

MARSHALLTOWN

— I O W A —

PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Thursday, June 13, 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 16, 2024

Documents:

[05162024_PZ_Min_FINAL.pdf](#)

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

Documents:

[06132024_PZ_Freedom Hills 1st Addition_Preliminary and Final Plat.pdf](#)
[24-MS-0133 Prelim Plat Sheets.pdf](#)
[24-MS-0133 Final Plat_06-07-24.pdf](#)

5. Review And Set Public Hearing August 15: Rezoning Request For 601 602,611,612,621,622,629,630,631632,633,634,635, And 636 Creekside Ln

Documents:

[07132023_PZ_Memo_Rezoning_Creekside Ln.pdf](#)
[Rezoning Application Creekside Ln.pdf](#)
[Parcel A.pdf](#)
[Parcel B.pdf](#)

[Parcel C.pdf](#)
[Parcel D.pdf](#)
[Parcel E.pdf](#)
[Parcel F.pdf](#)
[Parcel G.pdf](#)
[Site Plans with proposed address.pdf](#)

6. Discussion To Set The Public Hearing For August 15 Text Amendment For Chapter 157 Land Subdivision Regulations

Documents:

[06132024_PZ_Memo_Chapter 157.pdf](#)
[Subdivision 157_06112024.pdf](#)

7. Discussion On Ground Mounted Solar Array In PI

Documents:

[06132024_PZ_Memo_SolarinPI.pdf](#)

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

Documents:

[06132024_PZ_Memo_Chapter 72 and Chapter 156 E.pdf](#)
[Chapter 72 Parking Rules Mark-up 0613024.pdf](#)
[Article E_Parking, Loading, and Stacking_06132024.pdf](#)

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – May 16, 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, Brodin, Casady, Isom, and Valbracht

Absent: Eilers and Gruendler

2. Approve Meeting Minutes from May 9, 2024

Minutes are approved as distributed

3. 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

Boston, the chair of plan and zoning commission, opened the public hearing at 5:03PM. Hector Hernandez-Morales, city planner provided a picture demonstrating the location of McFarland solar array. Ron Frantzen, Executive Director of Facilities Management of McFarland Clinic, began showing, the solar array proposal of McFarland. Ron agreed on the changes for ground-mounted in residential should continue but restricting other business would be very harmful to the economic side of business. Frantzen said DMACC (Des Moines Community College) has solar ground mounted solar array on their campus and with Marshalltown Community College (MCC) that would be restricting education and programs that would include solar. McFarland clinic has sites with ground mounted and roof mounted through communities such as Ames, Nevada, and etc. Ron would like to say that McFarland would create a solar array that would have a privacy fence as well as buffering requirement. John Hall, president of the Marshalltown chamber of commerce, talked about how a group of large companies are working towards creating a net zero emission goal. Boston closed the public hearing at 5:12PM. The plan and zoning commission agreed to proceed with the proposed changed from last meeting and would like to potential add ground mounted solar array in PI in the future zoning ordinance updates. Boston would like to make minor changes to the proposal moving the solar array principle use from limited use to special use category in the zoning ordinance and changing the text from say city council to board of adjustment.

Brodin made the motion to set the Recommend to city council 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 28. Casady seconded. Motion carried 4-0 (Valbracht joined the meeting after voting on the motion virtual).

4. Review and Recommend to city council for preliminary and final plat for Free Hills 1st Addition

John Hall, president of the Marshalltown chamber of commerce 34 W Main St, came to speak regarding the subdivision proposal. Hall has been in the working on this subdivision since 2022 and the city staff was led to believe that this would not be an issue for subdivision. Since 2022 there has been new city staff in the position since the beginning of the development. Adam Daters, engineer with Clapsaddle-Garber Associates 16 E Main St, has been assisting the owners of the development. Boston approve to allow Recommendation for prelim and final plat where by the ownership of lots cannot change until language 157 change with private drive with appropriate controls to insure access easements for each lot. Boston asked about the type of utility and the difference between making this a public road compared to the private road.

Boston motioned Recommendation for prelim and final plat where by the ownership of lots cannot change until language 157 change with private drive with appropriate controls to insure access easements for each lot. Brodin seconded the motion, motion carried 5-0

5. Discussion on Chapter 72

Boston talked on Heather Thomas, himself, and Hector Hernandez-Morales city planner, looked over chapter 72 and adjusted the document after the agenda was posted. Hernandez-Morales said "I can provide an updated document at the next meeting." Boston would like to discuss more changes on chapter 72 before presenting it to city council. Chapter 72 will be added to next Plan and Zoning Commission Meeting.

Meeting Adjourned at 6:04 pm.

MARSHALLTOWN

I O W A

TO: Plan Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 13, 2024 – Meeting Date

Preliminary Plat Review and Final Plat Recommendation:

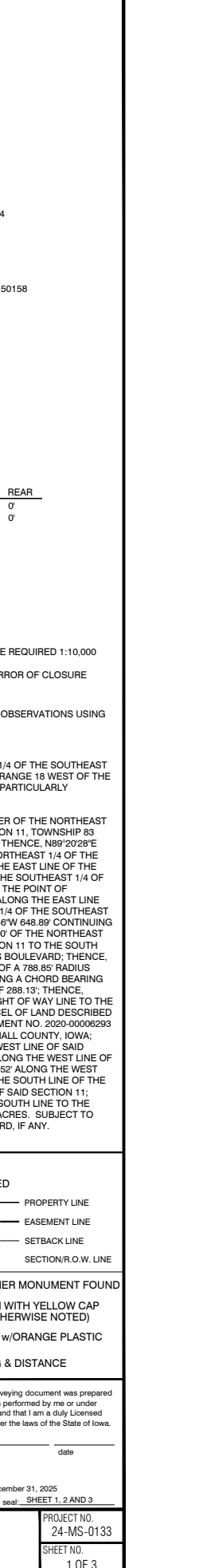
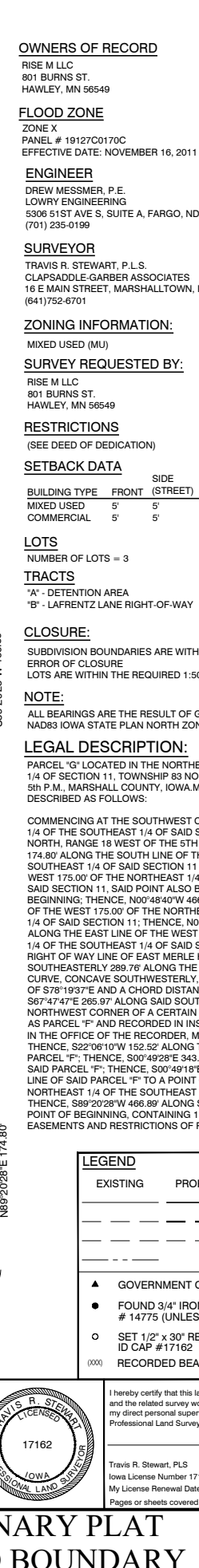
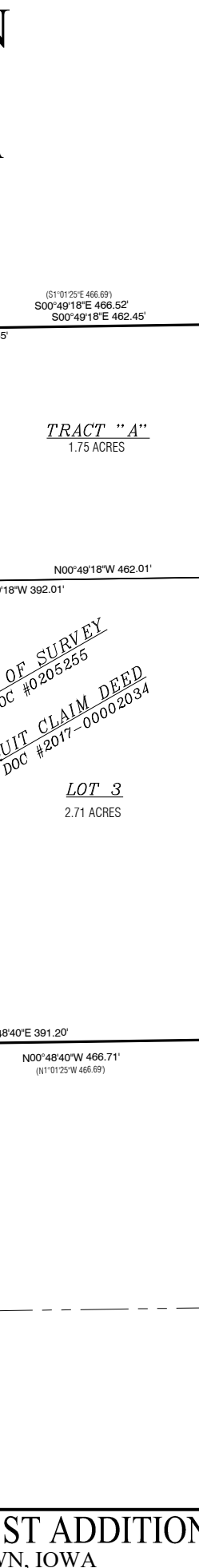
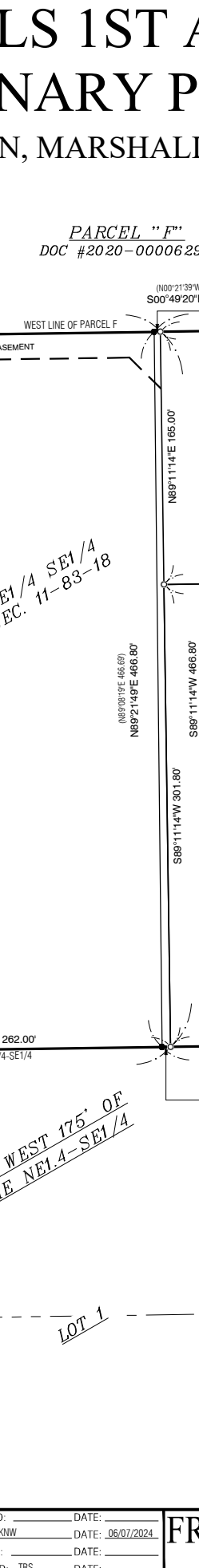
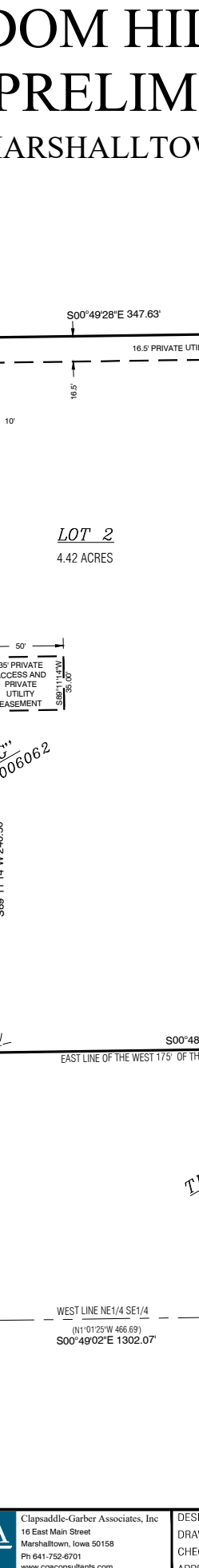
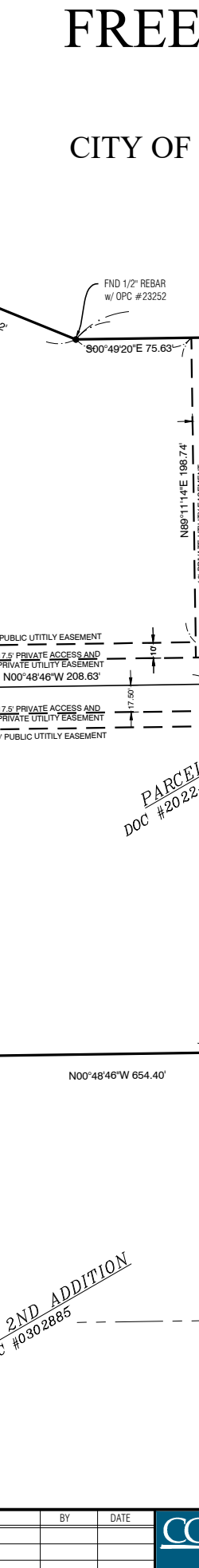
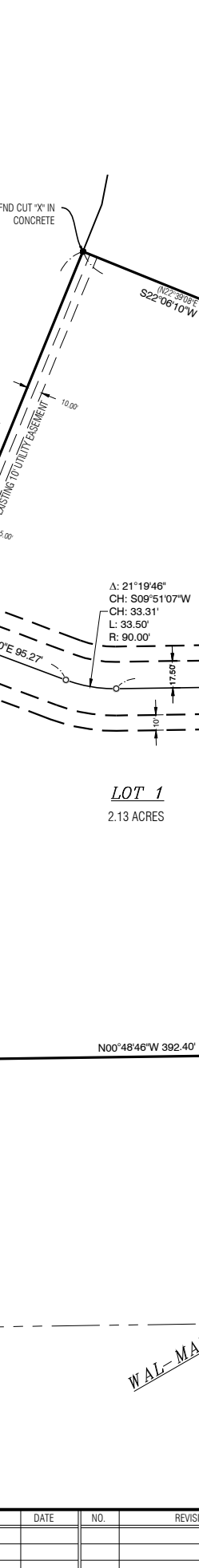
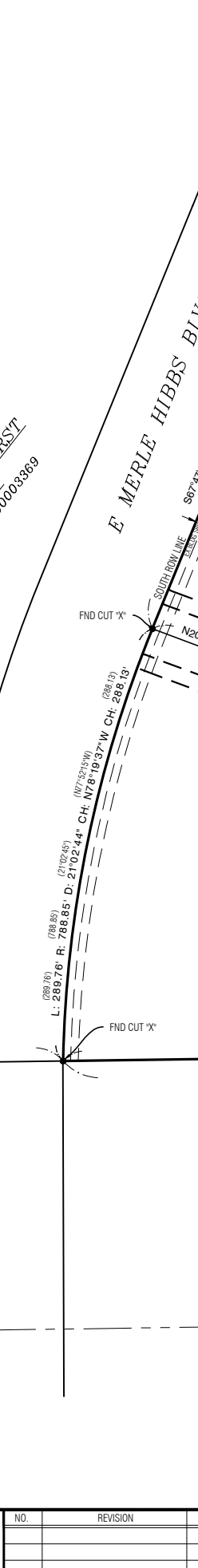
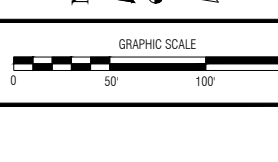
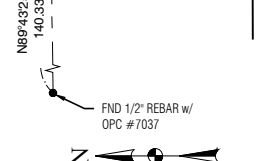
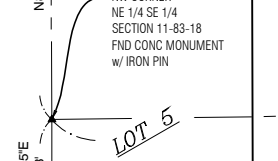
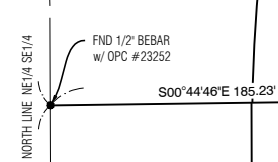
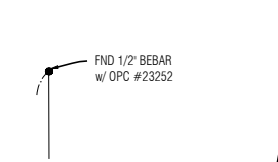
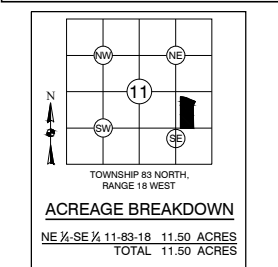
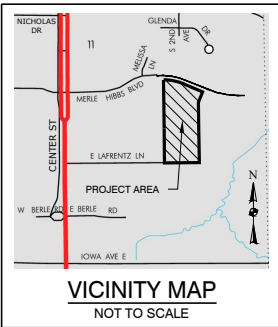
FROM: City of Marshalltown

