof Sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, the lowest portion of a roof for any building with a pitched roof, or above a parapet wall.

RR means Rural Residential Zoning District.

S

Sales-Oriented Use means a subset of uses in the Retail Repair, Sales, and Service use category that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Uses in this use category include selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets or pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys; and other uses meeting the definition of Sales-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

Screening means the use of fences, decorative walls or other physical or structural enclosures or plant material to separate uses and hide from view materials which require screening. Screening shall be required for outside storage areas only when called for by the zoning ordinance. Fences, decorative walls or other physical or structural enclosures used for screening shall be opaque to obstruct view of storage materials, with the finished face facing outside, and shall be at least six feet in height with a maximum of eight feet in height. If plant materials are used for screening purposes, they shall be three to four feet in height at planting time and shall otherwise meet the same intent as stated for fencing, etc. with the exception of height described herein. Screening, including walls and plant material, for parking lots and garages adjacent to public streets may be a minimum of four feet in height rather than six feet as specified above for other types of screening.

Self-Service Storage means a use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use category include: Boat or recreational vehicle storage; Mini-warehouse; and other uses meeting the definition of Self-Service Storage according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Moving vehicle rental; and Single attached caretaker's quarters.

Service-Oriented Uses means a subset of uses in the Retail Repair, Sales, and Service use category that provides non-medical services that are generally needed on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Uses in this use category include: Animal grooming; Barbershop or beauty, nail, skin care, or tanning salon; Day spa; Dry cleaning and pressing establishment; Funeral home or mortuary; Kennel; Laundromat; Massage establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; Taxidermist; and Veterinarian (small animal); and other uses meeting the definition of Service-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

Setback means the minimum or maximum distance by which any building or structure must be separated from all lot lines.

Severe Repetitive Loss Structure means a structure that:

- (a) Is covered under a contract for flood insurance made available under the NFIP; and
- (b) Has incurred flood related damage;
 - (i) For which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
 - (ii) For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow Flooding Area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Shopping Center means commercial development of more than one retail sales or service establishment on a single parcel of common ownership attached by common walls or if located in separate buildings are interconnected by walkways and/or access ways, providing common parking facilities for all establishments, having multiple tenancy of a single or several large common structures, and otherwise present the appearance of one continuous commercial area.

Short-Term Rental means the provision of a dwelling unit, a guest room or accommodation space within the dwelling unit, or any accessory building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.

Sidewalk Sign means a sign not affixed to a building, structure, vehicle, or the ground. This includes, but is not limited to, A-frame signs, otherwise known as sandwich boards and chalkboard signs. Sidewalk signs do not include a flag or banner.

Sign Area means the area which encloses the extreme limits of the intended communicated information.

Sign Face means the area or surface which displays the intended communicated information.

Sign Height means the vertical distance from the ground at the sign's foundation to the highest point of the sign.

Sign means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, figure, or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include devices specifically for drive-thru patrons.

Sign, Access means a freestanding on-premise sign located at the entry or exit of a vehicle use area that may or may not give exit or entry directions or facility information.

Sign, Advertising means a freestanding sign used for off-premise advertising also known as a billboard.

Sign, Awning means a sign placed directly on the surface of an awning. Awning signs are wall signs.

Sign, Canopy (Freestanding) means a multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Sign, Canopy (Attached) means a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Sign, Marquee.

Sign, Directory means an outdoor sign listing and identifying the occupants within retail centers, industrial centers, office complexes, institutional campuses (e.g. medical center, hospital, etc.), and other multi-tenant mixed-use or nonresidential sites.

Sign, Hanging means a sign that is suspended over a walkway or a sidewalk, street, or other public right-of-way.

Sign, Marquee means a permanent roof-like structure suspended over a walkway or a sidewalk, street, or other public right-of-way, constructed of rigid materials that is supported by and extending from the facade of a building and which is designed to include manual or electronic changeable copy.

Sign, Menu Board means a sign erected in conjunction with a use that incorporates a drive-through or drive-in generally used to provide service or product options and pricing for customers in a vehicle or on foot.

Sign, Monument means any freestanding sign having a low profile and made of masonry, metal, rounded wood planks or beams, durable plastic or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base.

Sign, Projecting means any sign, other than a wall sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

Sign, Pylon means a freestanding sign that is affixed to one or more pylons or poles, designed so that the combined width of the poles or pylons is at least 50 percent of the width of the sign face.

Sign, Snipe means a prohibited temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, street light or any tree, rock, or other natural object.

Sign, Wall means any sign attached to, painted upon, and erected parallel to the face of the outside wall of a building and supported by such wall or building.

Sign, Window means a sign attached or painted on the surface of, located on the interior of, or flashing through a window.

Site Plan means refer to article D for site plan review.

Small Cell Facility means a wireless telecommunications facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Social Service means a use category containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use category include: Correctional facility, not owned or operated by the government; Domestic abuse, homeless, or youth shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Halfway house; Soup kitchen; and other uses meeting the definition of Social Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Class rooms; Day care for children of employees or clients; Dormitory; Food preparation and dining facility; Library; Meeting space; Minor utilities; and Recreation facility.

Solar Panel Array means a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs a solar panel array that is composed of a number of solar cells containing a photovoltaic material.

Solar Panels (Accessory Use) means solar panels that are an accessory to the primary use which can be as ground-mounted or roof-mounted.

Special Flood Hazard Area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 10-3-168 of this article.

Specified Anatomical Areas means (1) Less than completely and opaquely covered: (i) human genitals, pubic region, buttock; and (ii) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities means (1) Human genitals in a state of sexual stimulation or arousal. (2) Acts of human masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse or sodomy. (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Start of Construction means for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L.—97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition; placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep Slopes means natural slopes prior to land disturbance or construction that exceed 15 percent. Such slopes are measured as the rise in elevation over the horizontal distance between contour lines on a topographic map with a contour interval of five feet or less.

Story means excluding basements, a portion of a building for living between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

Street Frontage means the width of the lot measured along the line parallel to the street in which the lot is addressed. On corner lots with a curve connecting the intersecting streets, frontage shall be measured along the extended tangent to the point of intersection of the two streets.

Street means a public thoroughfare which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley which is designated or dedicated for public use.

Structural Alteration means any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders.

Structure means anything constructed or erected, the use of which requires location on the premises or which is attached to something having location on the premises. For floodplain management purposes, it shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivider means the person, firm, association, organization, or corporation which holds legal title to land and subdivides it.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, any of which are less than five acres in area for the purpose, whether immediate or future, of sale or of building development. (1) Division of land for agricultural purposes not involving the establishment of a new street or access easement shall be exempt from these regulations. (2) Industrial property shall be developed within the framework of this chapter. (3) The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- C. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the state inventory of historic places must be obtained from the Secretary of the Interior or the state historic preservation officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Support Structure means with regard to wireless telecommunications, any structure that may support a wireless telecommunications facility including but not limited to telecommunications towers, alternative support structures, and structures that may be attached to or on top of buildings and other structures.

T

Telecommunications means any transmission, emission or reception of signs, signals, sounds, voice, text, images, video, data, information or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Telecommunications Tower means any structure, except concealed wireless telecommunications facilities, designed, constructed, erected, repurposed or re-used for the sole or primary purpose of providing and supporting wireless telecommunications services.

Temporary Construction or Field Sales Office means a building or structure that is temporarily placed to aid in the process of managing a construction project.

Temporary Vendor means a use in which a person or persons sell retail goods for the purpose of purchase by consumers, whether immediately or by placing of orders for a limited duration of time.

Temporary Wireless Telecommunications Facility means a readily movable self-contained wireless telecommunications facility used to provide provisional wireless telecommunications services. An example is a cell on wheels (COW).

Traffic Control Device means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Training Facility or Vocational School means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology and similar types of instruction.

U

Unoccupied means a property on which all buildings are unused or not being used for a permitted activity.

Upper-Story Residential means a dwelling unit located above the first floor of a mixed use building type.

Utilities means a use category containing major or minor infrastructure that serves a site, a development, or the City at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities include: Electrical substation; Electric or gas generation plant; Telephone exchange and transformer or substation; Water storage tank; Wireless telecommunications facility; and Water treatment plant and other uses meeting the definition of Major Utilities according to the Zoning Administrator.

Minor Utilities include: Pumping or regulator stations; Small cell facility; Stormwater retention or detention facility; Telecommunication antenna collocated on an existing structure; and other uses meeting the definition of Minor Utilities according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures.

V

Vacant means a property on which there is situated no structures.

Variance means a reasonable deviation from the provisions regulating the size, configuration or area of a street or other feature, when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

Vehicle Fuel Station means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any vehicle fuels, oils, or accessories.

Vehicle Repair, Major means premises where mechanical, bodywork, major painting, or other similar work is performed on vehicles.

Vehicle Service, Minor means the replacement or repair of any vehicle part that does not require removal of the engine, transmission, or differential. Examples include dent repair, minor painting, upholstering, brake work, and oil changes.

Vehicle Sales and Service a use category containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include: Car wash; Heavy vehicular equipment sales, service, and repair; Rental or sales of manufactured homes, mobile homes, portable buildings, or trailers; Truck stop; Personal vehicle repair; Vehicle service; Vehicle fuel station; Vehicle sales, rental, and leasing; and other uses meeting the definition of Vehicle Sales and Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Car wash; Concession; Food preparation and dining area; Fueling facility; Minor utilities; Sale of auto parts; and Towing.

Vehicle Sales means premises where the primary occupation is the sale or rental of any vehicle and can include ancillary service or repair of any vehicle. Such use may include the storage of inoperable vehicles for a period not to exceed 90 days.

Vehicle Use Area means an unenclosed area used by three or more vehicles of any type, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, and parking aisles.

Vehicle, Inoperable means any vehicle not capable of being used on public streets or roads and/or on which a state inspection and/or license is not displayed or has expired for more than 30 days.

Veterinary Clinic means an animal clinic that provides medical care for small animals, including, but not limited to: dogs, cats, and birds. This definition does not include the veterinary hospital use.

Veterinary Hospital means an animal hospital that provides medical care for large or livestock animals, including, but not limited to: horses, cows, sheep, goats, chickens, turkeys, ducks, and pigs.

This definition does not include the veterinary clinic use.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the community's floodplain management regulations is presumed to be in violation until such time as that documentation is provided.

W

Warehousing and Freight Movement means a use category containing establishments involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.

Uses in this use category include: Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, and other retail and wholesale consumer goods sold in person or online; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage; and other uses meeting the definition of Warehousing and Storage according to the Administrator.

Typical accessory uses include: Associated office and storage; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Outdoor storage yard; Recreation facility; and Single attached residential unit for caretaker.

Waste-Related Service means a use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use category include: Animal waste processing; Composting facility; Landfill; Recycling facility; Tire recycling or retreading; and other uses meeting the definition of Waste-Related Use according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Fleet maintenance; Fueling facility; and Repackaging and shipment of byproducts.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wholesale Trade means a use category containing establishments involved in the sale, lease, or rent of products to industrial, institutional, or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include: Contractor equipment sales and storage yard; Fuel sales, wholesale; Mail-order business; Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; Wholesale or auction of food, clothing, auto parts, or hardware; and other uses meeting the definition of Wholesale Trade according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Medical clinic for employees; Meeting space; Minor fabrication; Minor utilities; Product repair; Repackaging of goods; and Single residential unit for caretaker.

Wireless Telecommunications Facility means any unmanned facility established for the purpose of providing wireless telecommunications services. Such facilities can consist of one or more antennas and accessory equipment, equipment cabinets, telecommunications towers, concealed wireless telecommunications facilities, distributed antenna systems, industrial microcells, base stations, small cell facilities, or any combinations thereof. This definition does not apply to equipment for radio or television studios, facilities designed for amateur radio use, or for residential or household uses (i.e. consumer microcells, etc.).

Y

Yard means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

Z

Zoning Administrator means see "Administrator."

Zoning District means see "District."

MARSHALLTOWN

— I O W A —

TO: Plan Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: May 16, 2024 – Meeting Date

Preliminary Plat Review and Recommendation:

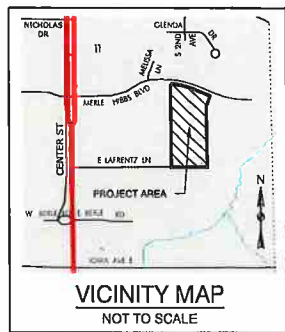
FROM: City of Marshalltown

SUBJECT: Preliminary and Final Plat for Freedom Hills 1st Addition

RISE M LLC owns the lot on 201 E Merle Hibbs Blvd. The purpose is to create more lots for development. The preliminary plat is also creating five lots, for future development and a storm water retention pond lot. RISE M LLC is creating a private drive to connect LOT 3 & LOT 4. Plat shall follow compliance with chapter 157 Land Subdivision Regulation.

Recommendation: The Commission verify the plat would be in compliance with chapter 157. Commission should make a recommendation to the City Council.

FREEDOM HILLS 1ST ADDITION
PRELIMINARY PLAT
CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



ACREAGE BREAKDOWN

NE 1/4 SE 1/4 11-83-18	11.50 ACRES
TOTAL	11.50 ACRES

OWNERS OF RECORD
RISE M LLC
801 BURNS ST.
HAWLEY, MN 56549

FLOOD ZONE
ZONE X
PANEL # 19127C0170C
EFFECTIVE DATE: NOVEMBER 16, 2011

ENGINEER
DREW MESSMER, P.E.
LOWRY ENGINEERING
5306 51ST AVE S, SUITE A, FARGO, ND 58104
(701) 235-0199

SURVEYOR
TRAVIS R. STEWART, P.L.S.
CLAPSADLE-GARBER ASSOCIATES
16 E MAIN STREET, MARSHALLTOWN, IOWA 50158
(641) 752-6701

ZONING INFORMATION:
MIXED USED (MU)

SURVEY REQUESTED BY:
RISE M LLC
801 BURNS ST.
HAWLEY, MN 56549

RESTRICTIONS
(SEE DEED OF DEDICATION)

SETBACK DATA

BUILDING TYPE	FRONT	SIDE (STREET)	REAR
MIXED USED	5'	5'	0'
COMMERCIAL	5'	5'	0'

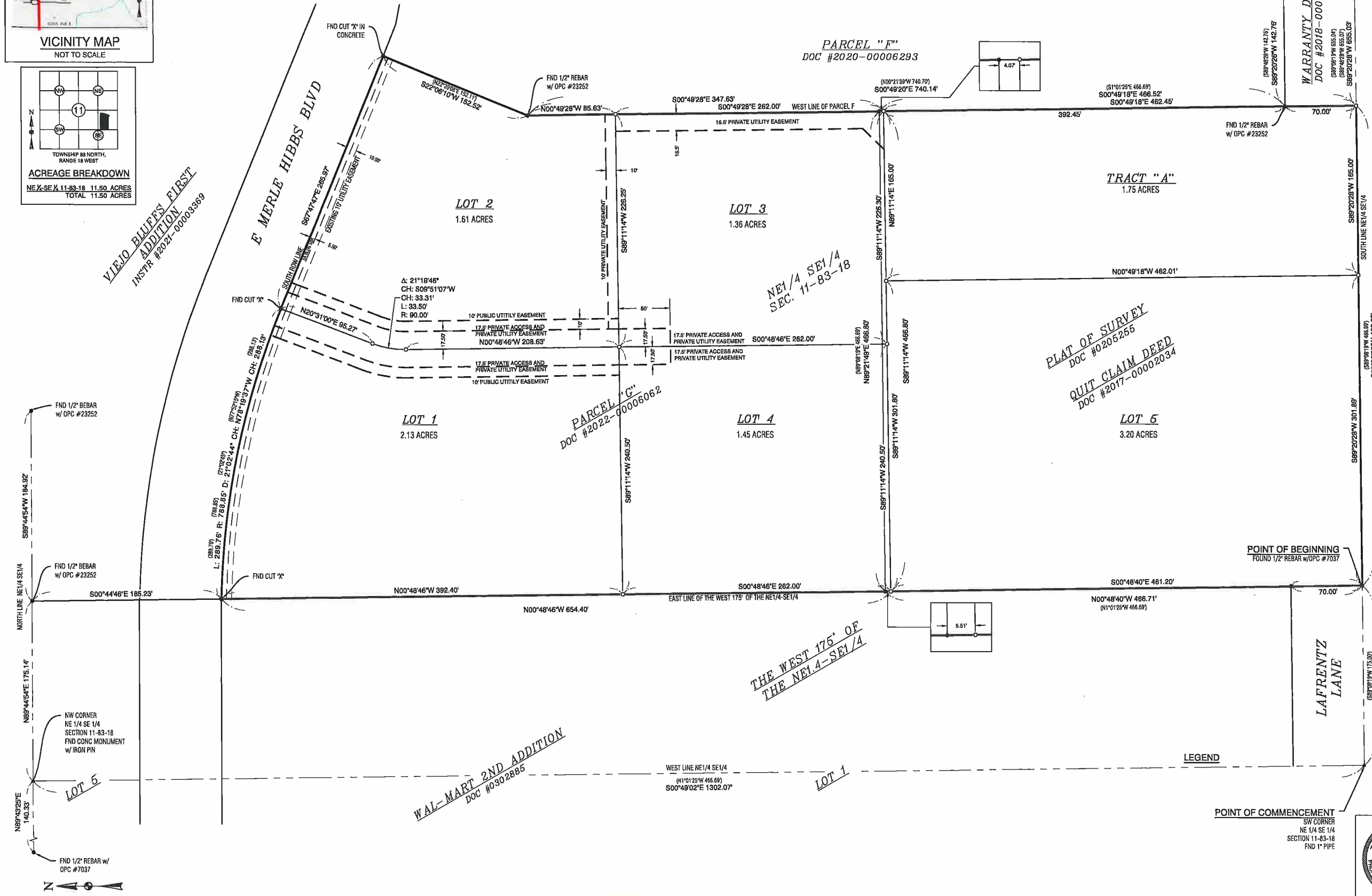
LOTS
NUMBER OF LOTS = 5

TRACTS
*A - DETENTION AREA

CLOSURE:
SUBDIVISION BOUNDARIES ARE WITHIN THE REQUIRED 1:10,000 ERROR OF CLOSURE
LOTS ARE WITHIN THE REQUIRED 1:5000 ERROR OF CLOSURE

NOTE:
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS USING NAD83 IOWA STATE PLAN NORTH ZONE

LEGAL DESCRIPTION:
PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°20'28"E 174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N00°48'40"W 466.71' ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, N00°48'46"W 848.88' CONTINUING ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE, SOUTHEASTERLY 289.76' ALONG THE ARC OF A 788.85' RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF S78°19'37"E AND A CHORD DISTANCE OF 288.13'; THENCE, S67°47'47"E 265.97' ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "F" AND RECORDED IN INSTRUMENT NO. 2020-00006293 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, S22°06'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'28"E 347.63' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'18"E 466.52' ALONG THE WEST LINE OF SAID PARCEL "F" TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°20'28"W 466.89' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



EXISTING	PROPOSED
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▲ GOVERNMENT CORNER MONUMENT FOUND

- FOUND 3/4" IRON PIN WITH YELLOW CAP # 14775 (UNLESS OTHERWISE NOTED)
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- RECORDED BEARING & DISTANCE



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, P.L.S.
Iowa License Number 17162
My License Renewal Date is December 31, 2025
Pages or sheets covered by this seal: SHEET 1, 2 AND 3

date

NICHOLAS DR

11

GLENDIA

5' 3" 10'

W. BERLINE RD

E LAFRENIZ LN

PROJECT AREA

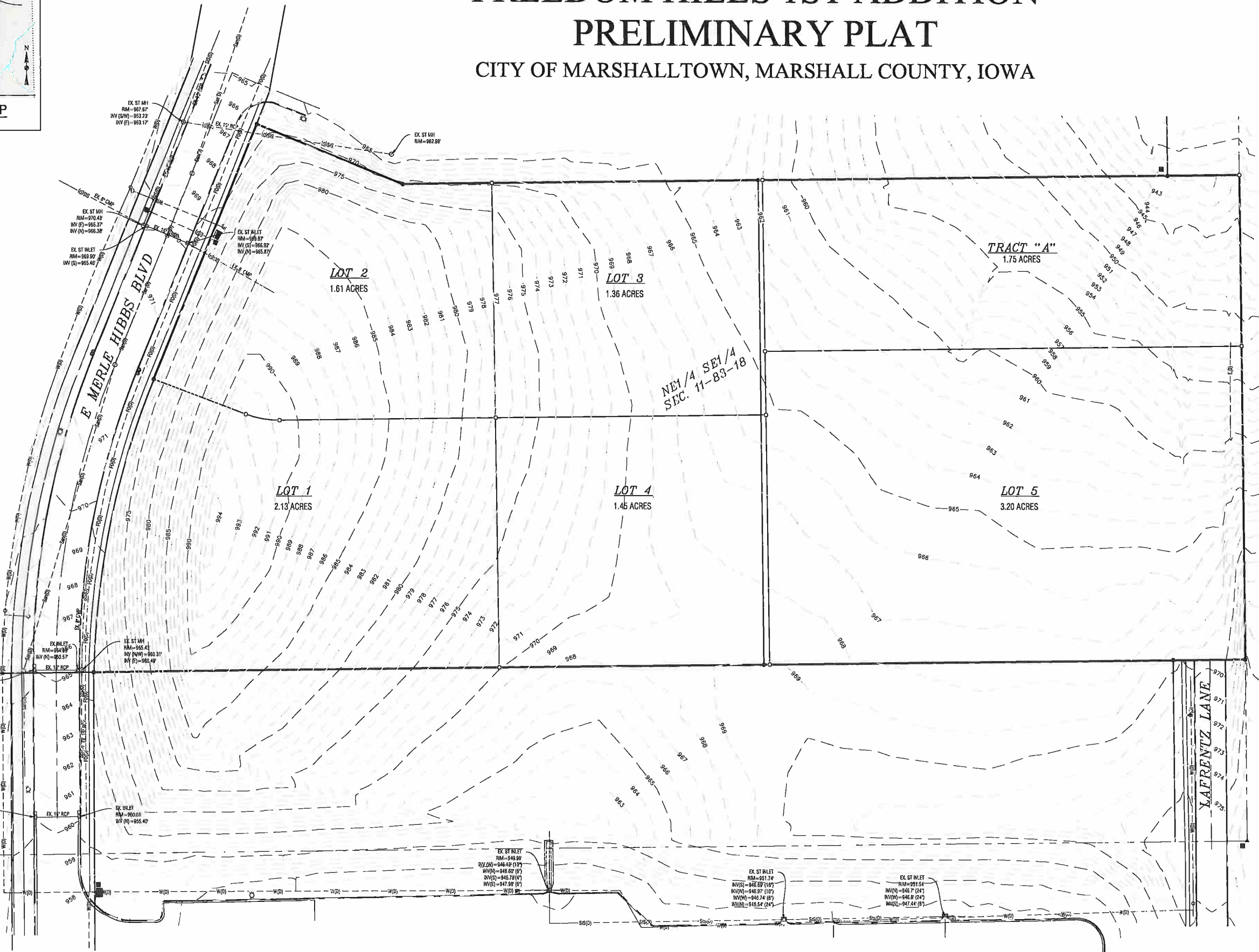
W. BERLINE RD

ICHIYA AVE E

N

VICINITY MAP

NOT TO SCALE



<u>LEGEND</u>		
EXISTING	PROPOSED	
		SECTION/R.O.W. LINE
		BOUNDARY LINE
		PROPERTY LINE
		EASEMENT LINE
		SETBACK LINE
		FOUND 3/4" IRON PIN WITH YELLOW CAP #14778 (UNLESS OTHERWISE NOTED)
		SET 1/2" REBAR WITH ORANGE CAP #17162
		FENCE
		CONTOUR LINE
		WATERLINE
		WATER HYDRANT
		WATER VALVE
		SANITARY SEWER LINE
		STORM SEWER LINE
		MANHOLE
		INTAKE
		GAS LINE
		BURIED ELECTRICAL LINE
		STREET LIGHT
		ELECTRICAL BOX/TRANSFORMER
		FIBER OPTICS LINE
		TELEPHONE OR COMM LINE
		TELEPHONE OR COMM PEDESTAL



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

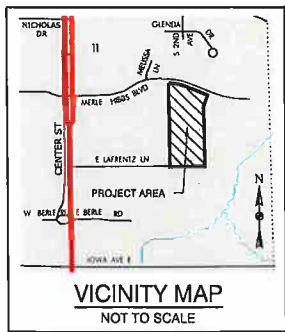


DESIGNED: _____ DATE: _____
DRAWN: KNW DATE: 05/13/2024
CHECKED: _____ DATE: _____
APPROVED: TRS DATE: _____

PRELIMINARY PLAT EXISTING CONDITIONS

PROJECT NO.
24-MS-0133

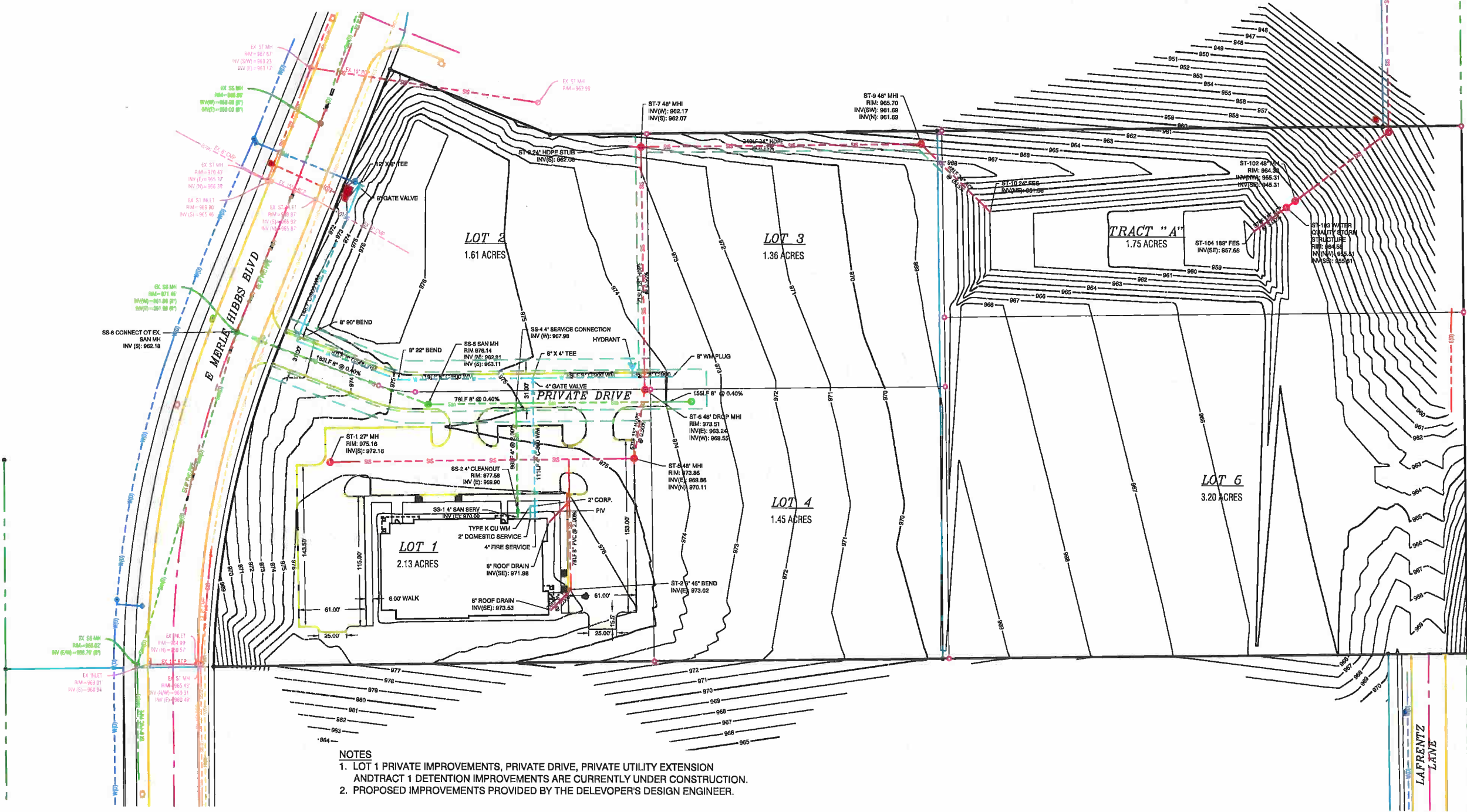
SHEET NO.
2 OF 3



FREEDOM HILLS 1ST ADDITION

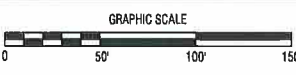
PRELIMINARY PLAT

CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



LEGEND	
EXISTING	PROPOSED
SECTION/R.O.W. LINE	SECTION/R.O.W. LINE
BOUNDARY LINE	BOUNDARY LINE
PROPERTY LINE	PROPERTY LINE
EASEMENT LINE	EASEMENT LINE
SETBACK LINE	SETBACK LINE
FOUND 3/4\"/>	FOUND 3/4\"/>
SET 1/2\"/>	SET 1/2\"/>
FENCE	FENCE
CONTOUR LINE	CONTOUR LINE
WATERLINE	WATERLINE
WATER HYDRANT	WATER HYDRANT
WATER VALVE	WATER VALVE
SANITARY SEWER LINE	SANITARY SEWER LINE
STORM SEWER LINE	STORM SEWER LINE
MANHOLE	MANHOLE
INTAKE	INTAKE
GAS LINE	GAS LINE
BURIED ELECTRICAL LINE	BURIED ELECTRICAL LINE
STREET LIGHT	STREET LIGHT
ELECTRICAL BOX/TRANSFORMER	ELECTRICAL BOX/TRANSFORMER
FIBER OPTICS LINE	FIBER OPTICS LINE
TELEPHONE OR COMM LINE	TELEPHONE OR COMM LINE
TELEPHONE OR COMM PEDESTAL	TELEPHONE OR COMM PEDESTAL

NOTES
1. LOT 1 PRIVATE IMPROVEMENTS, PRIVATE DRIVE, PRIVATE UTILITY EXTENSION AND TRACT 1 DETENTION IMPROVEMENTS ARE CURRENTLY UNDER CONSTRUCTION.
2. PROPOSED IMPROVEMENTS PROVIDED BY THE DEVELOPER'S DESIGN ENGINEER.