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 three lots dedication of Lafrentz Ln, for future development and a storm water retention pond lot. Plat shall follow compliance with chapter 157 Land Subdivision Regulation.

Recommendation: Make recommendation to city council.

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



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.
CLAPSADDLE-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 = 3

TRACTS

"A" - DETENTION AREA
"B" - LAFFRENTZ LANE RIGHT-OF-WAY

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.; 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, S67°47'47"E 265.97' 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°08'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S00°49'28"E 343.58' 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.

LEGEND

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	SETBACK LINE
---	---	SECTION/R.O.W. LINE

▲ GOVERNMENT CORNER MONUMENT FOUND

● FOUND 3/4" IRON PIN WITH YELLOW CAP # 14775 (UNLESS OTHERWISE NOTED)

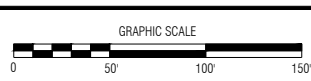
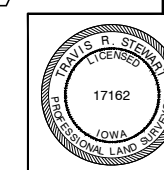
○ SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162

(0000) 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.

date

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



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA

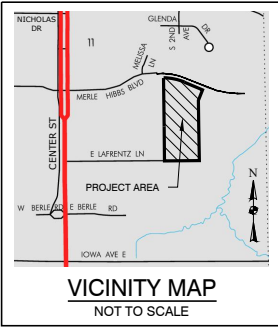
Clapsaddle-Garber Associates, Inc.
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-752-6701
www.cgaconsultants.com

DESIGNED: _____ DATE: _____
DRAWN: KNW DATE: 06/07/2024
CHECKED: _____ DATE: _____
APPROVED: TRS DATE: _____

FREEDOM HILLS 1ST ADDITION
MARSHALLTOWN, IOWA

PRELIMINARY PLAT
PROPOSED BOUNDARY

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



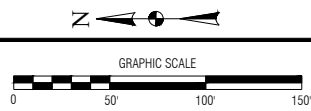
FREEDOM HILLS 1ST ADDITION

PRELIMINARY PLAT

CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



LEGEND		
EXISTING	PROPOSED	
		SECTION/R.O.W. LINE
		BOUNDARY LINE
		PROPERTY LINE
		EASEMENT LINE
		SETBACK LINE
		FOUND 3/4" IRON PIN WITH YELLOW CAP #14775 (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

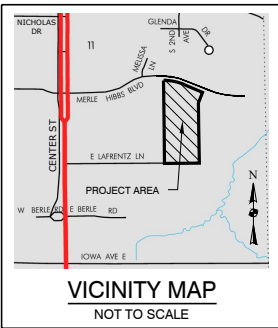
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16 East Main Street
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DESIGNED: _____	DATE: _____
DRAWN: KNW	DATE: 06/07/2024
CHECKED: _____	DATE: _____
APPROVED: TRS	DATE: _____

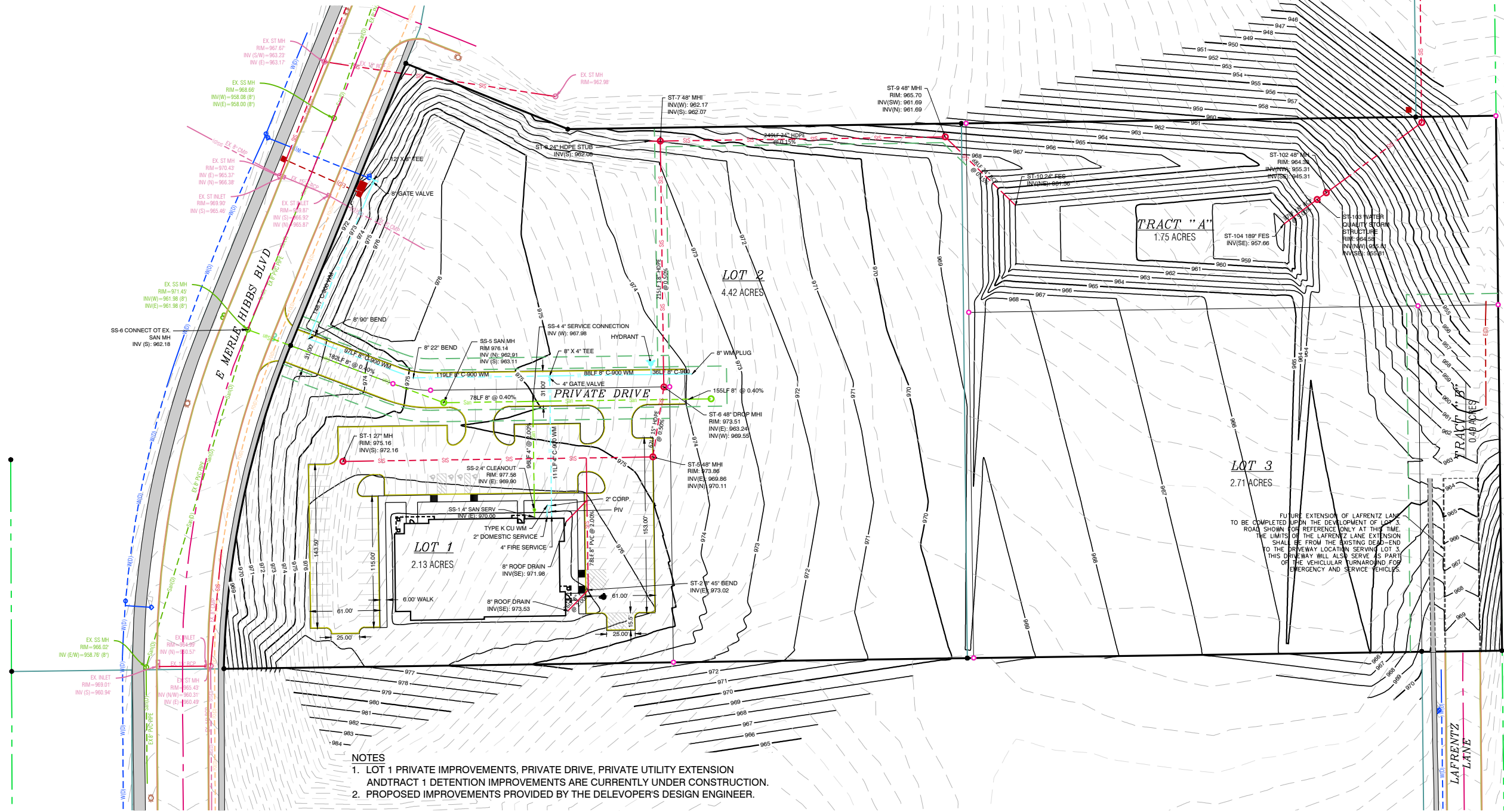
FREEDOM HILLS 1ST ADDITION
MARSHALLTOWN, IOWA

PRELIMINARY PLAT
EXISTING CONDITIONS

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

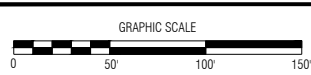


FREEDOM HILLS 1ST ADDITION
PRELIMINARY PLAT
CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



LEGEND

EXISTING	PROPOSED	
---	---	SECTION/R.O.W. LINE
---	---	BOUNDARY LINE
---	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	SETBACK LINE
●	●	FOUND 3/4" IRON PIN WITH YELLOW CAP #14775 (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

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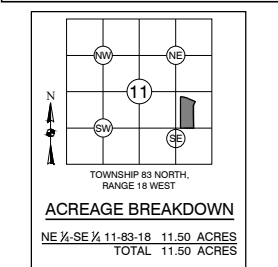
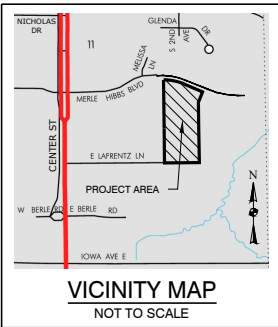
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DRAWN: KNW DATE: 06/07/2024
CHECKED: _____ DATE: _____
APPROVED: TRS DATE: _____