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

Clapsaddle-Garber Associates, Inc.
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

DESIGNED: _____ DATE: _____

DRAWN: KW DATE: 05/13/2024

CHECKED: _____ DATE: _____

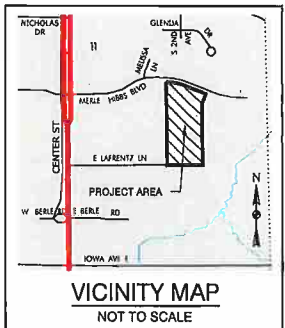
APPROVED: THS DATE: _____

FREEDOM HILLS 1ST ADDITION
MARSHALLTOWN, IOWA

PRELIMINARY PLAT
PROPOSED IMPROVEMENTS

PROJECT NO.
24-MS-0133
SHEET NO.
3 OF 3

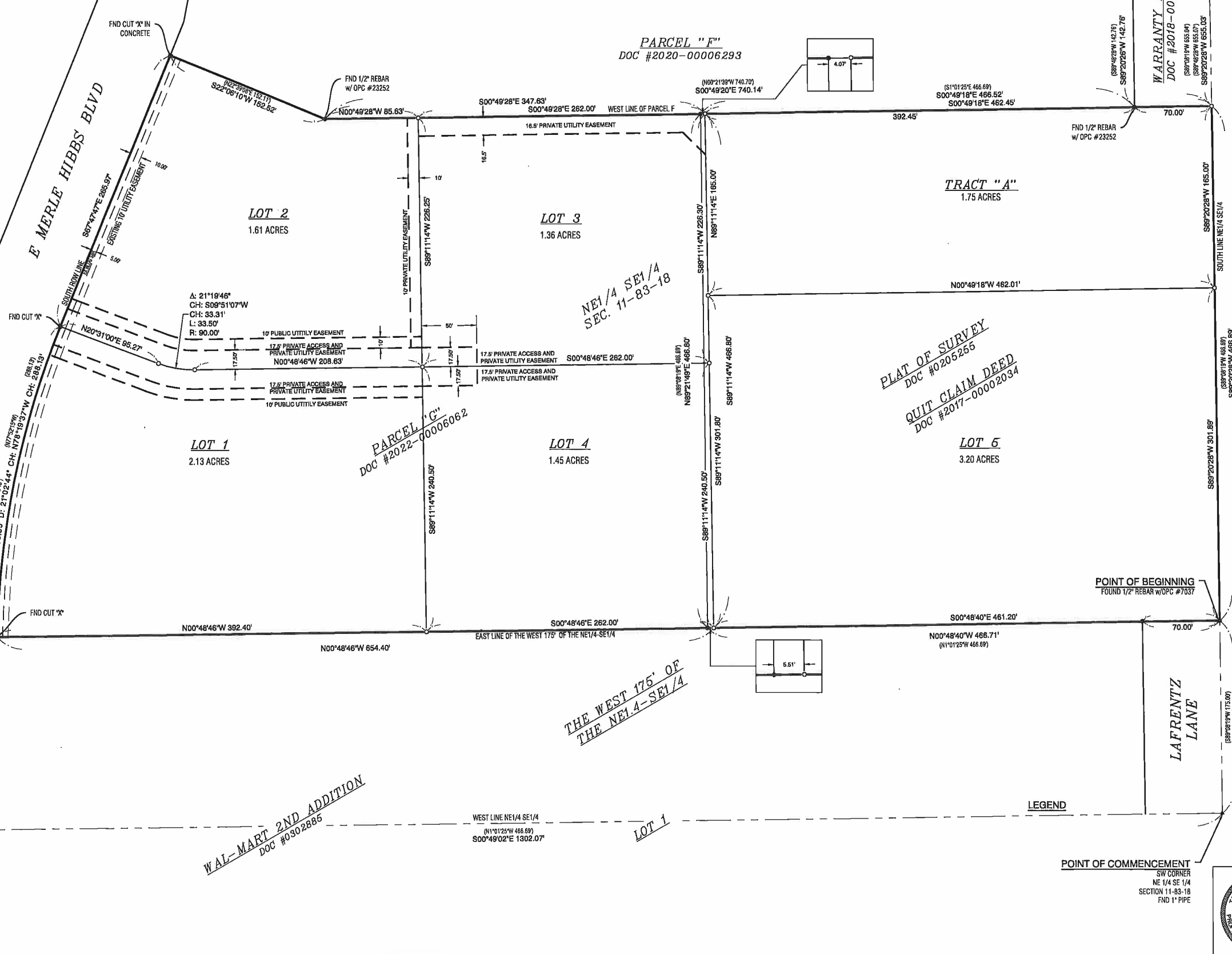
FREEDOM HILLS 1ST ADDITION
FINAL PLAT
CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



ACREAGE BREAKDOWN

NE 1/4 SE 1/4 11-83-18	11.50 ACRES
TOTAL	11.50 ACRES

VICINO BLUFFS FIRST
ADDITION
INSTR #2021-00003389



OWNERS OF RECORD
RISE M LLC
801 BURNS ST.
HAWLEY, MN 56549

FLOOD ZONE
ZONE X
FLOOD # 19127C0170C
EFFECTIVE DATE: NOVEMBER 16, 2011

ENGINEER
DREW MESSMER, P.E.
LOWRY ENGINEERING
5308 51ST AVE S, SUITE A, FARGO, ND 58104
(701) 235-0199

SURVEYOR
TRAVIS R. STEWART, P.L.S.
CLAPSADDE-GARBER ASSOCIATES
16 E MAIN STREET, MARSHALLTOWN, IOWA 50158
(641) 752-6701

ZONING INFORMATION:
MIXED USED (MU)

SURVEY REQUESTED BY:
RISE M LLC
801 BURNS ST.
HAWLEY, MN 56549

RESTRICTIONS
(SEE DEED OF DEDICATION)

SETBACK DATA

BUILDING TYPE	FRONT	SIDE	REAR
MIXED USED	5'	5'	0'
COMMERCIAL	5'	5'	0'

LOTS
NUMBER OF LOTS = 5

TRACTS
*A - DETENTION AREA

CLOSURE:
SUBDIVISION BOUNDARIES ARE WITHIN THE REQUIRED 1:10,000
ERROR OF CLOSURE
LOTS ARE WITHIN THE REQUIRED 1:5000 ERROR OF CLOSURE

NOTE:
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS USING
NAD83 IOWA STATE PLAN NORTH ZONE

LEGAL DESCRIPTION:
PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST
1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE
5TH P.M., MARSHALL COUNTY, IOWA, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST
1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83
NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, S89°20'28"E
174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE
SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE
WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF
SAID SECTION 11, SAID POINT ALSO BEING THE POINT OF
BEGINNING; THENCE, N00°48'40"W 466.71' ALONG THE EAST LINE
OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST
1/4 OF SAID SECTION 11; THENCE, N00°48'40"W 648.89' CONTINUING
ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST
1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH
RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE,
SOUTHEASTERLY 289.76' ALONG THE ARC OF A 788.85' RADIUS
CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING
OF S78°19'37"E AND A CHORD DISTANCE OF 288.13'; THENCE,
S67°47'42"E 285.87' ALONG SAID SOUTH RIGHT OF WAY LINE TO THE
NORTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED
AS PARCEL "F" AND RECORDED IN INSTRUMENT NO. 2020-00006293
IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA;
THENCE, S22°06'10"W 152.52' ALONG THE WEST LINE OF SAID
PARCEL "F"; THENCE, S00°49'28"E 343.55' ALONG THE WEST LINE
OF SAID PARCEL "F"; THENCE, S00°49'18"E 466.52' ALONG THE WEST
LINE OF SAID PARCEL "F" TO A POINT ON THE SOUTH LINE OF THE
NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11;
THENCE, S89°20'28"W 468.89' ALONG SAID SOUTH LINE TO THE
POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO
EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

EXISTING	PROPOSED
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▲ GOVERNMENT CORNER MONUMENT FOUND

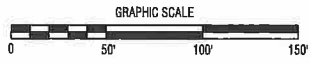
- FOUND 3/4" IRON PIN WITH YELLOW CAP # 14775 (UNLESS OTHERWISE NOTED)
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP # 17162
- (XXX) RECORDED BEARING & DISTANCE



I hereby certify that this land surveying document was prepared
and the related survey work was performed by me or under
my direct personal supervision and that I am a duly Licensed
Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS
Iowa License Number 17162
My License Renewal Date is December 31, 2025
Pages or sheets covered by this seal: SHEET 1, 2 AND 3

2024-MS-0133.dwg - Survey Final Plat 24-MS-0133 Final Plat-3MC EDITS.dwg - 1 OF 3 - 05-13-24 - 3:55pm - BMG345



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA
Clapsaddle-Garber Associates, Inc.
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

DESIGNED: _____ DATE: _____
DRAWN: KWW DATE: 5/13/24
CHECKED: _____ DATE: _____
APPROVED: JRS DATE: _____

FREEDOM HILLS 1ST ADDITION
MARSHALLTOWN, IOWA

FINAL PLAT

PROJECT NO.
24-MS-0133
SHEET NO.
1 OF 3

§ 157.001 GENERAL PROVISIONS.

(A) *Title.* This chapter from the date of its passage shall be entitled: Land Subdivision Regulations of 1973, as amended, Marshalltown, Iowa.

(B) *Legal authority.* The enactment of this chapter is in pursuance of the authority granted by I.C.A Chapter 354.

(C) *Purpose.* The general purposes of this chapter are: to carry out the policies and goals of the Comprehensive Guide Plan (General Development Plat) to provide for the orderly, economic and safe development of land and urban services and facilities and to promote the public health, safety, morals and general welfare. Further this chapter is adopted:

(1) To improve land records by establishing standards for surveys and plats, and by requiring accurate legal descriptions of boundaries which will help provide clear title;

(2) To prevent scattered or premature platting of lots beyond the service areas of existing public utilities and improvements;

(3) To discourage platting of lots which are unbuildable or very difficult to build on;

(4) To assure sound layout and to permit economy of construction in new subdivisions;

(5) To secure the reservation of public lands and waters;

(6) To encourage attractive, stable and wholesome community growth by providing procedures for plat review which involve checking by all appropriate officials;

(7) To cause the cost of public improvements to be done by lot purchasers rather than to permit the cost to become a burden upon existing property owners who have already paid for their improvements; and

(8) To establish minimum improvement standards and design criteria.

(D) *Geographic jurisdiction.* This chapter shall regulate the subdivision of land within the City of Marshalltown, Iowa, and all land within an area extending two miles beyond the City Limits in accordance with the provisions of I.C.A. § 354.9.

(E) *Use and interpretation.*

(1) Whenever any subdivision of land shall hereafter be laid out, the subdivision plat and plans of proposed improvements shall, in all respects, be in full compliance with these regulations and with the provisions of I.C.A. Chapter 354. For purposes of this chapter, all lots or parcels created from the division of land within a Quarter-Quarter Section on or after April 8, 1991 shall be subject to the regulations herein.

(2) Except as provided by State Law, until said plats and plans are approved, properly signed and officially recorded:

(a) No land shall be subdivided, nor any street laid out;

(b) No lot or parcel of land, within any subdivision shall be offered for sale nor shall any sales, contract for sale, or option be made or given unless such sale, contract or option is conditional upon city approval of the final plat;

(c) No permanent utility services by any public service corporation nor public improvements shall be installed.

(3) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements.

(4) Where the conditions of this chapter conflict with other laws or Ordinances, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

§ 157.002 RULES AND DEFINITIONS.

For the purposes of this chapter certain terms and words are herein defined as follows:

(A) *Rules.*

(1) Words used in the present tense shall include the future; and words in the singular number shall include the plural number, and the plural the singular.

(2) The word "shall" is mandatory and not discretionary, and the word "may" is permissive.

(3) The word "person" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation," as well as an "individual."

(4) The word "lot" shall include the words "tract," "plot," "piece," and "parcel."

(5) The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used."

(B) *Definitions.*

ACQUISITION PLAT. The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

ALiquot PART. A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

ALLEY. Any strip of land publicly or privately owned, less than 50 feet and more than 16 feet in width between property lines, set aside for secondary public vehicular access to abutting property.

ARTERIAL STREET OR HIGHWAY. A street or highway of considerable continuity designed primarily to serve as an intercommunication link between various sectors of the area and beyond (such as from within the city to outlying areas).

AUDITOR'S PLAT. A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

CITY COUNCIL. The City Council of Marshalltown, Iowa.

COLLECTOR STREET. A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects traffic between local and arterial streets or highways.

COMMISSION. The City Planning and/or Zoning Commission of Marshalltown, Iowa.

COMPREHENSIVE PLAN. The General Development Plan, or any portion thereof, adopted by the city in accordance with the laws of the State of Iowa.

CONVEYANCE. An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

CUL-DE-SAC. A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.

DIVISION. Dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.

FINAL PLAT. Shall mean the drawings and documents described in § 157.004(B).

FORTY-ACRE ALIQUOT PART. One-quarter of one-quarter of a section.

GOVERNING BODY. A city council or the board of supervisors, within whose jurisdiction the land is located, which has adopted ordinances regulating the division of land.

GOVERNMENT LOT. A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

IMPROVEMENTS. Street grading, pavement, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, subdrains, monuments, street signs, street lights, street trees, wire utilities and other facilities the City of Marshalltown may ultimately assume the responsibility for maintenance and operation.

LOCAL STREET. A street designed for access to abutting property and not intended to facilitate through traffic.

LOT. A tract of land represented and identified by number or letter designation on an official plat, and occupied or intended to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area required by this chapter for a building site in the Zoning Use District in which such lot is situated, and having its principal frontage on a publicly dedicated street.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Marshall County, Iowa, or a parcel of land, the deed of which is recorded in the office of the County Recorder of Marshall County, Iowa, as of the 8th day of April, 1991.

MARGINAL ACCESS STREET OR FRONTAGE ROAD. A local street which is parallel and adjacent to highways and arterials with access to abutting private properties only on one side.

METES AND BOUNDS DESCRIPTION. A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

OFFICIAL PLAT. Either an auditor's plat or a subdivision plat that meets the requirements of this chapter and I.C.A. Chapter 354, and has been filed for record in the offices of the recorder, auditor, and assessor.

PARCEL. A part of a tract of land.

PARCEL IDENTIFICATION NUMBER. A unique number or combination of numbers assigned to a parcel of land pursuant to I.C.A. § 441.29.

PLAT OF SURVEY. The graphic representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

PRELIMINARY PLAT. Shall mean the drawings and documents described in § 157.004(A).

PROPRIETOR. A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

SUBDIVIDER. The owner of the parcel of land to be subdivided or his authorized representative.

SUBDIVISION. The division or redivision of a lot, tract or parcel of land regardless of how it is to be used, into three or more lots; or the division or redivision of land involving dedication of a new park, walkway, street or other public right-of-way facility, or the vacation, realignment or any other change in existing streets, alleys, easements, recreating areas, water or other public improvements or facilities provided, however, that the division of land solely for agricultural purposes into parcels of ten acres or more shall not be deemed a subdivision if no public streets, easements and public facilities are involved.

SUBDIVISION PLAT. The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

SURVEYOR. A registered land surveyor who engages in the practice of land surveying pursuant to I.C.A. Chapter 542B.

TRACT. An aliquot part of a section, a lot within an official plat, or a government lot.

§ 157.003 PROCEDURES FOR PLATTING.

The following procedures are established for the administration of this chapter and no plat shall be recorded until the proposed subdivision has been reviewed and approved by the Planning Commission and the Council. Planned unit developments and plans for any combination of uses shall be presented in the same manner as plats for the review of the Commission.

(A) Pre-application meeting.

(1) Prior to the submission of any plat for consideration by the Commission under provisions of this chapter, the subdivider shall meet with City Development Staff to introduce himself as a potential subdivider and they shall advise the subdivider what shall be expected of him in that capacity. An initial informal sketch of the proposed plat over a print of a topographic map or other suitable sketch and a tentative proposed improvement list will be required. The sketch shall also show the relationship of the land to be platted to surrounding subdivisions. The subdivider shall familiarize himself with provisions of the Comprehensive Plan affecting the use of his property, and he shall satisfy himself that the zoning is appropriate for his intended use of the property.

(2) The purpose of the pre-application conference is to afford the subdivider an opportunity to avail himself of the advice and assistance of the City Development Staff and to consult early and informally with staff before preparation of the preliminary plat and before formal application for its approval.

(3) The land which is proposed for subdivision must be zoned for the use or uses contemplated in the proposal before the preliminary plat is filed.

(B) Preliminary plat.

(1) The subdivider shall submit to the City Clerk 16 copies of a preliminary plat of the proposed subdivision, the requirements of which are as set forth in this chapter. The preliminary plat shall be submitted to the Zoning Administrator not less than three weeks prior to the next regularly scheduled Planning Commission meeting and shall be accompanied by a fee of \$250 plus \$10 dollars for each lot payable to the City of Marshalltown.

(2) If the preliminary plat submitted by the subdivider is rejected by the city for any reason, the subdivider may resubmit a revised application within one year, satisfying the reason for rejection, without paying an additional fee.

(3) The Zoning Administrator shall determine whether the preliminary plat is in proper form. The Council and Commission shall not receive nor consider the application as filed until all documents are in accordance with the requirements set forth herein. The Zoning Administrator shall inform the Commission and Council, in writing, that the fee has been paid and all other requirements have been met.

(4) Not later than three days from receipt of said plat, the Zoning Administrator shall distribute one copy each of the preliminary plat to the Chairman of the Commission, the City Solicitor, the City Engineer, the Fire Chief, the Building Official, the Housing Director, Water Pollution Control Director, the Superintendent of the Water Works, the District Engineer of the Iowa State Highway Department, if the plat borders a State or State Aid Highway and one copy each to each company providing electric, gas, cable TV and telephone services with a request for their reactions to be presented at the next regularly scheduled Commission meeting. In instances where the proposed subdivision lies outside the City Limits the Zoning Administrator shall submit one copy of the preliminary plat to the County Zoning Administrator.

(5) Any interested person may address the Commission orally or in writing regarding any preliminary plat but notice of the Commission's consideration of same need not be given. The Commission shall review the preliminary plat considering the oral or written comments from interested parties and take appropriate action. If recommended for approval, the Commission shall, by written report, express its action as a conditional approval and shall recommend the conditions of such approval, if any; or if recommended for disapproval, shall express its reasons therefore.

(6) The action of the Commission shall be noted on three copies of the preliminary plat. One copy shall be returned to the subdivider, and two copies forwarded to the Council.

(7) The Council shall consider the recommendation of the Commission and shall take action on the application within 60 days of its filing with the Zoning Administrator. If the Commission has not recommended approval, the Council may

approve said plat only by a 3/4 vote of the entire Council. The action of the Council shall be recorded on the copies forwarded by the Commission and one copy each shall be kept as permanent records by the City Clerk and by the City Engineer.

(8) Approval of a preliminary plat shall be effective for a maximum period of 12 months except that submission within this period of a final plat applying to at least a portion of the area covered by the preliminary plat shall extend the effective period of approval to a maximum of 60 months from date of approval.

(9) Approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

(C) *Final plat.*

(1) The owner or subdivider shall file 16 copies of the final plat, the reproducible original, the appropriate fees, and a performance guarantee for public improvements with the Zoning Administrator at least two weeks before the next regularly scheduled Commission meeting. The final plat shall conform substantially to the preliminary plat as approved.

(2) The subdivider may file a final plat limited to such portion of the preliminary plat which he proposes to record and develop at one time, provided that such portion shall conform to all requirements of this chapter.

(3) The Zoning Administrator shall refer one copy of the final plat to the Mayor, one copy each to the Commission members, one copy to the City Planner, two copies to the City Engineer, and one copy to the City Solicitor for their review and report.

(4) The Commission, City Solicitor, the City Planner, and the City Engineer shall check the final plat to see that it is in substantial agreement with the preliminary plat as approved and that it meets all ordinances and regulations of the city. If the Commission recommends approval, such approval shall be entered upon the reproducible originals by the Chairman. If the Commission disapproves, it shall transmit its reasons to the Council and provide the applicant a copy. The Commission shall act on the final plat within 30 days of filing.

(5) Within 60 days of filing, the Council shall take action. If the Council approves, such approval shall be duly entered by the Mayor and City Clerk. Approval by the Council shall be by resolution setting forth all conditions upon which approval is predicated. If the Council disapproves, it shall set forth its reasons and provide the applicant and Commission with a copy.

(6) The final plat shall not be recorded until the performance guarantee for public improvements is accepted by the Council. A certificate to that effect shall be issued by the City Clerk on demand and shall accompany the final plat.

(D) *Filing.*

(1) The final plat, if approved, shall be filed with the Marshall County Recorder and Auditor. Any approval of the final plat by the Council shall be null and void if the plat is not recorded within 60 days after the date of approval. A reproducible signed copy of the final plat, after the plat has been recorded, shall be filed with the City Engineer. No building permit shall be issued nor construction started until the recorded duplicate has been returned to the City Engineer.

(2) Approval of the final plat shall not be deemed to constitute or effect acceptance by the City of any improvement shown on the plat.

§ 157.004 PRESENTATION REQUIREMENTS FOR PLATS.

The plats shall be prepared at either a size of 11" x 17" or multiples thereof and at a minimum scale of one inch equals 100 feet on a suitable reproducible base as specified by the City Engineer. Plats shall contain the following information:

(A) *Preliminary plat.*

(1) *Identification and description.*

(a) Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat heretofore recorded in the City.

(b) Legal description including location by section, township and range.

(c) Names, addresses and phone number of the owner, subdivider, planner, engineer, and surveyor of the plat.

(d) Graphic scale, north point, and date of survey.

(e) Boundary line of proposed subdivision clearly indicated by bearings and distances to section lines or fractional congressional corner.

(f) Total acreage of the proposed subdivision.

(2) *Existing conditions in tract and in surrounding area to a minimum distance of 300 feet.*

(a) The name and location of adjacent subdivisions.

(b) Platted streets, railroad rights-of-way, easement lines of record limited to the plat itself, parks and schools.

(c) Boundary lines of adjoining land.

(d) Location, size and approximate invert elevations of sewers, water mains, culverts, gas mains, drains, transmission lines or other underground facilities.

(e) Permanent buildings, structures, hydrants and utility poles and lines, limited however to the plat itself and the surrounding area to a minimum distance of 50 feet.

(f) Lakes, watercourses, marsh areas, rock outcrop, wooded areas, isolated trees of one foot or more diameter, contours at vertical intervals of not more than two feet with drainage indicated at all subject property boundaries, indication of top of banks and toe of steep slopes, and such other information as soil tests or depth to ground water if requested by the Commission or City Engineer to aid in their review. All elevation data shall be mean sea level or other workable datum approved by the City Engineer.

(g) The existing zoning classification of the tract and adjoining properties.

(3) *Proposed subdivision design features.*

(a) Layout, numbers and dimensions of all lots.

(b) Location and area of all land intended to be dedicated to public use or reserved in the deeds for use of all property owners in the subdivision.

(c) Proposed layout and width of all improvements including streets and easements showing street numbers or names, parks, walkways, and other public areas in conformance with the city's Comprehensive Plan. The name of any street heretofore used in the city shall not be used or be similar in pronunciation to the name of an existing street, unless the proposed street is an extension of an already named street, in which event that name shall be used. The street layout shall include all contiguous land owned or controlled by the subdivider and be shown in relation to streets and alleys of adjacent subdivisions. In addition, the City Engineer shall advise the subdivider of the extent of the required layout adjacent to the subject property.

(d) Proposed street grades, drainage plan, and erosion control plan.

(e) A general statement with drawings indicating proposed methods of providing water, storm water and sanitary sewage facilities.

(f) A vicinity map at a scale of not less than 2,000 feet to the inch showing the location of streets, major drainage courses, the location of and distance to the nearest subdivision and how the streets may connect with those of the nearest subdivision.

(g) A draft of restrictive covenants, if any, whereby the subdivider proposes to regulate land use and otherwise protect existing natural features and future improvements within the proposed development.

(h) The proposed uses of land, giving the type and number of dwelling units and the type of business or industry.

(B) *Final plat.*

(1) Title under which the subdivider is to be recorded.

(2) Names and addresses of the owners.

(3) Date, scale shown graphically, north point, a vicinity map showing the general location of the subdivision and the total area of the plat.

(4) Legal description including location by section, township and range.

(5) Boundary line of plat with distances and bearings and tied to corners of sections or half-sections.

(6) The location and description of all monuments erected.

(7) The exact length, width, bearing, radii, points of curvatures and tangency, length of arcs, etc. of the lands surveyed and divided, and of all block lines, lot lines, public grounds, streets, alleys, and easements. Dimensions shall be expressed in feet and decimals of a foot, to the nearest one hundredth of a foot.

(8) Name and number of all streets within and abutting the plat, block and lot numbers.

(9) Lake or stream shore meander lines, flood plain, floodway, and top and toe of bluffs.

(10) Accompanying documents shall include an abstract of title, with title opinion of an attorney at law, an instrument of dedication and certified statements of County officials, as well as other attachments required by I.C.A. § 354.11, together with a form of resolution for acceptance of said dedication by the City Council, and a certified statement from the Registered Land Surveyor that the Subdivision Plat complies with the provisions of I.C.A. Ch. 355.

(11) Certifications in substantially the same form as those on file with the City Clerk when requested by the City Solicitor to improve the record and give proper notice to all concerned parties.

(12) Final plans and specifications for improvements, approved by the City Engineer and signed by the owner and subdivider, shall accompany the Final Plat.

(13) Meet the requirements of I.C.A. Ch. 354.

§ 157.005 DESIGN STANDARDS FOR PLATS.

The following regulations control the manner in which streets, lots and other elements of the subdivision are arranged on the land.

(A) *General.*

- (1) The subdivision shall conform to the Marshalltown Comprehensive Plan (General Development Plan).
- (2) The subdivision shall be designed to serve potential building sites in the most advantageous manner.
- (3) Land subject to flooding, improper drainage, erosion, or of slope deemed unsuitable for residential use, shall not be platted for residential occupancy nor shall such land be platted for other use as may continue such conditions, or increase danger to health, safety, life or property.

(B) *Streets and alleys.*

- (1) The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm waters and to the proposed uses of the area to be served.
- (2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the lands being subdivided.
- (3) The following table of standards for street design shall be observed by the subdividers:

<i>Street and alley type</i>	<i>Minimum right-of-way width (lot line to lot line in feet)</i>	<i>Minimum roadway width (back to back) in feet</i>	<i>Maximum gradient in percent</i>	<i>Minimum gradient in percent</i>
Regional arterial	120 ft.	69 ft.	4%	0.7%
City arterial	100 ft.	49 ft.*	4%	0.7%
Collector	80 ft.	45 ft.	6%	0.7%
Industrial	80 ft.	31 ft - 45 ft.***	6%	0.7%
Local streets	80 ft.	31 ft.	6%**	0.7%
Alley	80 ft.	16 ft.	6%	0.7%

* 68 ft. where parking is allowed

** Steeper grades to a maximum of 10% may be allowed upon recommendations of the City Engineer

*** Actual width shall be established by the City Council at its discretion.

(4) Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lesser streets.

(5) Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.

(6) Local streets shall be so designed that their use by through traffic will be discouraged.

(7) Street jogs with center line offsets of less than 130 feet shall be avoided.

(8) Insofar as practical, street intersections shall be at right angles.

(9) No dead-end streets shall be approved unless said streets are provided to connect with future streets on adjacent land. In such event, a temporary turn-around shall be provided.

(10) Each cul-de-sac shall be provided at the closed end with a turn-around having a minimum outside roadway diameter of 90 feet and a minimum street property line diameter of 120 feet.

(11) Half-streets shall be prohibited except where the city finds a better design will result and when the city deems it practical to require the dedication of the other half of an arterial, local or collector street when the adjoining property is subdivided.

(12) Where a proposed plat is adjacent to an arterial, the city may require the developer to provide marginal access/frontage streets along the right-of-way of such facilities or they may require that lots should back on the thoroughfare, in which case, vehicular and pedestrian access between the lots and thoroughfare shall be prohibited.

(13) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(14) Curb lines at street intersections shall be rounded to a minimum of 25 feet.

(15) The provision for alleys shall be discouraged.

(16) A building set-back line safeguarding future street widening or other improvement may be required by the city.

(17) Additional right-of-way may be required by the city along existing collector and arterial streets to meet the requirements of § 157.005(B)(3).

(C) *Public easements.*

(1) Easements shall be provided for utilities, where necessary. They shall be centered on rear and side lot lines or along the front lot line as required by the utility companies. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.

(2) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way substantially in alignment with the lines of such watercourse, together with such further width for construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

(3) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, the City Council may require an easement over and across certain portions of the subdivision lying contiguous to said waterway, the width of which the Council shall determine, for green belt public recreation and public access areas, provided, however, that said purposes shall not include use by any motorized means of transportation, except for maintenance vehicles.

(4) Easement widths shall be determined by the City Council as recommended by the City Engineer, except no easement for utility or drainage purposes shall be less than 12 feet in width on rear lot lines and ten feet in width on side lot lines and the same shall be apportioned between abutting and subject property.

(D) *Blocks.*

(1) The lengths, widths and shapes of blocks and lots shall provide for adequate building sites suitable to the special needs of the use contemplated; provide for convenient access, circulation, control and safety of traffic, and provide for the limitations and opportunities of topography.

(2) Block lengths shall not exceed 1,320 feet and, if possible, shall not be less than 400 feet in length. In blocks longer than 800 feet, a pedestrian crossway with a minimum right-of-way of ten feet shall be required near the center of the block. The use of additional walkways and access ways to schools, parks, scenic points and other destinations may also be required by the City Council.

(3) A block shall be so designed as to provide two tiers of lots of appropriate depth, except where a change of land use, severe topographic conditions or a highway necessitates a single tier of lots in the opinion of the Planning Commission. In these cases the lot depth shall be at least 25 feet greater than minimum requirements.

(E) *Lots.*

(1) Every lot shall front on a publicly dedicated street except in planned unit developments according to the City Zoning Ordinance and as approved by the City Council.

(2) Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two approximately parallel streets shall be permitted only under unusual circumstances.

(3) Minimum lot sizes within the City shall conform to zoning regulations in force. Corner lots shall be platted at least ten feet wider than the minimum lot width required in the zoning ordinance.

(4) Residential lots, served by septic systems, shall be a minimum of 90 feet wide at the building line and shall have a minimum area and depth as recommended by the City Engineer, provided further that no such lot shall have an area less than 33,000 square feet.

(5) Residential lots on major street intersections and at other intersections having restricted vision clearance due to topographic or other conditions may be required to have a corner radius or other special shape.

(F) *Public lands.*

(1) Because subdivision activity creates a need for land space devoted to public use in addition to that ordinarily set aside for streets and easements, the city, or the Marshalltown Community School District, or both acting together, may reserve a part or all of a proposed subdivision for public use such as, but not limited to, parks, schools, or playgrounds. The city, or the Marshalltown Community School District, or both acting together, shall purchase any such reserved land within two years after approval of a final plat adjoining such reserved land. This section shall not apply to easements set forth in § 157.005(C).

(2) If the reserved area is to be served by any of the streets, sewers, street lights, or other improvements of any subdivision adjacent to it, the proportionate cost shall be born by the city, or the Marshalltown Community School District, or both acting together.

(G) *Natural features.* In the subdivision of land, due regard shall be shown for all natural features and historic sites which, if preserved, will add attractiveness and stability to the proposed development.

(H) *Restrictive covenants.* The subdivider is encouraged to further restrict the use of land within the subdivision to achieve better development. However, any covenants which do not assist orderly, efficient, integrated development and promote the general welfare of the community in the opinion of the Commission may constitute grounds for disapproval of the plat.

§ 157.006 REQUIRED MINIMUM SITE IMPROVEMENTS.

Before the city approves a Final Plat, the subdivider shall give satisfactory assurance of the provision of the following improvements:

(A) *Monuments.*

- (1) Monumentation shall be provided according to I.C.A. § 355.6.
- (2) A permanent benchmark meeting USGS standards with a brass plate inscribing the number and elevation shall be accessibly placed within subdivisions exceeding one acre when directed by the City Engineer, the elevation of which shall be referred to the USGS datum and accurately noted on the subdivision plat.
- (3) All official benchmarks, monuments or triangulation stations shall be preserved in precise location.

(B) *Grading and surface drainage.*

- (1) Grading and the provision of surface drainage facilities shall minimize damage to the natural features of the subdivision and avoid erosion onto adjoining properties.
- (2) Grading shall be accomplished in such a manner as to prevent ponding in excess of eight inches in the event of a complete failure of the storm sewer system.
- (3) Drainage easements shall be provided in all cases when surface waters from more than two lots are conveyed down a property line.
- (4) All street and alley rights-of-way shall be graded to full width and to the line and in a manner approved by the City Engineer. The grade of all streets, alleys and sidewalks shall be established by ordinance.
- (5) Within Flood Plain Overlay Districts indicated on the Zoning Map of Marshalltown principal building sites are to be filled and graded so that the first floor and basement floor will be at a point no lower than one foot above the flood protection elevation for the principal building site and shall be designed to extend at such elevation at least 15 feet beyond the limits of the anticipated structure. However, no filling or excavation shall be permitted which will adversely affect the capacity of floodways and tributary channels, drainage ditches or other drainage facility. The City Engineer shall approve only those improvements which provide adequate protection from floods.

(C) *Storm water sewerage and erosion control*

- (1) The subdivider shall construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm sewer system shall be constructed in accordance with design standards of the city and at sewer grades approved by the city. The design shall be based upon rain storms of ten year frequency and to carry the runoff anticipated from the development of tributary areas at the density indicated on the Comprehensive Guide Plan.
- (2) The subdivider shall provide at his own cost all storm sewers below 25" in size, and shall pay an amount equal to the cost of the 24" size for all sewers required above the 24" size.
- (3) The subdivider shall provide an erosion control plan to prevent siltation onto adjacent property, the public street, or into storm water intakes.
- (4) The subdivider shall provide and maintain, temporary seeding, silt fences, and erosion control matting to prevent erosion until permanent seeding is growing.
- (5) The subdivider shall provide at their sole cost a subdrain tile line system to provide access from each lot to the storm sewer system. In areas that have storm sewer, tile laterals shall be extended to each lot. In areas that don't have storm sewers, tile line extensions shall be provided behind each curb extending from an existing storm sewer or ditch outlet to each property frontage.