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



VICINO BLUFFS FIRST
ADDITION
INSTR #2021-00003369

LOT 1
2.13 ACRES

LOT 2
4.42 ACRES

LOT 3
2.71 ACRES

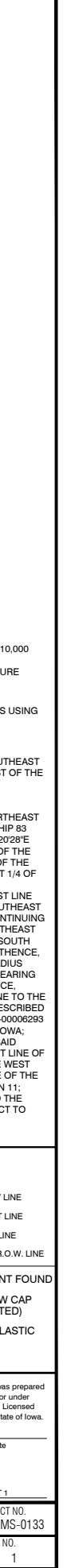
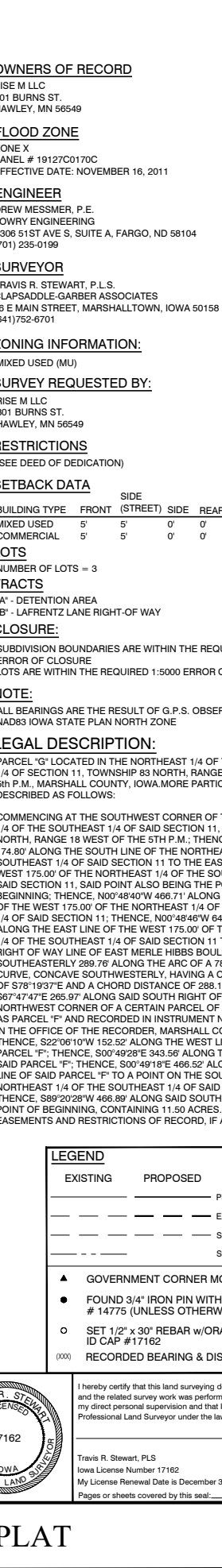
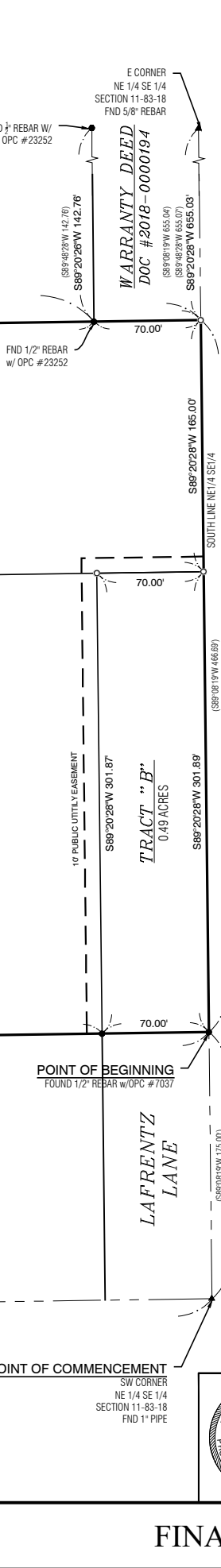
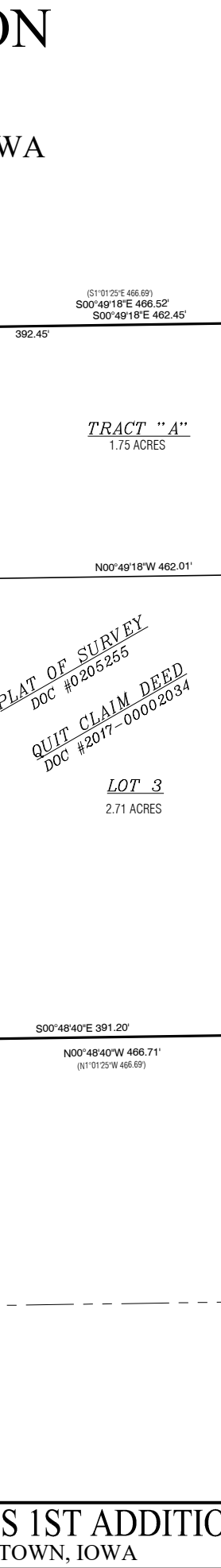
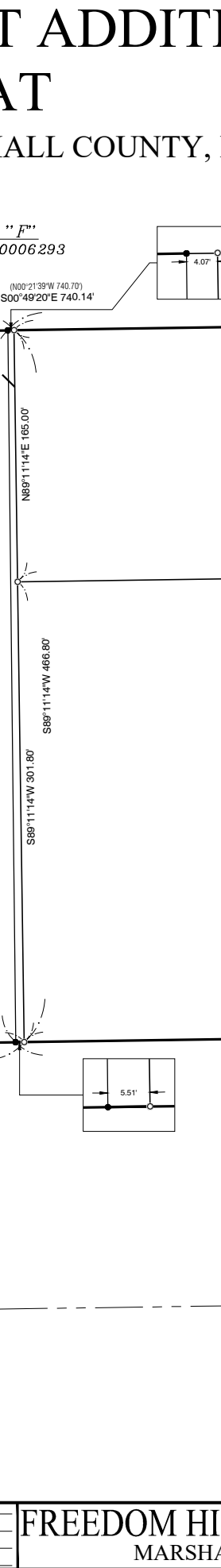
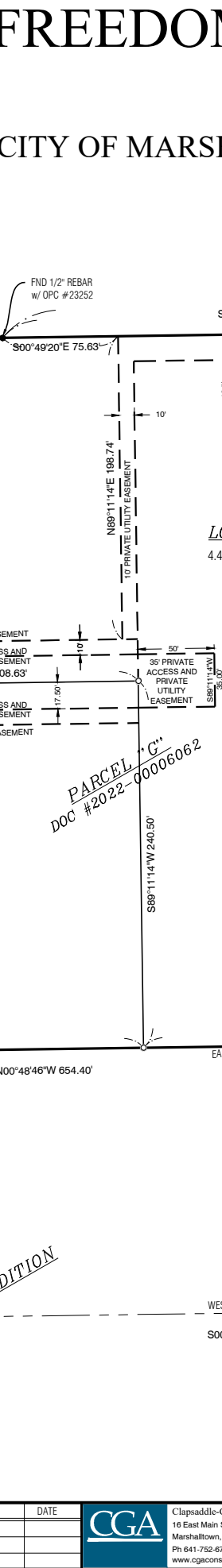
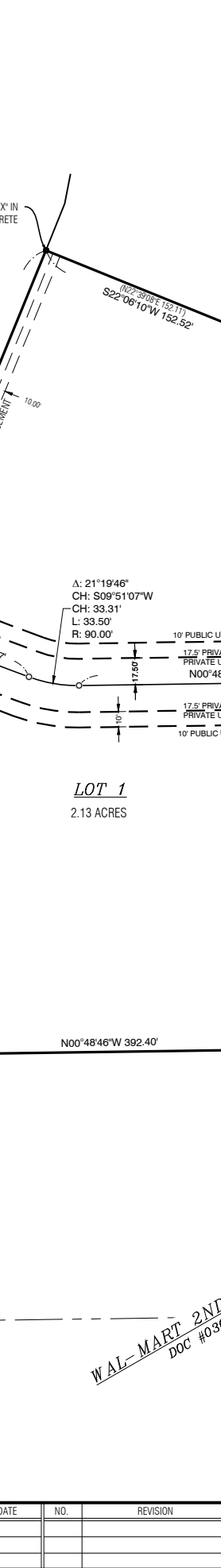
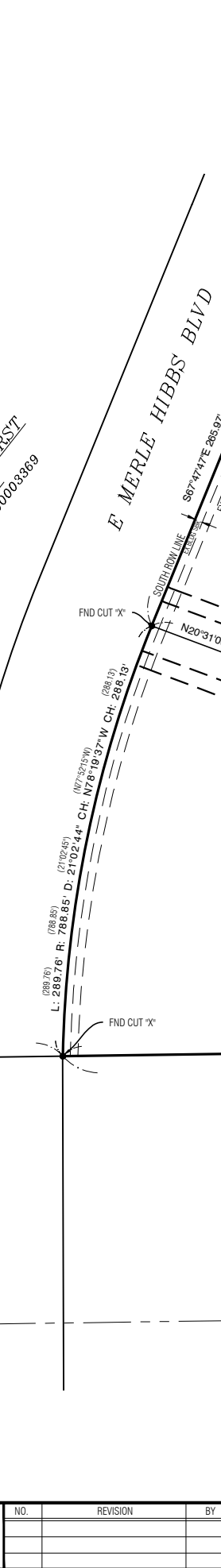
LOT 4
2.71 ACRES

LOT 5
2.71 ACRES

LOT 6
2.71 ACRES

LOT 7
2.71 ACRES

LOT 8
2.71 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.
CLAPSADDLE-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 = 3

TRACTS
"A" - DETENTION AREA
"B" - LAFRENTZ LANE RIGHT-OF WAY

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 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 343.58' 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.

LEGEND

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	EASEMENT LINE
---	---	SETBACK LINE
---	---	SECTION/R.O.W. LINE

▲ 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
(000) RECORDED BEARING & DISTANCE

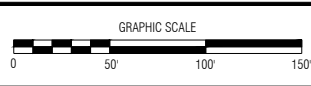
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

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

date

17162

17162



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: KNW DATE: 06/07/24
CHECKED: _____ DATE: _____
APPROVED: IRS DATE: _____

FREEDOM HILLS 1ST ADDITION
MARSHALLTOWN, IOWA

FINAL PLAT

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

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 13, 2024 – Meeting Date

SUBJECT: Review and Set Public Hearing August 15: Rezoning Request for 601 602,611,612,621,622,629,630,631,632,633,634,635, and 636 Creekside Ln

Request: A rezoning is an amendment to the Zoning Map, which is part of the Zoning Ordinance. Rezoning requests go before the Plan Zoning Commission for a review and public hearing where a recommendation is made to the City Council.

Current Zoning Classification: List the Current zoning classification is site specific and describe relevant information such as allowable uses or setbacks etc.

Comprehensive Plan Designation: The current zoning classification is Mixed-use. Mixed-Use has building standards which this proposal does not meet such as garage and build up to the property line.

Staff Review: Brian Ridge is proposing 7 new townhomes/multiplex.

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.

Use Category	Specific Use ¹	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AS	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
	Dwelling, Duplex		--	--	P	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Townhouse		--	--	--	--	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Multiplex		--	--	--	--	P	P	P	P	P	P	--	--	--	N/A	

Dwelling, Multiplex are a Permitted Use in Medium Density Residential zoning.

Different zoned location throughout the community are zoned mixed-use and must be addressed by either rezoning or text amendment on Mixed Use.

Section 156.D.007, Urban Core and Mixed Use.

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.

Generally. These standards apply to any exterior wall of a nonresidential or mixed-use building in the UC, Urban Core or MU, Mixed Use zoning districts visible from a public or private street, a residential property, or public open space.

Build-to Line. Structures shall be built to within five feet of the property line to provide for an urban edge and maintain continuity in the improved street frontages.

Mixed Use 156.D.007 M Vehicular Access

Access to attached and detached garages shall be from the rear of a building only, except if the property is located on a corner lot and the side street may be used for access.



Green=REC White=Mixed-Used Orange= Medium Density Residential (RM)

Review Criteria.