(D) *Sanitary sewerage.*

- (1) The subdivider shall make adequate provision for the disposal of sanitary sewage from the platted area. He shall at his expense construct a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and laterals to the street right-of-way lines to provide for the discharge of sanitary sewage from all lots or parcels of land, within the platted area to a connection with the city's sanitary sewers. The sewerage system shall be constructed in accordance with the design standards of the city and at the sewer grades as approved by the city.
- (2) The subdivider shall provide at his own cost all sanitary sewers below eleven inches in size and shall pay an amount equal to the cost of ten inch size for all sanitary sewer required above the ten inch size.
- (3) The Plan and Zoning Commission may waive the requirements of this division (D). When gravity sanitary sewers are not feasible, provided septic systems meet the specifications of the City Engineer as to soil type and density, minimum lot size, drainage area, area density, and such other specifications he may impose. In addition, the subdivider shall install a

dry sewer that will meet all requirements of § 157.006(D)(1) above.

(E) *Water supply system.* Lots shall be served by the Marshalltown public water supply system in accordance with plans and specifications of the city.

(F) *Street paving, curbs, gutters and sidewalks.*

(1) The subdivider shall pave all streets with full depth asphalt or concrete paving. The subgrade and street improvement shall be constructed in accordance with the design standards of the city, and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. The installation of the streets shall be under the supervision of the City Engineer and the subdivider shall be required to pay a reasonable charge for the engineering and inspection service.

(2) Curbs and gutters shall be required for all lots and on all arterial and collector streets, except if part of a Planned Unit Development. Curb and gutter shall also be required on the side adjacent to the proposed subdivision when the subdivision abuts an existing platted street with a rural type street cross section unless the topography or other circumstances wouldn't justify such installation. In those circumstances, the developer shall provide the city a payment in the amount equal to those improvements required but not constructed to be placed in an escrow account for the city to use in the future when those improvements are constructed.

(3) Sidewalks shall be provided by the subdivider in all residential subdivisions and in all commercial and industrial development areas and in all blocks adjacent to a block containing a school or planned to contain a school. Additional walks shall be provided as required by the City Council.

(a) Commercial and industrial zoned lots and subdivisions shall have a sidewalk system which provides pedestrians a safe access to all buildings from the public street entrances.

(b) For all zoning districts, grading for sidewalk improvements is required at the time of final plat, if sidewalks are not installed at the time of final plat.

(c) Sidewalk must be installed before occupancy of the property is permitted.

(d) Remaining sidewalks must be installed within a period of two years on all undeveloped lots in a subdivision once 70% of the lots in the subdivision have sidewalks.

(e) All sidewalks in a subdivision must be installed within ten years of the date the final plat was approved.

(f) If an undeveloped lot is sold to an owner of an adjacent developed lot for the purpose of free space, parking, or an undetermined future need, then the undeveloped lot must have sidewalks installed at the time of sale.

(4) *Disabled access to sidewalks by curb ramping.* Provisions shall be made for curb ramping to sidewalks on all corners at each street intersection and other locations as required by the City Council.

(G) *Street lights and street name signs.* Street lights shall be provided by the subdivider equal to or exceeding the minimum design standards of the city and the plans of the Commission, if any. Street name signs will be provided by the city.

(H) *Street terraces.* The street terraces shall be graded and seeded according to city specifications.

(I) *Public telephone, electric utility (15kv and below), cable TV, and other wire service utilities.*

Underground service shall be required except by variance by the Council. The subdivider shall be responsible for making necessary arrangements for the installation of such facilities, shall assure that they do not interfere with other underground utilities and that incidental appurtenances, such as transformer enclosure, and the like shall be located so as not to be unsightly or hazardous to the public.

(J) *Major utility transmission lines.* All major utility transmission lines designed to provide utility distribution through a new subdivision shall be placed underground or located so as to provide the least possible effect upon the subdivision.

(Ord. 14688, passed 2-11-2002)

§ 157.007 PROCEDURES FOR IMPROVEMENTS.

(A) *Improvements paid for by subdivider.* Before the submission of the final plat the subdivider shall guarantee the construction of all improvements in accordance with approved plans and specifications and insure completion of the improvements within an approved specified time. All sewers, water lines, drainage facilities, street improvements, sidewalks, street lights and other designated improvements shall, upon inspection, approval and acceptance by the city, become the property of the city.

(B) *Detailed engineering plans.*

(1) All engineering plans shall be submitted on 11 inch by 17 inch sheets or multiples thereof and shall bear the signature and seal of the Professional Engineer (and architect, if any) under whose directions they were prepared. Two prints of preliminary plans and two reproducible sets of final plans shall be submitted to the City Engineer.

(2) The City Engineer shall review the improvement plans for conformance with design standards and other requirements of the city. Other City Development Staff may review the plans for conformance with standards of design with

particular attention to location and aesthetic qualities.

(C) *Construction and inspection.*

(1) The City Engineer shall inspect the construction of infrastructure improvements installed by a developer or subdivider (hereinafter "developer"). A construction inspection service fee shall be charged pursuant to the current City of Marshalltown construction administration, inspection and staking services contract.

(2) The developer's engineer shall submit two complete full size sets of plans and number of calendar days the developer's contractor will be given to complete the project and make it ready for final inspection by the City Engineer. The City Engineer shall use the plans and specified contract calendar days in preparing a not to exceed fee amount of the cost to provide construction administration, inspection and staking services. Payment of this fee shall be a condition precedent to the approval of the project plans by the City Engineer. Although the developer's engineer shall have the authority to determine the number of calendar days needed to complete the project, the City Engineer shall have the authority to withhold approval of the project plans if the City Engineer determines that the submitted days for the completion of the project is unreasonable.

(3) If, during the construction of the project, it appears that the project will not be completed by the developer in the number of calendar days specified by the developer's engineer and additional construction inspection services are required, the developer's engineer shall submit a statement of the City Engineer that indicates the number of additional calendar days needed to complete the project. Before additional construction inspection services are provided on the project for any additional calendar days beyond the original completion date, the developer shall pay a per day fee for the additional costs to provide construction administration, inspection, and staking services for the additional number of calendar days submitted by the developer's engineer. This per day fee shall be determined by dividing the original fee amount by the number of specified calendar days the contractor was originally allotted to complete the project. This developer notification and advance inspection fee payment process shall continue until the project is completed. No project shall be finally accepted by the city until all construction administration, inspection, and staking service fees have been paid in full by the developer. If the additional per day fee paid pursuant to this division by the developer is higher than the actual final cost incurred by the city for additional construction inspection services, the difference between the total additional per day fee and the city's actual final cost shall be rebated by the city to the developer.

(4) The City Council may by resolution accept improvements after receipt of a written notice of a satisfactory final inspection by the City Engineer and the posting of a maintenance guarantee.

(D) *Guarantee of performance and maintenance.*

(1) The subdivider shall guarantee the completion of all required improvements within a period of two years after the approval of the final plat by a construction performance bond, subdivision bond or certified check. Said guarantee shall be in the amount of 100% of the estimated construction costs of such uncompleted improvements as determined by the City Engineer.

(2) The subdivider shall provide a maintenance bond in the amount of 100% of the construction cost of all sewers and street improvements. The maintenance period for all street and sewer improvements shall be four years except the maintenance period for all sidewalk improvements is hereby changed from four years to two years from the date of city acceptance of the completed improvements. Said guarantees shall be in the amount of 100% for the first year, 75% the second year, 50% the third year, and 25% the fourth year.

(3) If the required improvements are not completed within the required time or if improvements are not satisfactorily maintained for the required time, the subdivider shall be automatically in default and the guarantee of performance shall be applied by the city to the costs of completing or restoring said improvements.

(Ord. 14776, passed 11-14-2005; Ord. 14844, passed 09-09-2008)

§ 157.008 ADMINISTRATION.

(A) *Enforcing officer and appeals.* The Director of Public Works upon recommendations of the Planning Commission and in conformity to the provisions of this chapter is hereby designated as the enforcing officer for the administration of this chapter. Any party having an interest in any matter dealt with by the provisions of this chapter and aggrieved by a decision of the Zoning Administrator, the Planning Commission, the Director of Public Works, or officer delegated to issue permits of any kind hereunder, may file a written appeal within 45 days thereafter to the City Council. The City Council after giving a ten day published notice shall conduct a public hearing on such appeal and shall receive and consider the proofs offered for or against the decision appealed from and determine the same by majority vote of the whole number of Council members. The person aggrieved, if the Council vote is unfavorable, may within 30 days further appeal to the District Court under certiorari for review of the Council's action.

(B) *Building and occupancy permits.* No building permit shall be issued by any governing official for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this chapter have been fully complied with. No certificate of occupancy shall be granted for the use of any structure within any subdivision approved for platting until required utilities and roadways have been installed and made ready for service to the property.

(C) *Variances and exceptions.* When the subdivider can show to the Planning Commission that a provision of these regulations, or provisions, if strictly enforced, would cause unnecessary hardship because of topographic or other non-created or non-self-inflicted conditions peculiar to the site being developed, and a variance or exception can be permitted

without destroying the intent of this chapter, nor interfere with carrying out the Comprehensive Plan, the Planning Commission may make such variance or modification of the development plan so that such hardship may be relieved and the public interest served, but such waiver or modification shall not authorize or release the requirements for the public improvements as are required under this Platting Ordinance.

(D) *Planned unit development under zoning ordinance.*

(1) The provisions of this chapter establish requirements concerning the platting of lots for sale and the construction of public improvements to service the lots in order to improve the development of the city. To encourage even better development a Planned Unit Development procedure is established which will provide more flexibility in the application of these provisions.

(2) *Provisions for Planned Unit Development shall be as described in the City of Marshalltown, Iowa, Zoning Ordinance.* Under certain procedures and conditions specified therein these Land Subdivision Regulations may be modified for a specific development only. Modifications may include, but are not limited to: lots of smaller size, private utilities, more than one principal structure on each lot and lots which do not abut a dedicated public street. In essence, the approved drawings and accompanying materials become the zoning provisions and land subdivision regulations for the affected development.

(E) *Auditor's plats.* Auditor's plats as are required under I.C.A. § 354.13 shall not be filed and recorded unless and until the same shall have been reviewed and approved by the City Plan and Zoning Commission and the City Council as required by I.C.A. § 354.15.

(F) *Amendments.* Prior to amending the subdivision regulations the City Council shall refer the proposals to the Planning Commission for its recommendation.

LETTER OF TRANSMITTAL



TO: Hector Hernandez
City Planner
City of Marshalltown
24 N Center Street

DATE: 5/13/24
RE: Freedom Hills 1st Addition
Prelim and Final Plat Submittal
PN: 24-MS-0133

WE ARE FORWARDING: (x) Attached () Under separate cover via _____ the following items:

- | | | | |
|---|---|---|--------------------------------------|
| ☐ Shop Drawings | ☐ Reports | ☐ Project Manual | ☐ Plans |
| ☒ Plats | ☐ Recorded Drawings | ☐ Contract Documents | ☐ USB Drive |
| ☐ Invoice | ☒ Payment | ☐ Change Order | ☐ Pay Request |
| ☐ Reproducible | ☐ Copy of Letter | ☒ Other | |

DESCRIPTION: Preliminary and Final Plats (6), Payment, Marshall Co Treasurer's Certificate, Marshall Co Auditor's Certificate, Affidavit of Non-Severability, Acknowledgement and Deed of Owner, Acknowledgement of Lien Holder & Title Opinion

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|---|---|---|
| ☒ For Approval/Permit | ☐ Approved As Submitted | ☐ Resubmit () for Approval |
| ☒ For Your Use | ☐ Approved As Noted | ☐ Submit Original for Distribution |
| ☐ As Requested | ☐ Returned For Corrections | ☐ Returned () Corrected Copies |
| ☐ For Your Information | ☐ For Review & Comment | ☐ Returned After Loaned to Us |
| ☐ For Bids Due | ☐ For Signature | ☐ For Your Records |

REMARKS: Please see attached Preliminary and Final Plat submittals for Freedom Hills 1st Addition (VA Subdivision). Please let us know if you have any additional questions - Adam

COPIES TO: File

SIGNED: Adam Daters

Prepared By
and
Return To:

Travis R. Stewart of Clapsaddle-Garber Associates, Inc.
16 East main St, Marshalltown, IA 50158 Phone: (641) 752-2849

MARSHALL COUNTY AUDITOR'S CERTIFICATE
(Iowa Code §354.11)

I hereby certify that I am the duly elected, qualified and acting Auditor of Marshall County, Iowa.

The name of **FREEDOM HILLS 1ST ADDITION**, which is located in the City of Marshalltown, Iowa, is sufficiently succinct and unique and may be used for the name of a subdivision in Marshall County, Iowa, under Section 354.6(2), Code of Iowa.

This certificate is provided for the sole purpose of complying with Iowa Code §354.11.

Dated this _____ day of May 2024.

Nan Benson
County Auditor
Marshall County, Iowa

Prepared By
and
Return To:

Travis R. Stewart of Clapsaddle-Garber Associates, Inc.
16 East main St, Marshalltown, IA 50158 Phone: (641) 752-2849

MARSHALL COUNTY TREASURER'S CERTIFICATE
(Iowa Code §354.11)

I certify I am Treasurer of Marshall County, Iowa; that I have examined the records in my office and find that the below-described real estate, being Parcel ID No.8318-11-426-012, is free from certified taxes and certified special assessments:

PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5th P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°20'28"E 174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N00°48'40"W 466.71' ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, N00°48'46"W 648.89' CONTINUING ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE, SOUTHEASTERLY 289.76' ALONG THE ARC OF A 788.85' RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF S78°19'37"E AND A CHORD DISTANCE OF 288.13'; THENCE, S67°47'47"E 265.97' ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "F" AND RECORDED IN INSTRUMENT NO. 2020-00006293 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, S22°06'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'28"E 343.56' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'18"E 466.52' ALONG THE WEST LINE OF SAID PARCEL "F" TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°20'28"W 466.89' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

This certificate is provided for the sole purpose of complying with Iowa Code §354.11.

Dated this _____ day of May 2024.

Deann S Tomlinson
County Treasurer
Marshall County, Iowa

Prepared By
and
Return To:

Travis R. Stewart of Clapsaddle-Garber Associates, Inc.
16 East main St, Marshalltown, IA 50158 Phone: (641) 752-2849

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This certificate is provided for the sole purpose of complying with Iowa Code §354.11.

Dated this _____ day of May 2024.

Deann S Tomlinson
County Treasurer
Marshall County, Iowa

**Prepared by & Return To: RISE M, LLC
801 Burns St.
Hawley, MN 56549**

**ACKNOWLEDGEMENT OF CONSENT AND DEDICATION
OF FINAL PLAT OF FREEDOM HILLS 1ST ADDITION**

Know all by these presents:

That RISE M, LLC, a Minnesota limited liability company, is lawfully seized of the premises described as follows:

FREEDOM HILLS 1ST ADDITION, located in the Northeast Quarter of the Southeast Quarter of Section 11, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, being more particularly described as follows:

Survey Description - FREEDOM HILLS 1ST ADDITION TO MARSHALLTOWN:

PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5th P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°20'28"E 174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N00°48'40"W 466.71' ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, N00°48'46"W 648.89' CONTINUING ALONG THE EAST LINE OF THE WEST 175.00' OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE, SOUTHEASTERLY 289.76' ALONG THE ARC OF A 788.85' RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF S78°19'37"E AND A CHORD DISTANCE OF 288.13'; THENCE, S67°47'47"E 265.97' ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "F" AND RECORDED IN INSTRUMENT NO. 2020-00006293 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, S22°06'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'28"E 343.56' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'18"E 466.52' ALONG THE WEST LINE OF SAID PARCEL "F" TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°20'28"W 466.89' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

Eric Card, as Manager of said limited liability company, certifies that the accompanying Preliminary Plat and Final Plat of the above described real estate, to be known as Freedom Hills 1st Addition to Marshalltown,

Marshall County, Iowa is with the free consent and accordance with the desire of said limited liability company.

Dated: _____

RISE M, LLC

By: _____

Eric Card, Manager

Subscribed and sworn to before me in _____ County, _____ by Eric Card,
the Manager of RISE M, LLC, this _____ day of May, 2024.

Notary Public

**Prepared by & Return To: RISE M, LLC
801 Burns St.
Hawley, MN 56549**

**ACKNOWLEDGEMENT OF CONSENT AND DEDICATION
OF FINAL PLAT OF FREEDOM HILLS 1ST ADDITION**

Know all by these presents:

That RISE M, LLC, a Minnesota limited liability company, is lawfully seized of the premises described as follows:

FREEDOM HILLS 1ST ADDITION, located in the Northeast Quarter of the Southeast Quarter of Section 11, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, being more particularly described as follows:

Survey Description - FREEDOM HILLS 1ST ADDITION TO MARSHALLTOWN:

PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5th P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Eric Card, as Manager of said limited liability company, certifies that the accompanying Preliminary Plat and Final Plat of the above described real estate, to be known as Freedom Hills 1st Addition to Marshalltown,

Marshall County, Iowa is with the free consent and accordance with the desire of said limited liability company.

Dated: _____

RISE M, LLC

By: _____

Eric Card, Manager

Subscribed and sworn to before me in _____ County, _____ by Eric Card,
the Manager of RISE M, LLC, this _____ day of May, 2024.

Notary Public

Return To: _____ Phone: _____
Preparer: _____ Phone: _____

AFFIDAVIT OF NON-SEVERABILITY

STATE OF IOWA, MARSHALL COUNTY, ss:

The undersigned: RISE M, LLC, a Minnesota limited liability company, being first duly sworn, do on oath depose and state as follows:

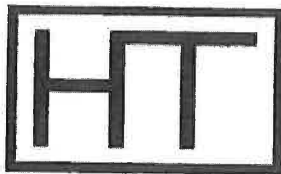
1. We are the owner of record title of the following described real property (Parcels):
 - a. Lot 5, Block 1, Freedom Hills 1st Addition to Marshalltown; and
 - b. Tract A, Block 1, Freedom Hills 1st Addition to Marshalltown.
2. We know and understand that the Parcels will not be severable. In other words, we know and understand that we will not be able to sell either lot separately from the other without first obtaining approval from Marshall County.

Owner of Property:
RISE M, LLC

By: Eric Card
Its: Manager

Subscribed and sworn to before me in _____ County, _____ by
Eric Card, the Manager of RISE M, LLC, this _____ day of May, 2024.

Notary Public



Hitchins & Thronson PLC
Attorneys At Law

102 EAST CHURCH STREET
P.O. BOX 776
MARSHALLTOWN, IA 50158-0776
PHONE: (641) 752-4507
FAX: (641) 752-5179

KEVIN R. HITCHINS
JOEL R. THRONSON

JEFFREY P. HAZEN

Of Counsel
ROGER R. SCHOELL

Retired
MAX H. BUCK

Deceased
LEONARD L. GRIMES
GENE L. BEACH

January 5, 2023

Rise M, LLC
Attn: Eric Card
801 Burns St.
Hawley, MN 56549

RE: Title Opinion
Property – Parcel G
H&T Abstract #22-286
MCAC Abstract #25502

Dear Eric:

I have carefully examined the abstract of title in one part, beginning with the root of title and certified to December 12, 2022, at 8:30 a.m., through entry 32, covering the following described real estate, to-wit:

Parcel "G" in the Northeast Quarter of the Southeast Quarter of Section 11, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, as shown in Plat of Survey recorded in Document No. 2022-00006062 of the Records of the Auditor/Recorder's Office, Marshall County, Iowa.

I am of the opinion the abstract complies with the Iowa Forty Year Marketable Title Act and find good title to the real estate to be in Stalzer Farms, Inc., grantee named in a Warranty Deed filed January 10, 2018, and recorded at Document No. 2018-00000194 of the records of the Recorder's Office, Marshall County, Iowa. Title is subject to the following:

1. All real estate taxes are paid including the first half payment payable in the fiscal year 2022-2023. The second half payment is due, but is not delinquent. This property has been newly surveyed and therefore is not separately taxed as a single parcel. The annual taxes for this real estate and the included real estate is \$600. Tax Parcel No.'s 8318-11-426-010 and 8318-11-426-005.

2. The survey filed November 22, 2022, at Document No. 2022-00006062 of the records of the Recorder's Office, Marshall County, Iowa. A copy of the survey as it appears in the abstract is attached to this opinion.

3. An easement to Interstate Power and Light Company filed November 15, 2021, at Document No. 2021-00020517 of the records of the Recorder's Office, Marshall County, Iowa. A copy of the easement as it appears in the abstract is attached to this opinion.

4. An easement to Heart of Iowa Ventures, LLC filed November 23, 2021, at Document No. 2021-00020698 of the records of the Recorder's Office, Marshall County, Iowa. A copy of the easement as it appears in the abstract is attached to this opinion.

You should also be aware of the following that do not appear in the abstract and therefore this opinion is similarly limited:

1. You should acquaint yourself with the applicable zoning ordinances so that you may be informed of the manner in which the real estate may be utilized.

2. Labor or materials furnished within the last 90 days upon the real estate may be a lien upon the premises without appearing in the abstract. You should satisfy yourself that the cost of labor or materials furnished within the last 90 days has been paid.

3. No search has been made for petitions pending under the Dissolution of Marriage Act since these are confidential information. You should satisfy yourself that there is no such action pending which would affect the real estate.

4. If this property is being supplied with water and sewer, you should take appropriate steps to see that the water and sewer charges have been paid.

5. You should satisfy yourself as to the location of the boundaries of this property, and if it appears that the boundaries are in question, you should consider arranging for a survey.

6. You are put on notice of the rights of any parties in possession on the premises and you should make inquiry as to their rights.

7. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but can result in injunctions, fines, required cleanup, or other remedial actions under law. The law may impose liens against the property and personal liability against the owner if these conditions do exist, even though the owner did nothing to create the condition, and acquired the property without knowledge.

Subject to the foregoing, you should be satisfied that upon receipt of a Warranty Deed from Stalzer Farms, Inc. executed by its president and countersigned by its secretary with the impression of the corporate seal to Rise M, LLC merchantable title will be conveyed.

Please do not hesitate to contact the undersigned, if you have questions regarding this opinion.

Very truly yours,

HITCHINS & THRONSON PLC

A handwritten signature in dark ink, appearing to read 'K. R. Hitchins', with a stylized flourish at the end.

Kevin R. Hitchins
Title Guaranty No. 3097

KRH/pbs

Enclosure

Copy: Mike Horn
Chris Nielsen
Kristin Polley

on or over the land included in the permanent easement without expressed permission of the City of Marshalltown.

A second Sewer Easement has been granted to the City of Marshalltown for a permanent 40-foot easement, lying 20 feet on either side of a centerline described in the easement. This easement was recorded May 07, 1968, at Book E-48, page 550 of the records of Marshall County, Iowa. This restriction also contains similar building restrictions.

The abstracter reports a similar sewer easement was filed May 07, 1968, in Book E-48, page 555 which was identical with the above-described easement.

I certify that this Opinion of Title is made pursuant to and in compliance with Section 354.4 and related Sections of the Code of Iowa.

Respectfully submitted
GRIMES, BUCK, SCHOELL, BEACH & HITCHINS
ROGER R. SCHOELL
Roger R. Schoell"

* * * * *

NUMBER 28

Stalzer Farms, Inc
By James G. Stalzer,
President

TO

Interstate Power and Light Company,
an Iowa Corporation

UNDERGROUND ELECTRIC LINE
EASEMENT
FILED NOVEMBER 15, 2021
DATED NOVEMBER 03, 2021
CONS \$1.00
NOTARY PUBLIC
DOCUMENT #2021-00020517

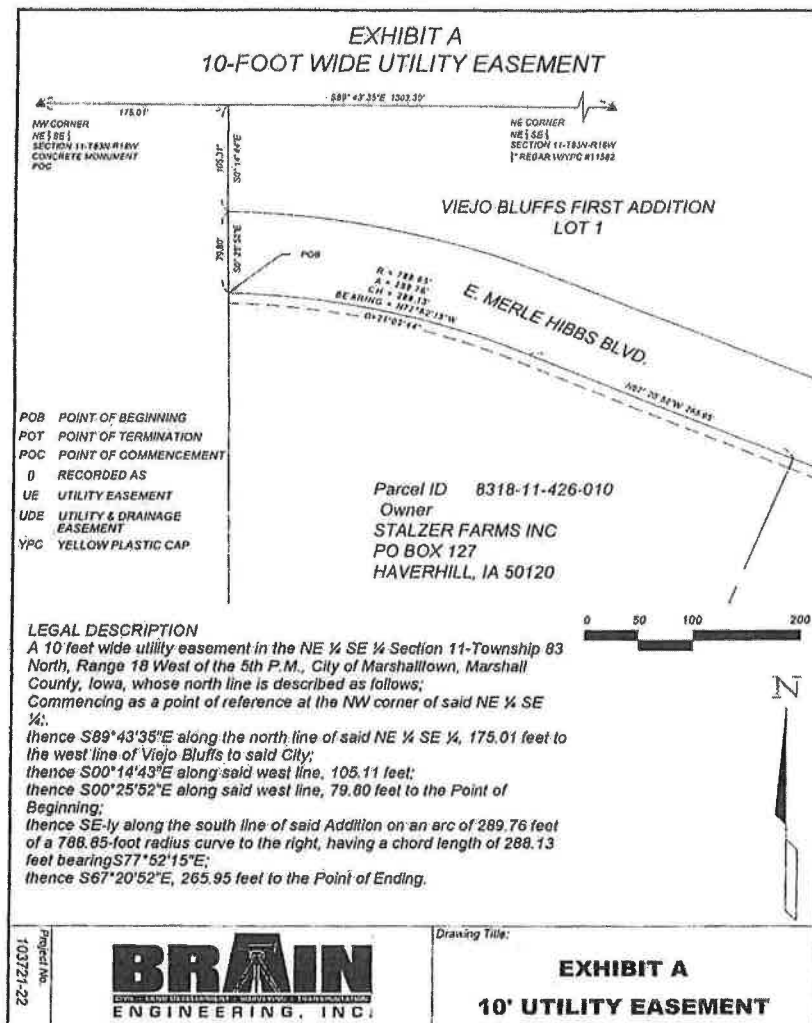
Agreement recites: "...do(es) hereby warrant and convey unto Interstate Power and Light Company, an Iowa corporation, its successor and assigns, a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures, appurtenances and equipment, (including associated surface mounted equipment) and construction (collectively, the "Line" or "Lines") for transmitting electricity, communications and all corporate purposes of Grantee together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of Marshall, and the State of Iowa: wires, guy wires, anchors and other necessary fixtures, equipment and construction for transmitting electricity, communications and all Corporate purposes together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, over, and across the following described lands located in the County of Marshall, and State of Iowa:

See Attached Exhibit A, page 3

.....

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above.

..... The Grantor also grant to the Grantee the right of ingress and egress to said Line or Lines, under lands now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, operating, patrolling, repairing and removing the Line or Lines...."



* * * * *

FILED NOVEMBER 23, 2021
DOCUMENT #202100020698

EASEMENT AGREEMENT

The parties hereto are, Stalzer Farms, Inc., (hereinafter "Grantor"), P.O. Box 127, Haverhill, IA 50120, and Heart of Iowa Ventures, LLC, (hereinafter "Grantee"), 502 Main Street, Union, IA 50258, and they agree as follows:

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants and conveys to Grantee an easement for the construction, installation, operation, repair, reconstruction, expansion, removal and maintenance of a telecommunication line or lines, including necessary fixtures, appurtenances and equipment over, under and across real estate described as follows:

The South Thirty (30) Feet of the Northeast Quarter of the Southeast Quarter of Section 11, Township 83 North, Range 18 West of the 5th PM, Marshall County, Iowa, and

The South 72.95 feet of the West 60 feet of the East 123.75 feet of the West half of the Northeast Quarter of the Southeast Quarter of Section 11, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, and

The South Thirty (30) Feet of the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest in Section 12, Township 83 North, Range 18 West of the 5th PM, Marshall County, Iowa.

The Grantee shall maintain and make all repairs to the easement area, at its cost, and shall be liable to the Grantor for any crop loss or lost program payments, if any.

Grantor agrees that it will not construct or place any buildings, structures plants or other obstructions on the property described above.

The Grantee shall have the right of ingress and egress over and across the above described real estate for the purposes for which this easement is granted, including the right to enter said premises to make surveys and preliminary estimates upon the execution of this agreement.

The Grantee agrees to pay to the Grantor or its tenants all damages done to the lands (except for the cutting and trimming of trees or other vegetation), livestock, fences or crops.

This easement shall be a permanent easement, running with the real estate, and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

STALZER FARMS, INC., GRANTOR

HEART OF IOWA VENTURES, LLC,
GRANTEE

By: JAMES G. STALZER PRES.

By: (illegible)

James G. Stalzer, President

Member/Manager

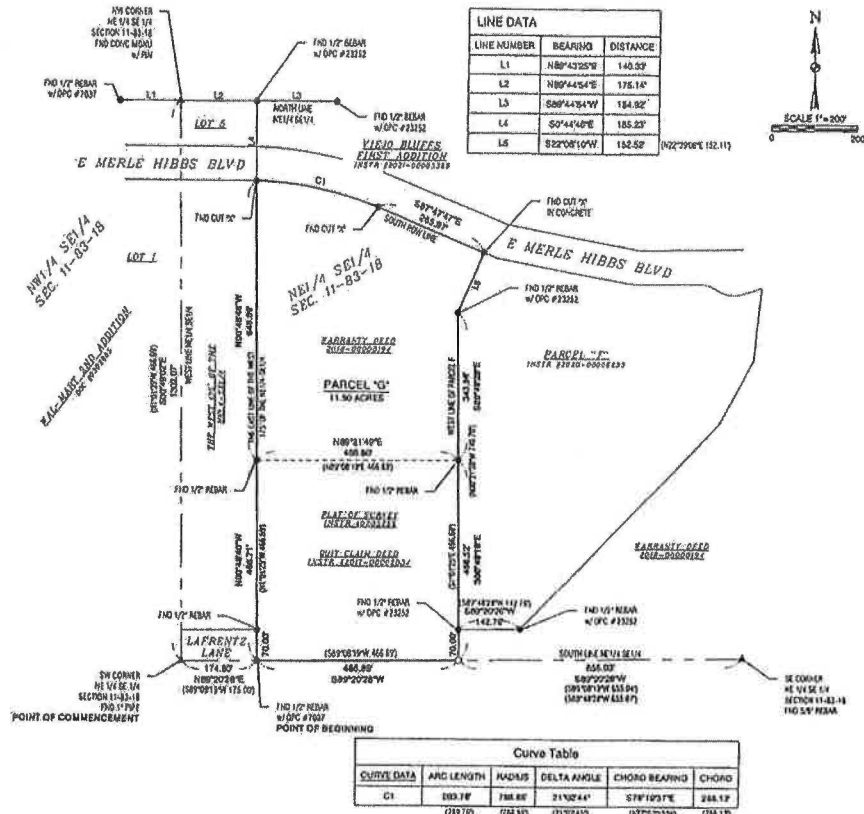
STATE OF IOWA, COUNTY OF MARSHALL

\$7 chg.