In determining whether to approve, approve with conditions, or deny a Zone Change, the review bodies shall consider provisions of Subsection 156.J.002.5, Common Review Criteria, together with the following:

Property Dimensions. The dimensions of the subject property to accommodate reasonable development that complies with the requirements of this ZO, including parking, open space, and buffering requirements.

Need. The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property.

Hardship. A comparison of the hardship to the applicant with the relative gain to the public health, safety, and welfare.

Consistency. The proposed zone change is consistent with the Comprehensive Plan or Future Land Use Map and increase the likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan Land Use Map, or another adopted area plan, including but not limited to redevelopment plans;

Compatibility. The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property;

Suitability. The suitability of the subject property for the zoned purposes;

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.

Changed Conditions. The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues; and

Support. Nearby property owners are in support of, or do not oppose, the proposed map amendment.

Recommendation: The zoning officer recommends a rezone to Medium Residential due to MU zoning.

Next Steps: Set the public hearing for next plan and zoning commission meeting scheduled on August 15. Follow by making recommendation to city council

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.

Date Submitted & Fee Paid: _____

Rezoning Request Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742

www.marshalltown-ia.gov

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

✓ **Legal description of the property.** The property owner must provide a copy of the full legal description. If you do not have a copy, you can obtain one from the Marshall County Recorder's Office for a fee. The tax description found on the County Assessor's website is not the full legal description.

✓ **Application fee.** A \$500 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Zoning Office.

Please type or print legibly in ink.

Property Address:

Creekside Lane, Marshalltown, Iowa

Owner:

Brian Ridge

Mailing Address:

740 Kacena Rd, Hiawatha, Iowa

Phone:

319-200-3212

E-mail:

bridge@comedge.co

Current Zoning Classification:

MU

Current Use:

Mixed Use

Proposed Zoning Classification:

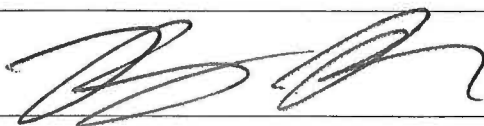
RM

Proposed Use:

Residential Medium

Please list the uses of surrounding properties:

Signature and Date:



6-6-2024

MARSHALLTOWN

— I O W A —

HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

36 North Center Street, Marshalltown, IA 50158

Ph: 641-754-5756 Fax: 641-754-5742

www.marshalltown-ia.gov

Rezoning Request Application Packet

Application: Applications will not be accepted unless complete. All required items must be submitted with the application. Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

Notifications: The City will place a sign on the property to notify the public that a rezoning request has been submitted. The sign includes the city's phone number so that concerned individuals will have an opportunity to learn about the proposal and can present information on this matter to the Commission and/or Council at the public hearing. A notice of public hearing is also published in the newspaper.

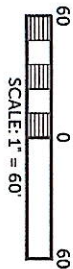
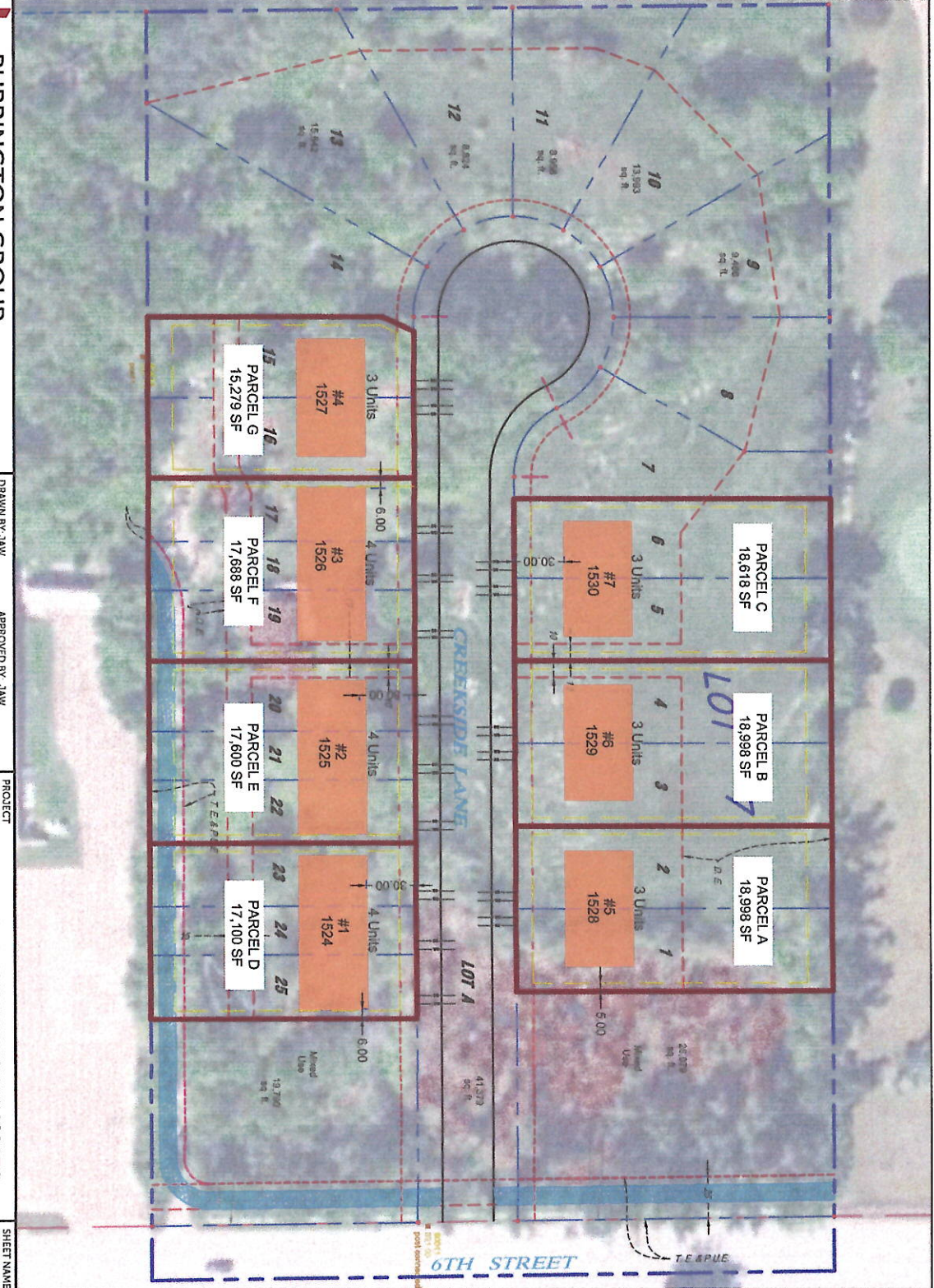
1. The burden of providing sufficient evidence to make the applicant's case shall be on the applicant in all cases.
2. The rezoning request must be considered by the Plan Zoning Commission and the City Council. Contact the Housing & Community Development Director for a schedule of the upcoming meetings. Please note the deadline dates for each meeting. The commission will review the request at a regularly scheduled meeting at least once prior to the public hearing. A public hearing must be held by the commission prior to making a recommendation to the City Council. The Plan Zoning Commission meets in the City Council Chambers at City Hall at 5:00 PM on the Thursday following the first Council meeting of the month.
3. The Marshalltown City Council meets on the 2nd and 4th Mondays of the month at 5:30 p.m. in the City Hall Council Chambers. According to Iowa Code, the rezoning requires three readings and a public hearing.
4. Under optimum conditions it takes about 4-6 months to rezone property if the issue is not controversial. Larger projects may require additional time.
5. Applicants are encouraged to provide all applicable information as early as possible to facilitate the process.

DRAWN BY: JAW
 DATE: 4/1/2024
 APPROVED BY: JAW
 PROJECT NO:

RIDGE CREEKSIDE TOWNHOMES
MARSHALLTOWN, IA

SHEET NAME
OPTION 1
CONCEPT PLAN

SHEET NO.
CP1



ZONING SUMMARY
 ZONING: MU (MULTI-USE)
 PROPOSED DEVELOPMENT: ATTACHED SINGLE FAMILY
 BLOCK RESIDENTIAL
 FRONT YARD: 10'
 SIDE YARD: 5'
 REAR YARD: 15'
 ALLOW DENSITY: 20.77 UNIT/AC
 MIN LOT WIDTH: 25'
 MIN LOT AREA: 1,250 SF

PROPOSED DEVELOPMENT SUMMARY

PARCEL A:	18,998 SF
PARCEL B:	18,998 SF
PARCEL C:	18,618 SF
PARCEL D:	17,100 SF
PARCEL E:	17,600 SF
PARCEL F:	17,688 SF
PARCEL G:	15,279 SF
TOTAL AREA	124,281 SF (2.83 AC)
TOTAL UNITS:	24
PROPOSED UNITS/ACRE:	8.41

A 1528



– Marshall County Courthouse –
1 East Main Street – Marshalltown, Iowa 50158
MARSHALL COUNTY ASSESSOR
Blaze K. Wurr, County Assessor
Phone (641) 754-6305
Email: assessor@marshallcountyiowa.gov

PLEASE NOTE:

- This form does not convey title.
- Are any of these parcels in escrow? Yes ___ No X (Parcels in escrow may not be combined)
- Parcels in different Tif areas may not be combined.
- Parcels of different class may not be combined.

Parcels may be combined if they meet the following criteria:

X They are contiguous and located within the same section, same quarter section, township, & range.

X The properties lie within the same taxing district

X The ownership is identical with the exception to Iowa Code 558.

X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creekside Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

Telephone Number: 319-777-2284 Email: bridge@comedge.com

I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
8418-3A-478-002	Res.	LOT 1, BULKY CREEKSIDE EST.	640228
8418-3A-478-003		LOT 2, BULKY CREEKSIDE EST.	640228

Owners signature: 

Date: 5-27-2024

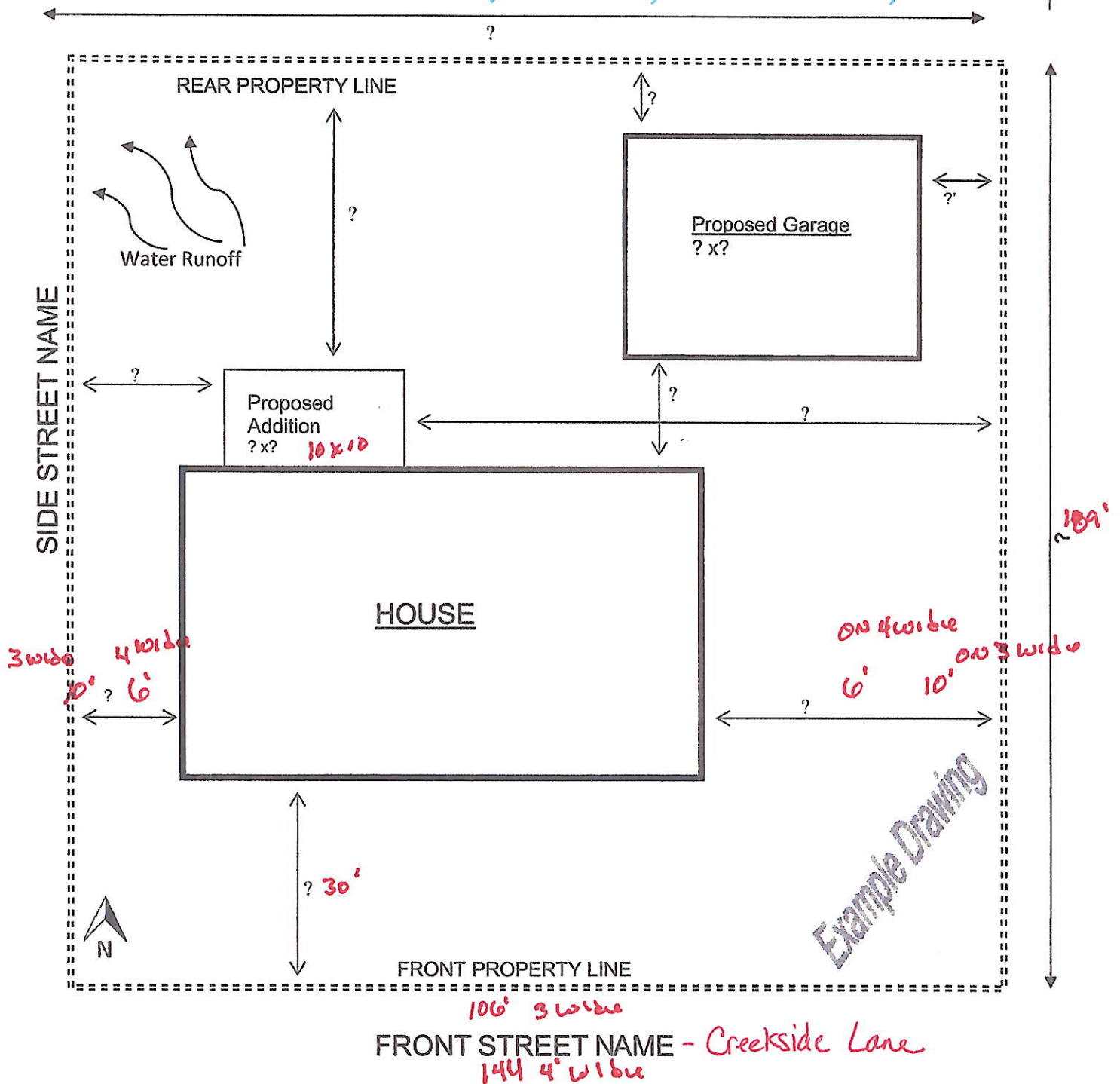
OFFICE USE ONLY. NEW PARCEL NUMBER: _____
APPROVED BY: ASSESSOR _____ & AUDITOR _____

115

SITE PLAN

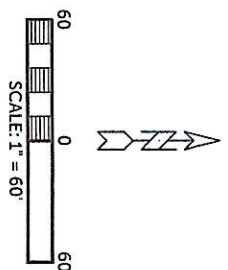
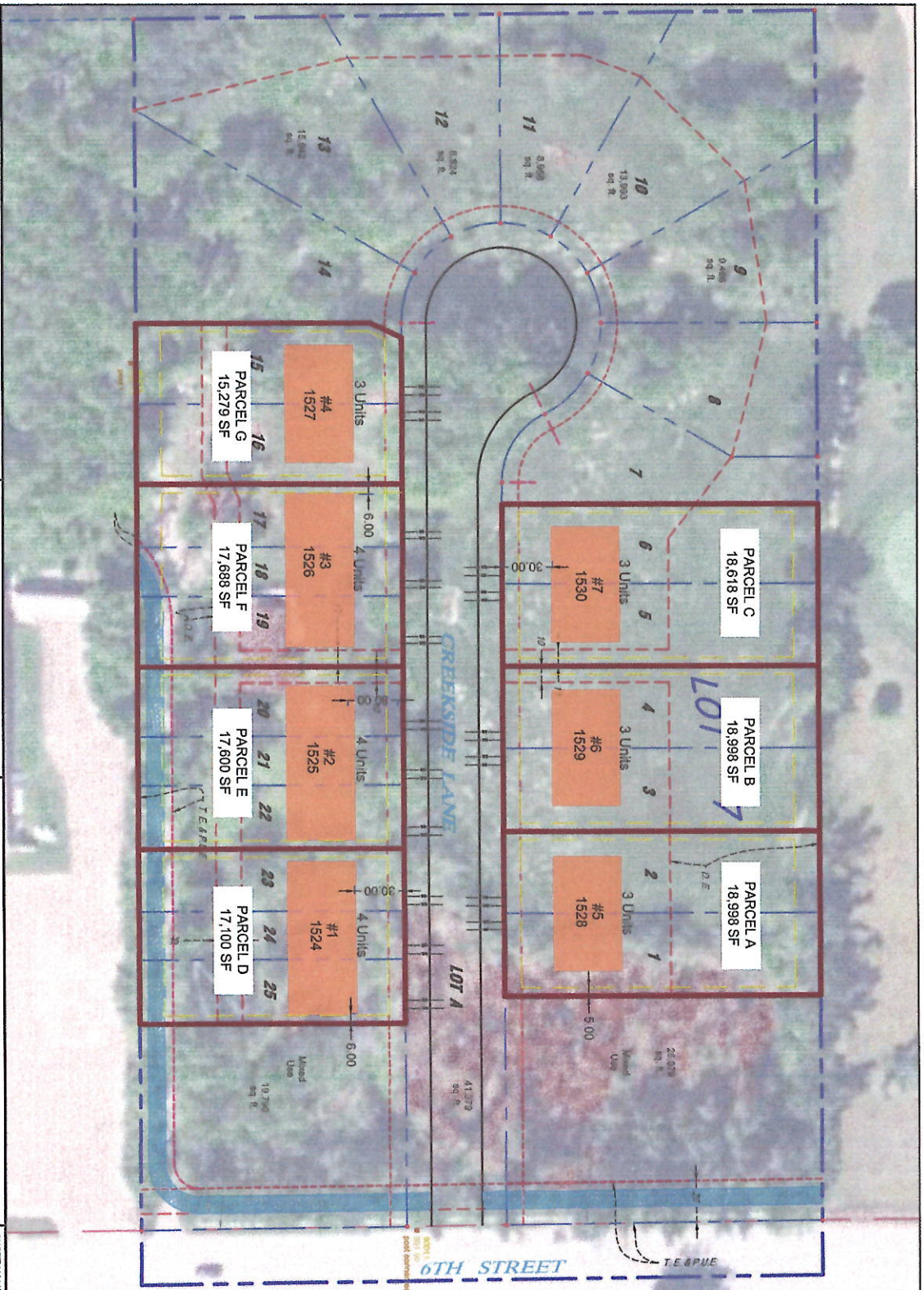
Name: Creekside Townhomes

Property Address: Parcel A, Job #1528, Creekside Lane, Marshall, Iowa



Please be sure to include the following items in your sketch.

- | | |
|--|--|
| <ul style="list-style-type: none"> • Property lines (include lot dimensions if known). • Show the home, other structures, the street, the sidewalk and driveway. • Existing structures & driveways with dimensions. | <ul style="list-style-type: none"> • Proposed work with dimensions. • If removing existing structures, driveways or sidewalks show the portions to be removed and/or replaced. |
|--|--|



ZONING SUMMARY
 ZONING: MU (MULTI-UNIT USE)
 PROPOSED USE: ATTACHED SINGLE FAMILY
 BULK REGULATIONS:
 FRONT YARD: 10'
 SIDE YARD: 5'
 REAR YARD: 15'
 ALLOWED DENSITY: 20.77 UNITS/AC
 MIN LOT AREA: 1,200 SF
 MIN LOT AREA: 1,200 SF

PROPOSED DEVELOPMENT SUMMARY	
PARCEL A:	18,618 SF
PARCEL B:	18,618 SF
PARCEL C:	18,618 SF
PARCEL D:	17,100 SF
PARCEL E:	17,600 SF
PARCEL F:	17,600 SF
PARCEL G:	15,279 SF
PARCEL H:	15,279 SF
PARCEL I:	15,279 SF
TOTAL AREA:	124,281 SF (2.83 AC)
TOTAL UNITS:	24
PROPOSED UNIT/ACRE:	8.41

#1529



– Marshall County Courthouse –
 1 East Main Street – Marshalltown, Iowa 50158

MARSHALL COUNTY ASSESSOR

Blaze K. Wurr, County Assessor
 Phone (641) 754-6305
 Email: assessor@marshallcountyiowa.gov

PLEASE NOTE:

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- Are any of these parcels in escrow? Yes ___ No X (Parcels in escrow may not be combined)
- Parcels in different Tif areas may not be combined.
- Parcels of different class may not be combined.

Parcels may be combined if they meet the following criteria:

X They are contiguous and located within the same section, same quarter section, township, & range.

X The properties lie within the same taxing district

X The ownership is identical with the exception to Iowa Code 558.

X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creekside Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

Telephone Number: 319-777-2284 Email: bridge@comedge.com

I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
<u>8418-34-178-004</u>	<u>Res</u>	<u>LOT 3, BLK 1 CREEKSIDE EST</u>	<u>640228</u>
<u>8418-34-178-005</u>	<u>Res</u>	<u>LOT 4, BLK 1 CREEKSIDE EST</u>	<u>640228</u>

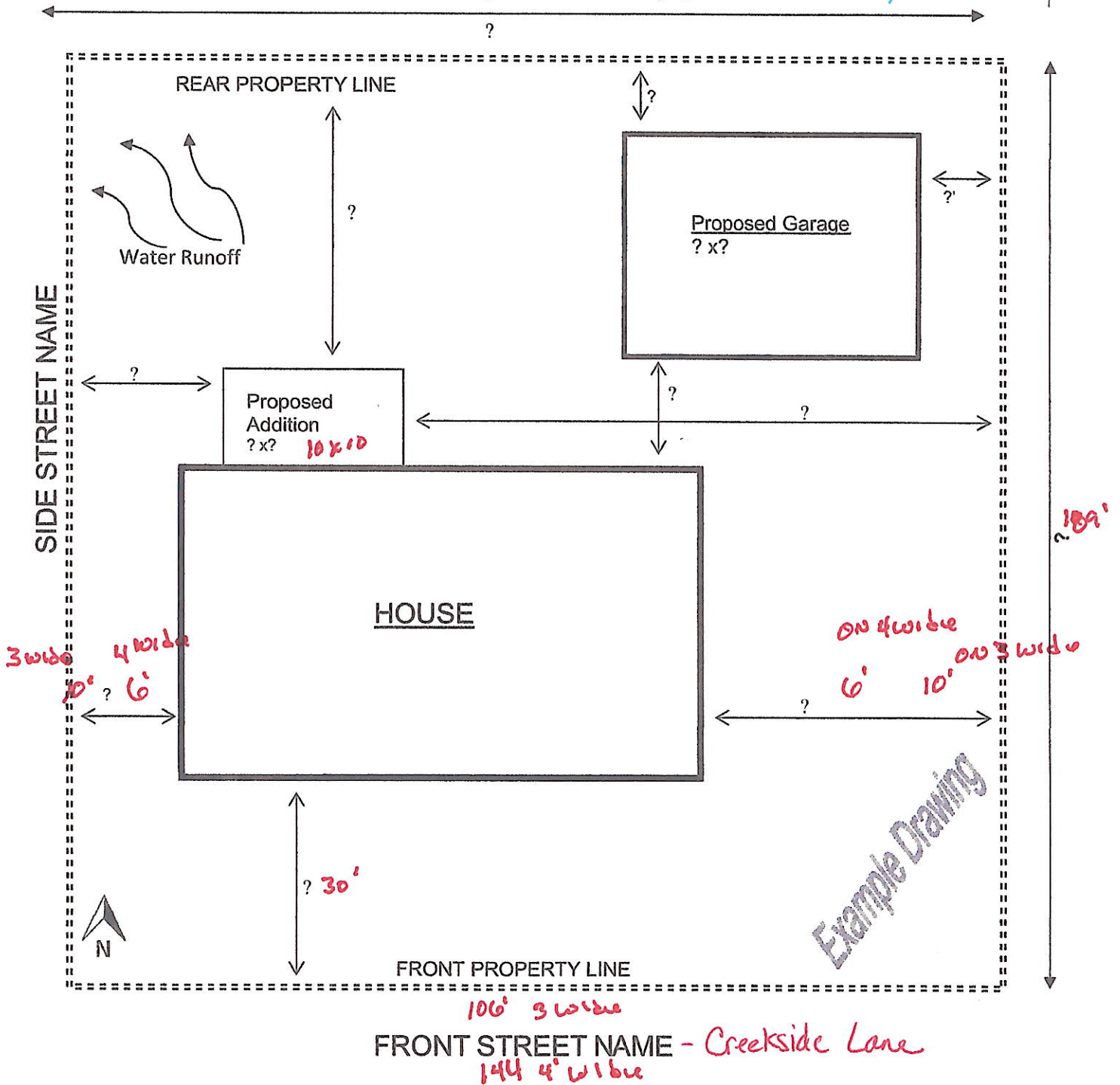
Owners signature: [Signature] Date: 5-27-2024