PLAT OF SURVEY

INDEX LEGEND	
LOCATION:	PARCEL "Q" LOCATED IN THE NE 1/4 SEC 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA
PROPRIETOR:	STALZER FARMS INC.
REQUESTED BY:	DANIEL FATLAND
PREPARED BY:	CLAPSADDE-GAMBER ASSOCIATES, P.C.
RETURN TO:	16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158
	PHONE 641-782-8701
	CGA@CGA-CONSULTANTS.COM

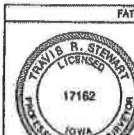
Recorded 11/22/2022 at 10:37:03 AM
 Amt: \$7.00 Charge Page 1 of 1
 Revenue Tax
 Marshall County Iowa
 Non-Bonded County Recorder
 File 2022-00006062



LEGAL DESCRIPTION:

PARCEL "Q" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°20'28"E 174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 11; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N07°48'40"W 486.71' ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, N07°48'40"W 848.80' CONTINUING ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE, S00°42'28"E 343.80' ALONG THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "P" AND RECORDED IN INSTRUMENT NO. 2020-0000290 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, S22°08'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "P"; THENCE, S07°42'18"E 486.52' ALONG THE WEST LINE OF SAID PARCEL "P" TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°08'10"W 486.80' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.60 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LEGEND: (NON-BOND SYMBOLS ARE OMITTED TO THE NORTH)	
▲	PLSS CORNER FOUND (as noted)
●	PARCEL OR LOT CORNER
△	PLSS CORNER - 12" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)
○	1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)

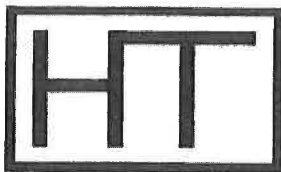


I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS
 Iowa License Number: 17162
 My License Renewal Date is December 31, 2023
 Pages or sheets covered by this seal: THIS SHEET

CGA

PROJECT NO. 79680
 DATE OF SURVEY: 10-26-22
 DRAWN BY: TMS
 FIELD CHECK: SLS, RAY
 SHEET NO. 1 OF 1



Hitchins & Thronson PLC
Attorneys At Law

KEVIN R. HITCHINS
JOEL R. THRONSON

JEFFREY P. HAZEN

Of Counsel
ROGER R. SCHOELL

102 EAST CHURCH STREET
P.O. BOX 776
MARSHALLTOWN, IA 50158-0776
PHONE: (641) 752-4507
FAX: (641) 752-5179

Retired
MAX H. BUCK

Deceased
LEONARD L. GRIMES
GENE L. BEACH

January 5, 2023

Rise M, LLC
Attn: Eric Card
801 Burns St.
Hawley, MN 56549

RE: Title Opinion
Property – Parcel G
H&T Abstract #22-286
MCAC Abstract #25502

Dear Eric:

I have carefully examined the abstract of title in one part, beginning with the root of title and certified to December 12, 2022, at 8:30 a.m., through entry 32, covering the following described real estate, to-wit:

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You should also be aware of the following that do not appear in the abstract and therefore this opinion is similarly limited:

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2. Labor or materials furnished within the last 90 days upon the real estate may be a lien upon the premises without appearing in the abstract. You should satisfy yourself that the cost of labor or materials furnished within the last 90 days has been paid.

3. No search has been made for petitions pending under the Dissolution of Marriage Act since these are confidential information. You should satisfy yourself that there is no such action pending which would affect the real estate.

4. If this property is being supplied with water and sewer, you should take appropriate steps to see that the water and sewer charges have been paid.

5. You should satisfy yourself as to the location of the boundaries of this property, and if it appears that the boundaries are in question, you should consider arranging for a survey.

6. You are put on notice of the rights of any parties in possession on the premises and you should make inquiry as to their rights.

7. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but can result in injunctions, fines, required cleanup, or other remedial actions under law. The law may impose liens against the property and personal liability against the owner if these conditions do exist, even though the owner did nothing to create the condition, and acquired the property without knowledge.

Subject to the foregoing, you should be satisfied that upon receipt of a Warranty Deed from Stalzer Farms, Inc. executed by its president and countersigned by its secretary with the impression of the corporate seal to Rise M, LLC merchantable title will be conveyed.

Please do not hesitate to contact the undersigned, if you have questions regarding this opinion.

Very truly yours,

HITCHINS & THRONSON PLC

A handwritten signature in dark ink, appearing to read 'KRA', with a stylized flourish at the end.

Kevin R. Hitchins
Title Guaranty No. 3097

KRH/pbs

Enclosure

Copy: Mike Horn
Chris Nielsen
Kristin Polley

on or over the land included in the permanent easement without expressed permission of the City of Marshalltown.

A second Sewer Easement has been granted to the City of Marshalltown for a permanent 40-foot easement, lying 20 feet on either side of a centerline described in the easement. This easement was recorded May 07, 1968, at Book E-48, page 550 of the records of Marshall County, Iowa. This restriction also contains similar building restrictions.

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I certify that this Opinion of Title is made pursuant to and in compliance with Section 354.4 and related Sections of the Code of Iowa.

Respectfully submitted
GRIMES, BUCK, SCHOELL, BEACH & HITCHINS
ROGER R. SCHOELL
Roger R. Schoell"

* * * * *

NUMBER 28

Stalzer Farms, Inc
By James G. Stalzer,
President

TO

Interstate Power and Light Company,
an Iowa Corporation

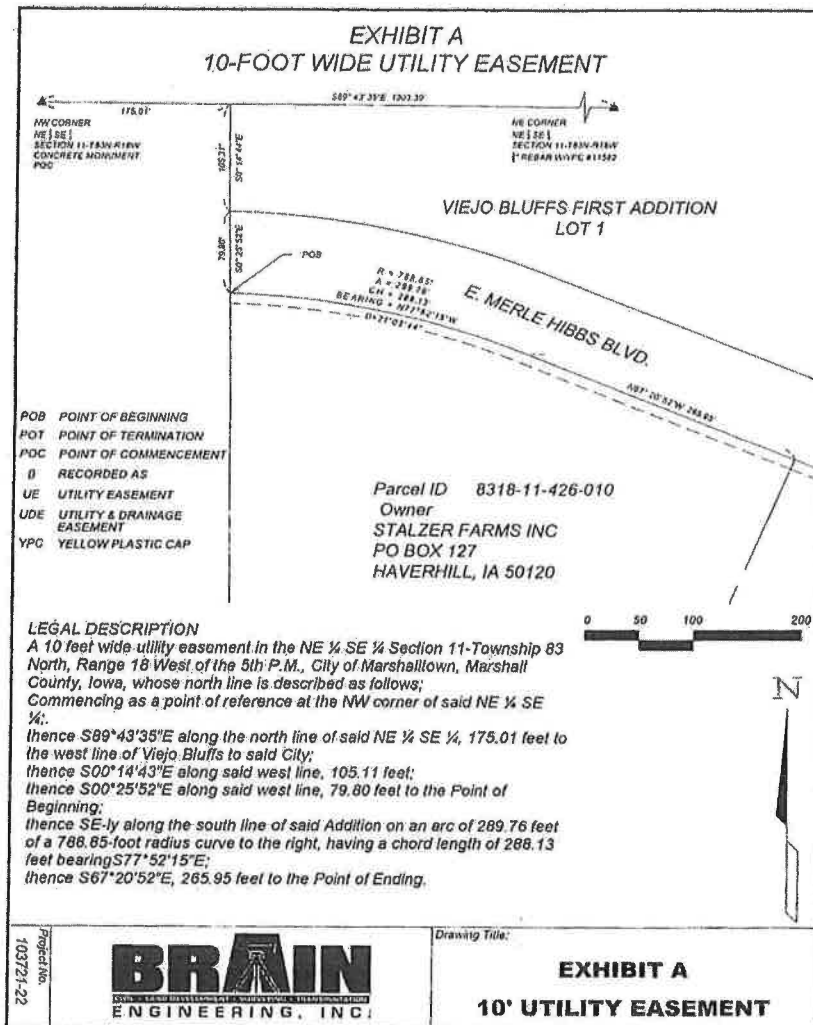
UNDERGROUND ELECTRIC LINE
EASEMENT
FILED NOVEMBER 15, 2021
DATED NOVEMBER 03, 2021
CONS \$1.00
NOTARY PUBLIC
DOCUMENT #2021-00020517

Agreement recites: "...do(es) hereby warrant and convey unto Interstate Power and Light Company, an Iowa corporation, its successor and assigns, a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures, appurtenances and equipment, (including associated surface mounted equipment) and construction (collectively, the "Line" or "Lines") for transmitting electricity, communications and all corporate purposes of Grantee together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of Marshall, and the State of Iowa: wires, guy wires, anchors and other necessary fixtures, equipment and construction for transmitting electricity, communications and all Corporate purposes together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, over, and across the following described lands located in the County of Marshall, and State of Iowa:

See Attached Exhibit A, page 3

.....

..... The Grantor also grant to the Grantee the right of ingress and egress to said Line or Lines, under lands now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, operating, patrolling, repairing and removing the Line or Lines...."



* * * * *

FILED NOVEMBER 23, 2021
DOCUMENT #202100020698

EASEMENT AGREEMENT

The parties hereto are, Stalzer Farms, Inc., (hereinafter "Grantor"), P.O. Box 127, Haverhill, IA 50120, and Heart of Iowa Ventures, LLC, (hereinafter "Grantee"), 502 Main Street, Union, IA 50258, and they agree as follows:

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants and conveys to Grantee an easement for the construction, installation, operation, repair, reconstruction, expansion, removal and maintenance of a telecommunication line or lines, including necessary fixtures, appurtenances and equipment over, under and across real estate described as follows:

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The South 72.95 feet of the West 60 feet of the East 123.75 feet of the West half of the Northeast Quarter of the Southeast Quarter of Section 11, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, and

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Grantor agrees that it will not construct or place any buildings, structures plants or other obstructions on the property described above.

The Grantee shall have the right of ingress and egress over and across the above described real estate for the purposes for which this easement is granted, including the right to enter said premises to make surveys and preliminary estimates upon the execution of this agreement.

The Grantee agrees to pay to the Grantor or its tenants all damages done to the lands (except for the cutting and trimming of trees or other vegetation), livestock, fences or crops.

This easement shall be a permanent easement, running with the real estate, and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

STALZER FARMS, INC., GRANTOR

HEART OF IOWA VENTURES, LLC,
GRANTEE

By: JAMES G. STALZER PRES.

By: (illegible)

James G. Stalzer, President

Member/Manager

STATE OF IOWA, COUNTY OF MARSHALL

\$7 cng.

PLAT OF SURVEY

INDEX LEGEND

LOCATION: PARCEL "G" LOCATED IN THE NE1/4 SEC1/4 SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA

PROPRIETOR: STALZER FARMS INC.

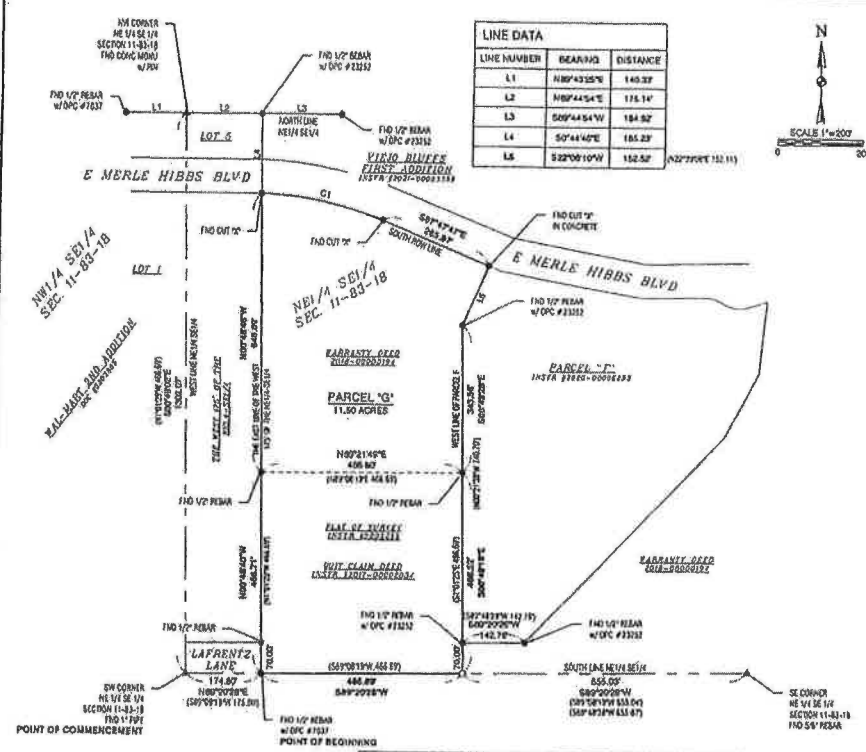
REQUESTED BY: DANIEL KATLAND

PREPARED BY: CLARABADOLE-GARDNER ASSOCIATES, INC., 16 EAST MAIN STREET, P.O. BOX 794, MARSHALLTOWN, IOWA 50158, PHONE 641-782-4701, CGADCON.COM/DANIEL.KATLAND

RETURN TO: TRAVIS R. STEWART

WHUNT

Recorded 11/22/2022 at 10:37:03 AM
 Amt: \$7.00 Charge Page 1 of 1
 Revenue Tax
 Marshall County Iowa
 Nan Benson County Recorder
 File # **2022-0006062**



LINE DATA

LINE NUMBER	BEARING	DISTANCE
L1	N89°43'25"E	140.32'
L2	N89°44'54"E	175.14'
L3	S09°44'54"W	184.82'
L4	S0°44'40"E	185.23'
L5	S22°00'10"W	152.52'

Curve Table

CURVE DATA	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	289.78'	788.85'	31°02'44"	S79°10'31"E	288.13'

LEGAL DESCRIPTION:
 PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°43'25"E 140.32' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N09°44'54"E 175.14' ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S09°44'54"W 184.82' CONTINUING ALONG THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S00°44'40"E 185.23' ALONG THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S22°00'10"W 152.52' ALONG THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°43'25"E 140.32' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LEGEND: (1) = RECORDED AS

PLSS CORNER FOUND (14 not 10)

PARCEL OR LOT CORNER

PLSS CORNER: 1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#12162)

1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#11149)

FATLAND SURVEY MARSHALL COUNTY, IOWA

TRAVIS R. STEWART
 LICENSED
 17162
 IOWA
 PROFESSIONAL LAND SURVEYOR

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS
 Iowa License Number 17162
 My License Renewal Date is December 31, 2023
 Pages or sheets covered by this seal: THIS SHEET

CGA

PROJECT NO. 79680
 DATE OF SURVEY: 10-26-22
 DRAWN BY: TJM
 FIELD CHECK: SLS/KST
 SHEET NO. 1 OF 1

2019-2020 Surveying Manual, Surveying Manual for Professional Land Surveyors, 11-21-22, 1-22-20, 1-22-18

MARSHALLTOWN

— I O W A —

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: May 16, 2024 – Meeting Date

SUBJECT: Discussion for Chapter 72 (Parking Rules) proposed changes.

Request: City Council made the motion on March 25 to allow Plan and Zoning Commission to review and make recommendation on the 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. Plan and Zoning commission met on April 18 for a work session. Plan and Zoning Commission met on May 9 to continue on proposed changes for chapter 72.

Marshalltown's City Council is 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:

The changes of Chapter 72 will be on the document attached to the agenda. Chapter 156 E Parking, Loading, and Stacking has also been included in the agenda.

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

Housing & Community Development

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CHAPTER 72: PARKING RULES

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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: an organization or enterprising entity engaged in commercial, industrial, or professional activities. Businesses can be for-profit entities or non-profit organizations. Excludes home occupations (home-based businesses defined in 156.C.007 G 1).

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/CUT 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 § 72.203 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 § 72.203 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.

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.

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

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

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

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.

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.

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.

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 shall be defined as provided in other chapters of this code of ordinances.

(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

§ 72.101 GENERAL PROHIBITION.

No person shall stop, stand, or park a vehicle/trailer, 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 or partially;
- (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 referenced Table 156.008.a-1 Visibility Triangle
- (P) On any grass or where there is a "NO PARKING" sign present

(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

§ 72.102 OVERTIME AND ALTERNATE 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) (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)

(D) 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)

(E) 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)

(F) 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)

(G) (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)

(I) 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

§ 72.103 SEMI-TRACTORS, TRUCKS OR TRAILERS.

(A) 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.

((B) Semi-trailers located within residential or commercial zones must be licensed, fully road operational, and may not be used for storage purposes unless part of a active city permitted construction project.

(C) 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

§ 72.104 RESPONSIBILITY FOR VEHICLES .

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

(B) Owner's responsibility. If any vehicle 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 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

§ 72.105 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

§ 72.106 STOPPING ON TRAVELED WAY.

(A) (1) Upon any street a business or residence district, no person shall stop, park or leave standing any vehicle/trailer, whether attended or unattended, upon the road shoulder or main-traveled part of the street when it is practical to stop, park or so leave such vehicle off such part of the street, but in every event a clear and unobstructed width of at least 20 feet of such part of the street 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 street; provided, however, school buses may stop on a street 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 street 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 street 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 street 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 street.

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

Statutory reference:

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

§ 72.107 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

§ 72.108 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

§ 72.109 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

§ 72.110 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

§ 72.111 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.

(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

§ 72.112 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

§ 72.113 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 (156.B.008.a-1).

(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

§ 72.114 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

§ 72.115 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 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

§ 72.116 PARKING VEHICLES FOR DISPLAY OR SALE.