OFFICE USE ONLY. NEW PARCEL NUMBER: _____
 APPROVED BY: ASSESSOR _____ & AUDITOR _____

SITE PLAN

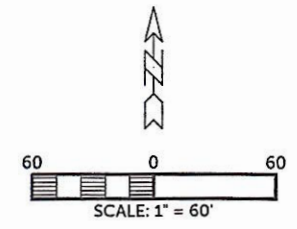
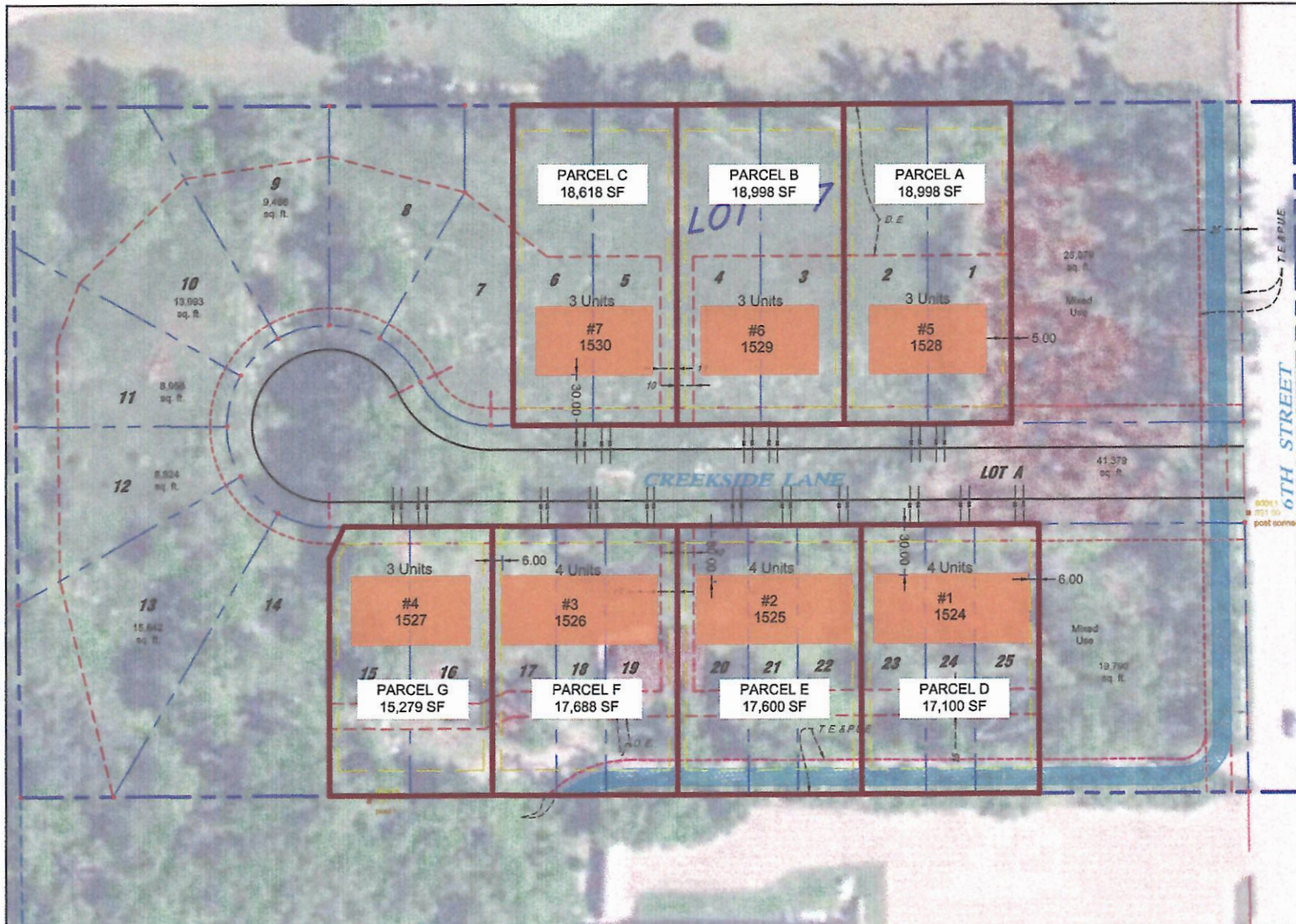
Name: Creekside Townhomes

Property Address: Parcel B, Job # 1529, Creekside Lane, Marshalltown, Iowa



Please be sure to include the following items in your sketch.

- Property lines (include lot dimensions if known).
- Show the home, other structures, the street, the sidewalk and driveway.
- Existing structures & driveways with dimensions.
- Proposed work with dimensions.
- If removing existing structures, driveways or sidewalks show the portions to be removed and/or replaced.



ZONING SUMMARY

ZONING - MU (MULTI-USE)
 PROPOSED USE - ATTACHED SINGLE FAMILY
 BULK REGULATIONS:
 FRONT YARD: 10'
 SIDE YARD: 5'
 REAR YARD: 15'
 ALLOW DENSITY: 20.77 UNIT/AC
 MIN. LOT WIDTH: 25'
 MIN. LOT AREA: 1,250 SF

PROPOSED DEVELOPMENT SUMMARY

PARCEL A:	18,998 SF
PARCEL B:	18,998 SF
PARCEL C:	18,618 SF
PARCEL D:	17,100 SF
PARCEL E:	17,600 SF
PARCEL F:	17,688 SF
PARCEL G:	15,279 SF
TOTAL AREA:	124,281 SF (2.853 AC)
TOTAL UNITS:	24
PROPOSED UNITS/ACRE:	8.41

BURRINGTON GROUP, INC.
 Civil Engineering | Land Surveying
 105 W. Main Street Manchester, Iowa 52057
 Phone 563-927-2434 burringtongroup.com

DRAWN BY: JAW	APPROVED BY: JAW
DATE: 4/1/2024	PROJECT NO:

PROJECT
RIDGE CREEKSIDE TOWNHOMES
MARSHALLTOWN, IA

SHEET NAME
OPTION 1
CONCEPT PLAN

SHEET NO.	OF
CP1	

#1530



- Marshall County Courthouse -
1 East Main Street - Marshalltown, Iowa 50158
MARSHALL COUNTY ASSESSOR
Blaze K. Wurr, County Assessor
Phone (641) 754-6305
Email: assessor@marshallcountya.gov

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- Parcels in different Tif areas may not be combined.
- Parcels of different class may not be combined.

Parcels may be combined if they meet the following criteria:

X They are contiguous and located within the same section, same quarter section, township, & range.

X The properties lie within the same taxing district

X The ownership is identical with the exception to Iowa Code 558.

X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creekside Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

Telephone Number: 319-777-2284 Email: bridge@comedge.com

I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
<u>8A18-34-478-006</u>	<u>RES</u>	<u>LOT 5, BLK 4 CREEKSIDE ESTATES</u>	<u>640228</u>
<u>8A18-34-478-007</u>	<u>RES</u>	<u>LOT 6, BLK 4 CREEKSIDE ESTATES</u>	<u>640228</u>

Owners signature:  Date: 5-27-2024

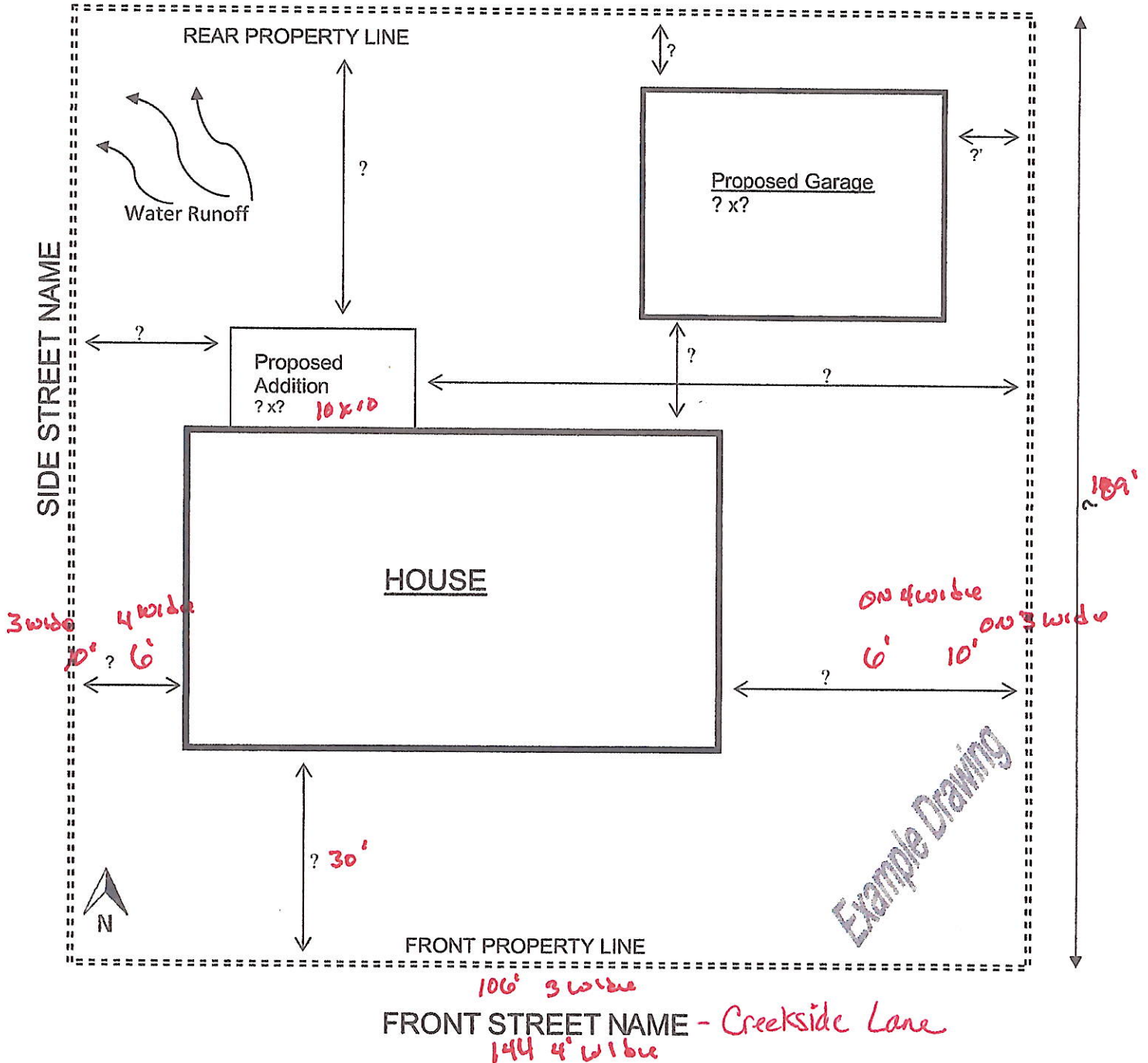
OFFICE USE ONLY. NEW PARCEL NUMBER: _____
APPROVED BY: ASSESSOR _____ & AUDITOR _____

#7

SITE PLAN

Name: Creekside Townhomes

Property Address: Parcel D, Job #1524, Creekside Lane, Marshalltown, Iowa



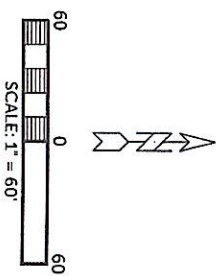
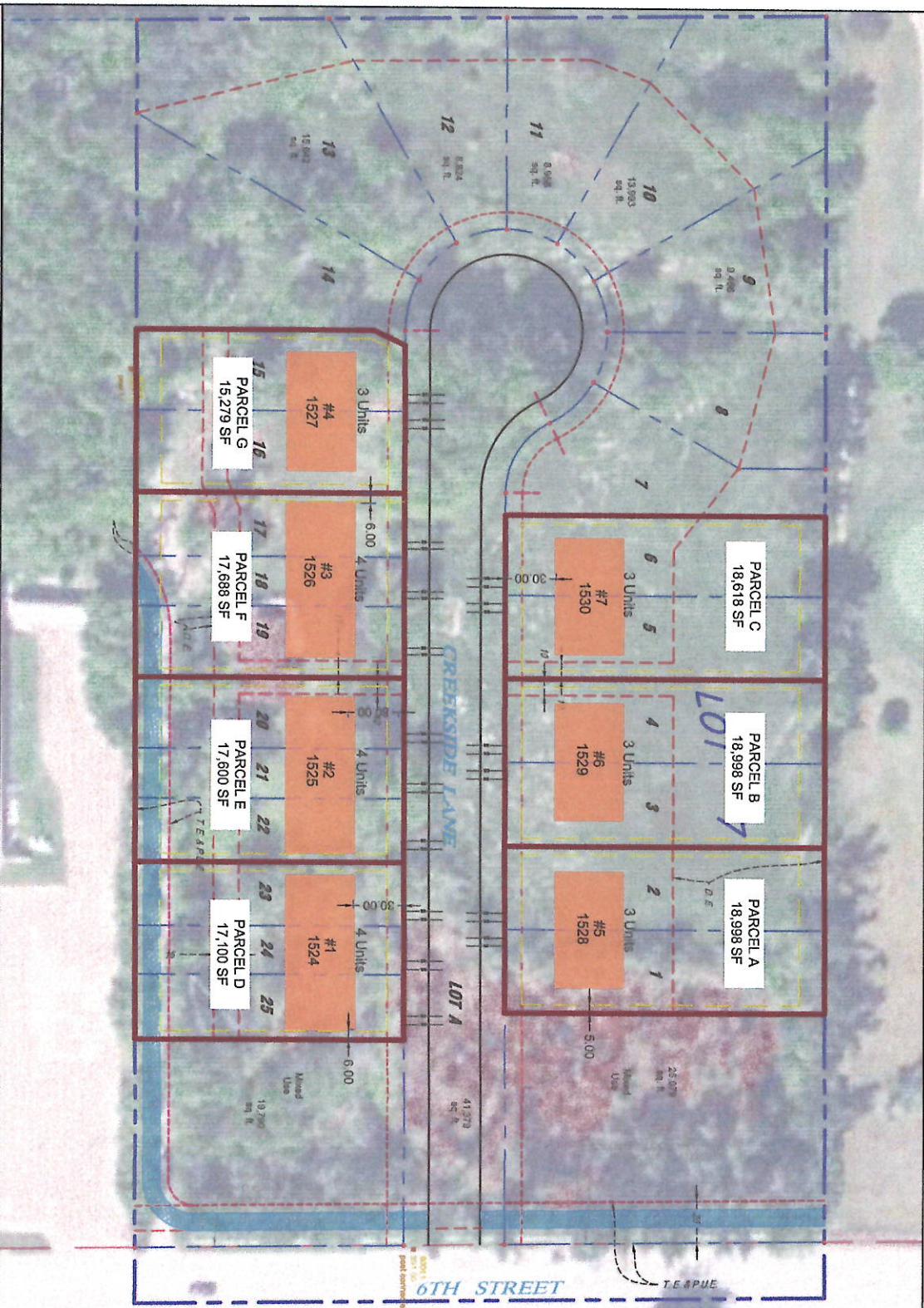
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- Existing structures & driveways with dimensions.
- Proposed work with dimensions.
- If removing existing structures, driveways or sidewalks show the portions to be removed and/or replaced.

DRAWN BY: JAW	APPROVED BY: JAW
DATE: 4/1/2024	PROJECT NO:

PROJECT
RIDGE CREEKSIDE TOWNHOMES
MARSHALLTOWN, IA

SHEET NAME:	SHEET NO:	OF
OPTION 1		
CONCEPT PLAN	CP1	



ZONING SUMMARY
 ZONING: MU (MULTI-USE)
 PROPOSED DEVELOPMENT: SINGLE FAMILY
 DENSITY: 12.5 UNITS/AC
 FRONT YARD: 10'
 SIDE YARD: 5'
 REAR YARD: 15'
 ALLOW DENSITY: 20.77 UNIT/AC
 MIN LOT WIDTH: 25'
 MIN LOT AREA: 1,250 SF

PROPOSED DEVELOPMENT SUMMARY

PARCEL A:	18,998 SF
PARCEL B:	18,998 SF
PARCEL C:	18,618 SF
PARCEL D:	17,100 SF
PARCEL E:	17,600 SF
PARCEL F:	17,600 SF
PARCEL G:	15,279 SF
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TOTAL UNITS:	24
PROPOSED UNITS/ACRE:	8.41

1524
Parcel D



– Marshall County Courthouse –
1 East Main Street – Marshalltown, Iowa 50158

MARSHALL COUNTY ASSESSOR
Blaze K. Wurr, County Assessor
Phone (641) 754-6305
Email: assessor@marshallcountyla.gov

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X The ownership is identical with the exception to Iowa Code 558.

X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creskide Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

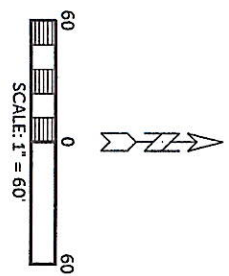
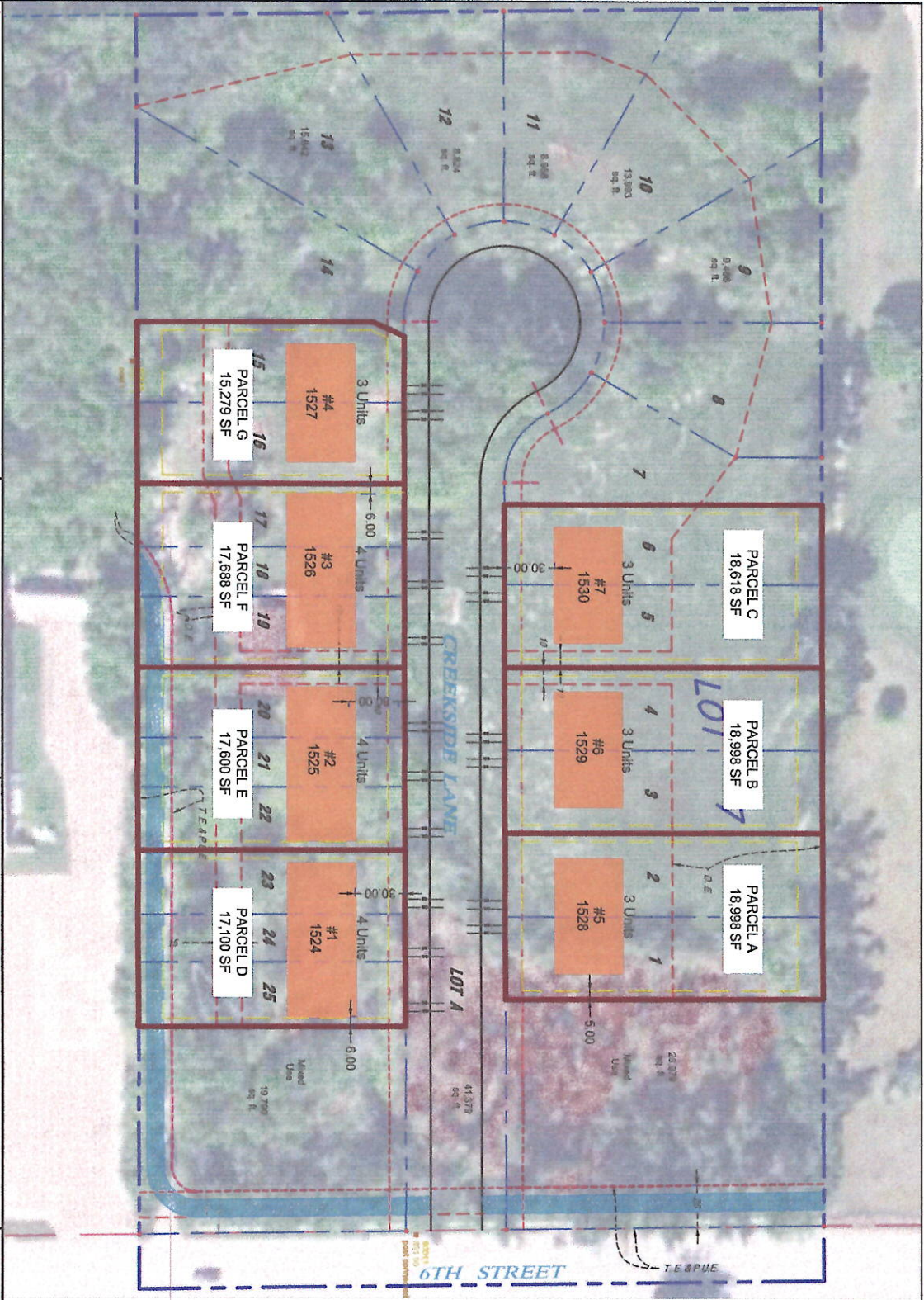
Telephone Number: 319-777-2284 Email: bridge@comedge.com