It shall be unlawful to use or occupy any part of the street 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

§ 72.117 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 72 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

§ 72.118 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 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 prohibited parking areas may be designated.

(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 ON RESIDENTIAL PROPERTIES

§ 72.201 PURPOSE.

(A) The purpose of the 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)

§ 72.202 SCOPE.

(A) The regulations proscribed in this subchapter apply to all residential zone districts and residential 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)

§ 72.203 DRIVEWAYS; NUMBER, COMPOSITION, LOCATION AND SIZE RESIDENTIAL.

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

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

. 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, recreational vehicles or trailers.

(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.

- 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 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.

(2) Additional Requirements

- 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, or driveway extension meeting the materials allowed in section § 72.203 .
- 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, with the following exception:
- c. The maximum number of vehicles, including licensed and operable vehicles, recreational vehicles and trailers, allowed to be parked at one time at dwelling shall be as follows:
 - i. DWELLING, SINGLE-FAMILY ATTACHED; DWELLING, SINGLE-FAMILY DETACHED; DWELLING, DUPLEX; and DWELLING, TOWNHOUSE: Maximum quantity per of 156.E.004 . (*Effective 9-30-2013*)
 - ii. DWELLING, MULTIPLEX and DWELLING, APARTMENT: Maximum quantity per of 156.E.004 , 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.
 - 3. Meet all requirements of § 156, Article E, including maximum stall counts. (*Effective 5-1-2024*)
 - iii. There shall be a maximum of two trailers, any trailer larger than 30' counts as two, any recreational vehicle larger than 30' counts as two.

- (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 and have a minimum of 4 inches of depth, so as to be free from weeds and grass and to a depth to prevent erosion and rutting.
- b. All other surfaces 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.

(C) Width of driveway.

(1) A driveway, whether in front, side, or rear yard shall taper to 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:

No connected garage	10 feet*
1 vehicle stall wide garage	12 feet*
2 vehicle stall wide garage	24 feet*
3 vehicle stall wide garage	31 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 feet can be added to the maximum driveway width designated, but must meet the requirements of § 72.204 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.
- c. Meet all requirements of § 156, Article E, including maximum stall counts. *(Effective 5-1-2024)*

(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 § 72.204 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.

(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 § 72.204 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 (A) and (B) above.

(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. Reasonable variations from these requirements may be approved by the City Engineer and the Planning Department jointly for unforeseen situations or unusual property configurations.

(G) For a group gathering (party, club, reception, meeting, family gathering, etc) a unlimited number of vehicles may be parked anywhere on a lot for a maximum of eight hours but not overnight

(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

§ 72.204 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.

(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 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 § 72.203 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, recreational vehicles or trailers.

(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 § 72.203 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 § 72.203 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 § 72.203 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

§ 72.205 RESIDENTIAL 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 chassis capacity, are prohibited in residential areas, except to load/unload. Heavy commercial vehicles (including tractor cab units rated over one ton), agricultural equipment, and construction equipment shall not be parked at any time in residential zoning districts except when work is being performed on that property.

(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

§ 72.206 UNLICENSED, INOPERABLE VEHICLES.

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

§ 72.207 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 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 §§ 72.205 and 72.206 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)

§ 72.208 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 on Business Properties

§ 72.301 PURPOSE.

(A) The purpose of the business 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.

§ 72.302 SCOPE.

(A) The regulations proscribed in this sub-chapter apply to all commercial zoned districts and business use properties, in a residential zone, within the city.

(B) Nothing in this sub-chapter 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 .

72.303 DRIVEWAYS AND PARKING

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

use same table as 72.203 A

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 trailers, or any thereon. Existing gravel or crushed stone must be maintained and have a minimum of 6 inches of depth, and be free of weeds and grass

(B) Location of driveway, parking areas, and parking.

(1) Front yard.

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 § 72.303 (A)

b. Only one driveway shall be allowed in a front yard per street frontage except where approved as part of a parking lot.

c. No driveway shall be located in front of a dwelling unless it is the entrance to a approved parking lot.

d. A driveway shall not lead to the side of a garage where there is no garage door.

e. A driveway shall be connected and lead to only one curb drop or entrance, except for businesses on a corner lot located on a major or 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.

(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 § 72.303 (A)

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.

(3) Exceptions

A. For businesses with majority sales of agricultural products/equipment and the lot(s) owned by the business site total over four acres, product/equipment for sale may be displayed on grass or gravel.

B. For a group gathering (party, club, reception, meeting, community event, etc) a unlimited number of vehicles may be parked anywhere on a lot for a maximum of eight hours but not overnight

C. Marshall County Fairgrounds shall be exempted from these regulation.

xxxxxxx

§ 72.304 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.

§ 72.305 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.

§ 72.306 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.

§ 72.307 NO PRIOR NOTICE, WARNING REQUIRED: The offenses enumerated in this subchapter

SPECIAL STOPS

§ 72.401 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

§ 72.402 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

§ 72.403 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

§ 72.501 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 § 72.502 of this chapter.

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

§ 72.502 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)

§ 72.503 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 § 72.502 of this chapter may claim the vehicle by paying the city 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 § 72.505 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 § 72.501 of this chapter, all delinquent parking citation-complaints must be satisfied. An administrative fee of \$50 will be required, payable to the City Clerk.

(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 § 72.505 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)

§ 72.504 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)

§ 72.505 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 probable cause to impound the vehicle in question. The Hearing Officer shall decide only that either there was

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 § 72.503 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 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 penalty shall be \$5.

(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.

(2013 Code, § 20-168)

(B) The fine for each violation in § 72.103 of this chapter shall be \$50, plus surcharges.

(2013 Code, § 20-170)

(C) Anyone violating the provisions of § 72.018 of this chapter shall be 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 §§ 72.203(A), (B) and (C) and 72.204(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 §§ 72.205(A) and (B) and 72.206 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. 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 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.

(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)

ARTICLE E – PARKING, LOADING, AND STACKING

Section 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 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 percent 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:
 - i. No additional parking, loading, or stacking spaces could be provided without removing or partially removing a structure; and
 - ii. The amount of parking, loading, or stacking spaces available is at least 80 percent 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 [Section 156.J.002, Common Review Provisions](#).

Section 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 Paragraph 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 [Section 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:
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 [Section 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.

Section 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 [Section 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
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

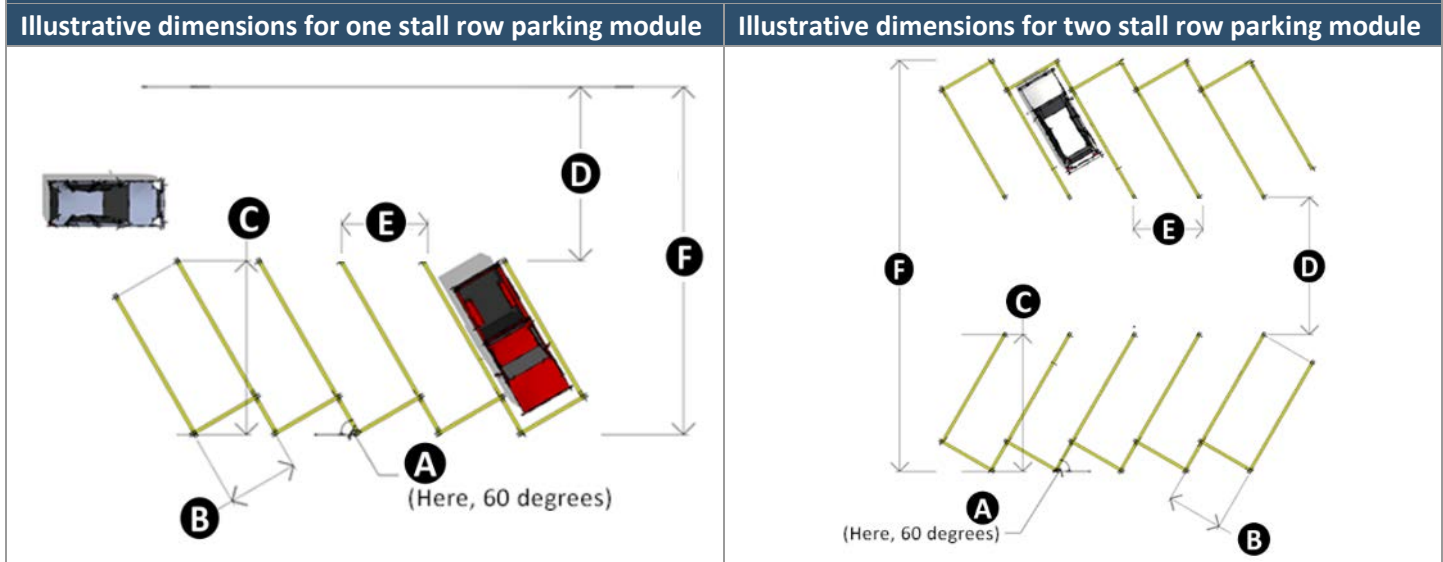
TABLE NOTES:

¹End spaces must be 12 feet

²End spaces may be 18 feet

Figure 156.E.003

Illustrative Parking Module Configurations



B. Surfacing and Drainage.

1. *Paving and Grading.* Except as set forth in Subsection 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 [Section 156.F.004, Buffering](#).

D. **Alternative Paving Materials.** The City Engineer may approve alternative paving materials for parking areas not specified in [Section 156.E.002.F, 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 percent 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.

Section 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 Section 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 in Table 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
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

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
	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

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
	School, Primary or Secondary (Public or Private) -Primary -Secondary	2 per classroom (Primary); 1 per employee + 1 per 5 students (Secondary)	--
	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	--	--
Passenger Terminal	Airport or Heliport	-Special Study, refer to Section 156.E.004.F	
	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 Section 156.E.004.F	
Utilities	Major Utility	1 per employee	--
	Minor Utility	--	--
Commercial and Office			

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
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	--

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
	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

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
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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 [Section 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:
 - i. A peak parking analysis of at least five functionally comparable uses; and
 - ii. 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 [Section 156.C.010, *New and Unlisted Uses*](#), or require that the applicant provide a special study according to Subsection F, *Special Studies*, above.

Section 156.E.005, Required Accessible Parking

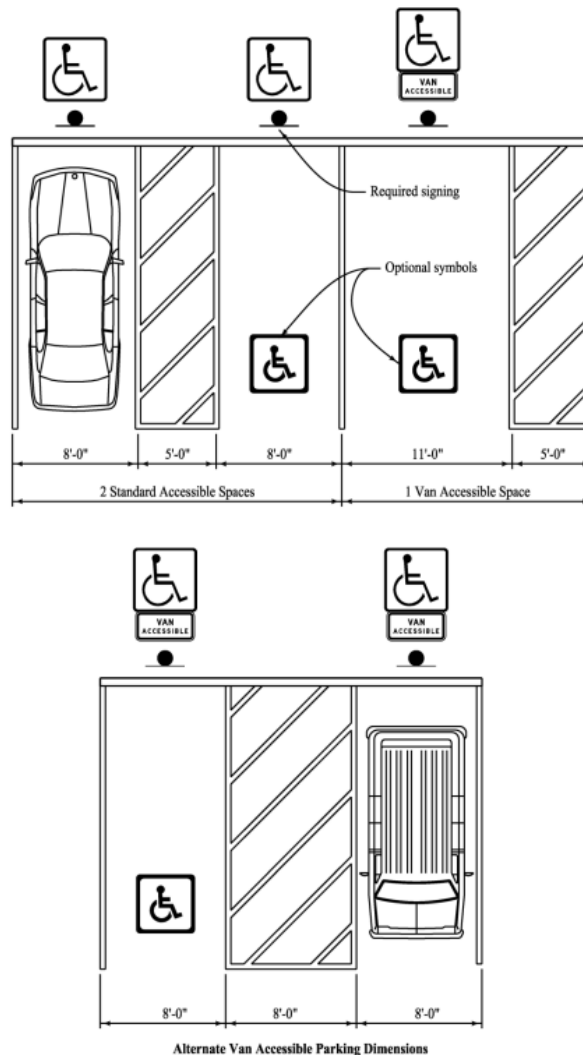
- A. **Number of Required Spaces.** Parking for disabled persons shall be provided as set out in Table [156.E.005-1, *Accessible Parking Requirements*](#), or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities 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 [Section 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
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 1000	2 percent of total parking provided in each lot or structure	1 out of 6 accessible spaces, rounded up
1001 and over	20 plus 1 for each 100 over 1000	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



Section 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 [Section 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 [Section 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 percent 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.
 - i. 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”);
 - ii. 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;
 - iii. Calculate the total for each time period; and
 - iv. 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 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM 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 Accommodations	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 $((35 \text{ sp.} \times 2 \text{ sp.} / \text{unit}) + (30,000 \text{ sf.} \times (1 \text{ sp.} / 350 \text{ sf.})) + (40,000 \text{ sf.} \times (1 \text{ sp.} / 350 \text{ sf.})) = 270$). However, combined, they could share 196 parking spaces, a 27% reduction.

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM 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 percent 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:
 - i. 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;
 - ii. 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.

Section 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
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

¹Refer to overall groupings of the uses in the Use Table in Section 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.

Section 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 10-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
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	
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:

¹If 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.

²If the restaurant has dual order boxes then 3 spaces are required per order box.

³Each space is measured to include a length of 25 feet.

⁴Stacking shall not block access to driveways or parking areas.

Figure 156.E.008
Illustrative Stacking Requirements

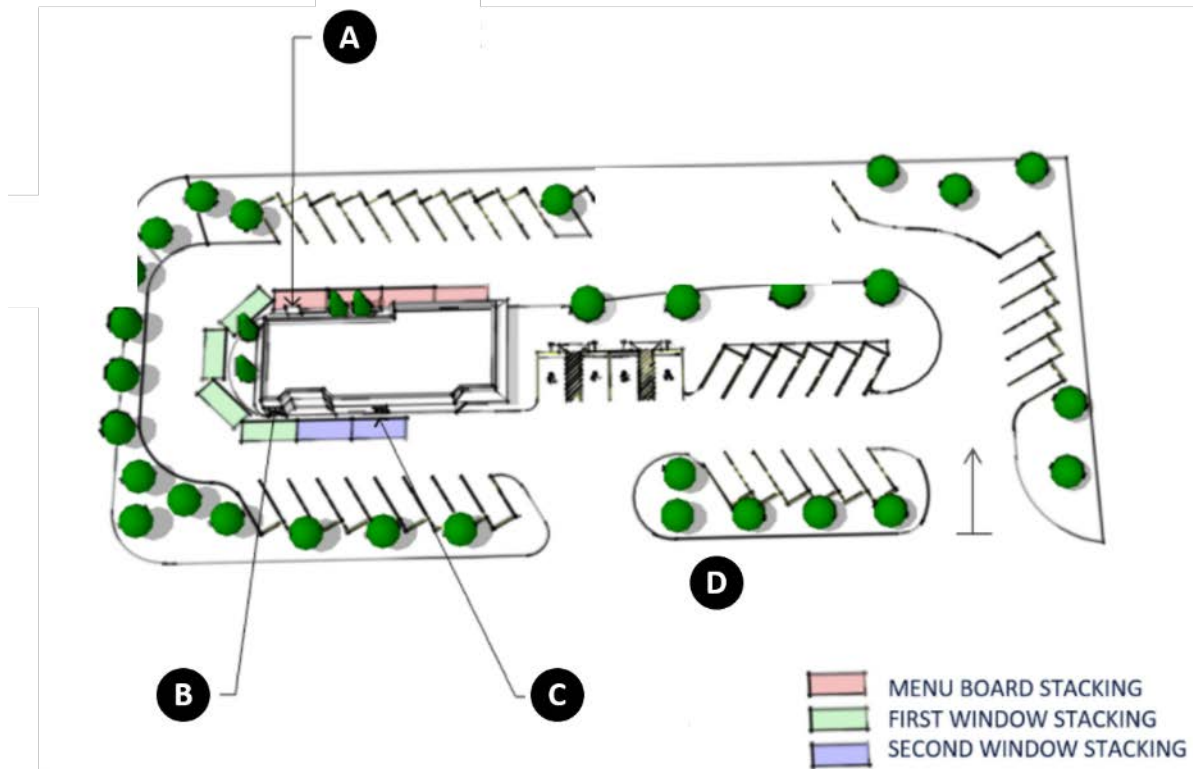


Figure Notes:

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