I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
8418-34-478-026	RES	Lot 25, Blk 1 CREEKSIDE ESTATES	640228
8418-34-478-025	RES	Lot 24, Blk 1 CREEKSIDE ESTATES	640228
8418-34-478-024	RES	Lot 23, Blk 1 CREEKSIDE ESTATES	640228

Owners signature: [Signature] Date: 5-27-2024

OFFICE USE ONLY. NEW PARCEL NUMBER: _____
APPROVED BY: ASSESSOR _____ & AUDITOR _____



ZONING SUMMARY

ZONING - MU (MULTI-USE)
 PROPOSED USE - ATTACHED SINGLE FAMILY
 BULK REGULATIONS:
 FRONT YARD: 10'
 SIDE YARD: 5'
 REAR YARD: 10'
 MAXIMUM BUILDING BY 20' TYPICAL
 MIN. LOT WIDTH: 25'
 MIN. LOT AREA: 1,200 SF

PROPOSED DEVELOPMENT SUMMARY

Parcel	Area (SF)	Units
PARCEL A	18,698 SF	3
PARCEL B	18,698 SF	3
PARCEL C	18,698 SF	3
PARCEL D	18,698 SF	3
TOTAL AREA	74,882 SF (2.653 AC)	12
TOTAL UNITS		12
PROPOSED UNITS/ACRE		4.41

#1525



– Marshall County Courthouse –
1 East Main Street – Marshalltown, Iowa 50158
MARSHALL COUNTY ASSESSOR
Blaze K. Wurr, County Assessor
Phone (641) 754-8305
Email: assessor@marshallcountya.gov

PLEASE NOTE:

- This form does not convey title.
- Are any of these parcels in escrow? Yes ___ No X (Parcels in escrow may not be combined)
- Parcels in different Tif areas may not be combined.
- Parcels of different class may not be combined.

Parcels may be combined if they meet the following criteria:

- X They are contiguous and located within the same section, same quarter section, township, & range.
- X The properties lie within the same taxing district
- X The ownership is identical with the exception to Iowa Code 558.
- X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creekside Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

Telephone Number: 319-777-2284 Email: bridge@comedge.com

I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
8418-34-478-023	RES	LOT 22, BLK 1 CREEKSIDE ESTATES	640228
8418-34-478-022	RES	LOT 21, BLK 1 CREEKSIDE ESTATES	640228
8418-34-478-021	RES	LOT 20, BLK 1 CREEKSIDE ESTATES	640228

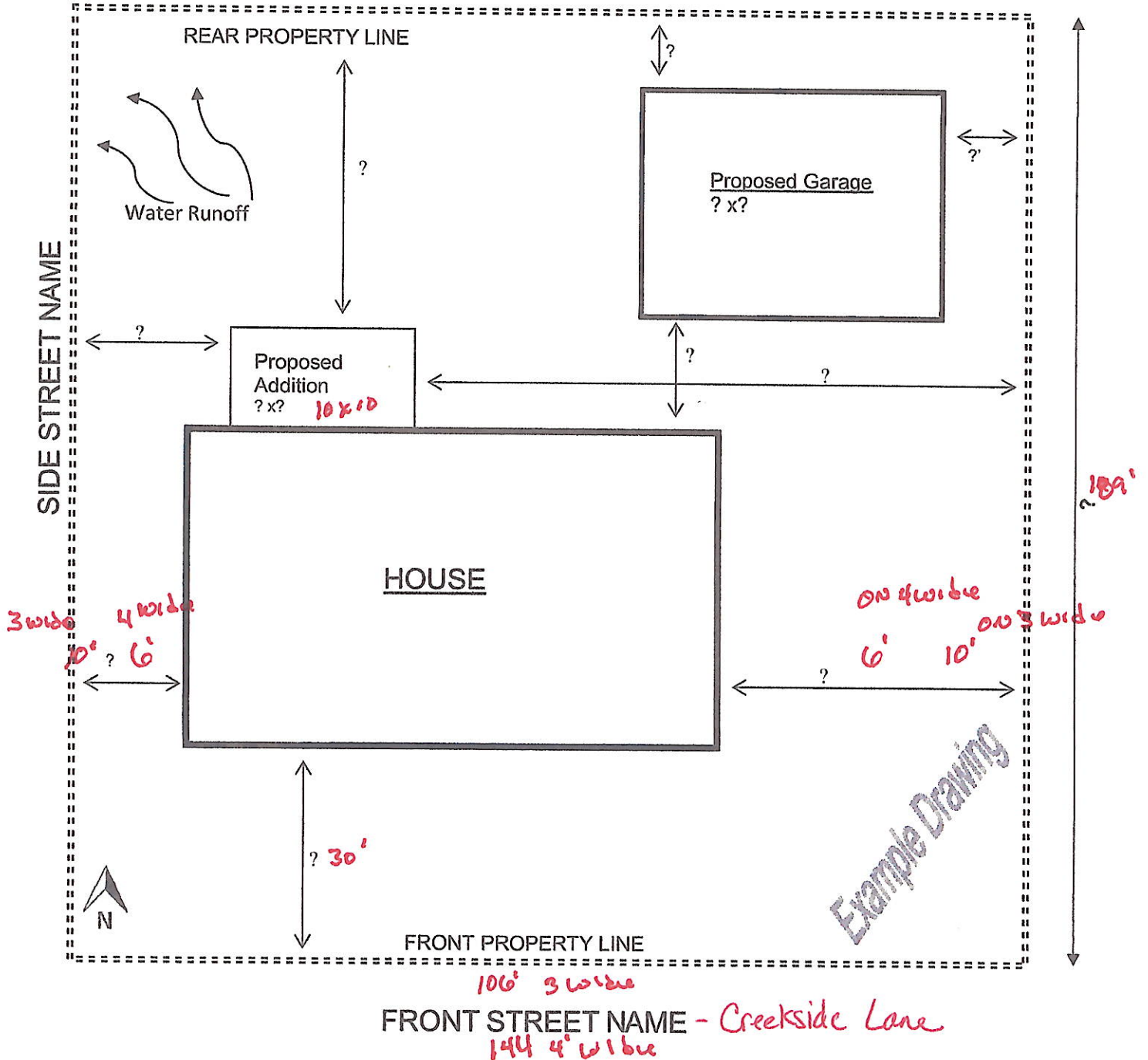
Owners signature:  Date: 5-27-2024

OFFICE USE ONLY. NEW PARCEL NUMBER: _____
APPROVED BY: ASSESSOR _____ & AUDITOR _____

SITE PLAN

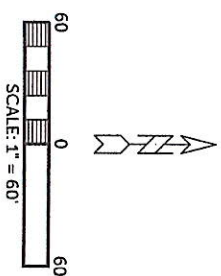
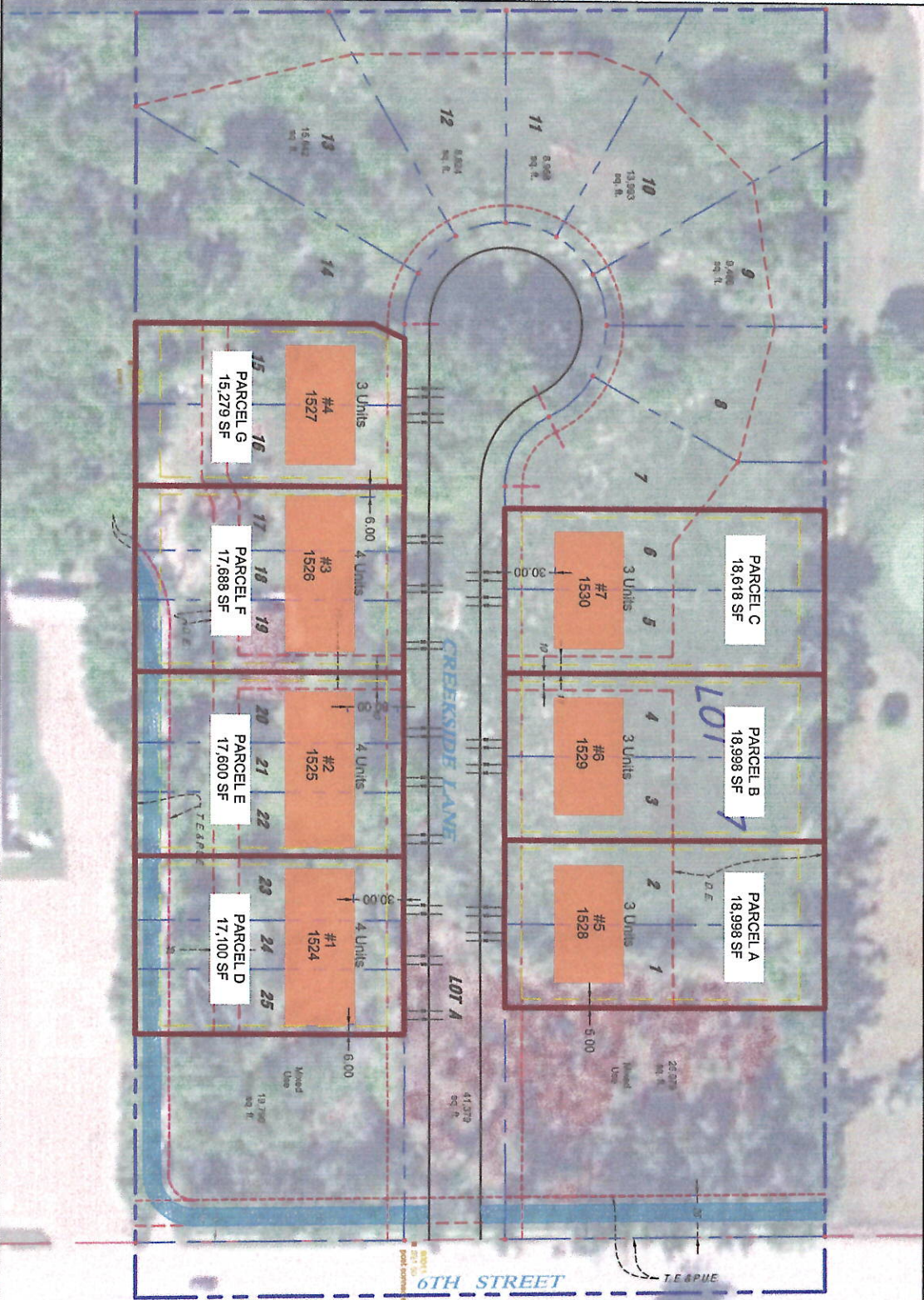
Name: *Creekside Townhomes*

Property Address: *Parcel E, Job #1525, Creekside Lane, Marshalltown, Iowa*



Please be sure to include the following items in your sketch.

- Property lines (include lot dimensions if known).
- Show the home, other structures, the street, the sidewalk and driveway.
- Existing structures & driveways with dimensions.
- Proposed work with dimensions.
- If removing existing structures, driveways or sidewalks show the portions to be removed and/or replaced.



ZONING SUMMARY
 ZONING: R-1 (RESIDENTIAL)
 PERMITTED: SINGLE-FAMILY
 BULK REGULATIONS:
 FRONT YARD: 10'
 SIDE YARD: 5'
 REAR YARD: 15'
 ALLOW DENSITY: 20.77 UNITS/AC
 MIN LOT WIDTH: 25'
 MIN LOT AREA: 1250 SF

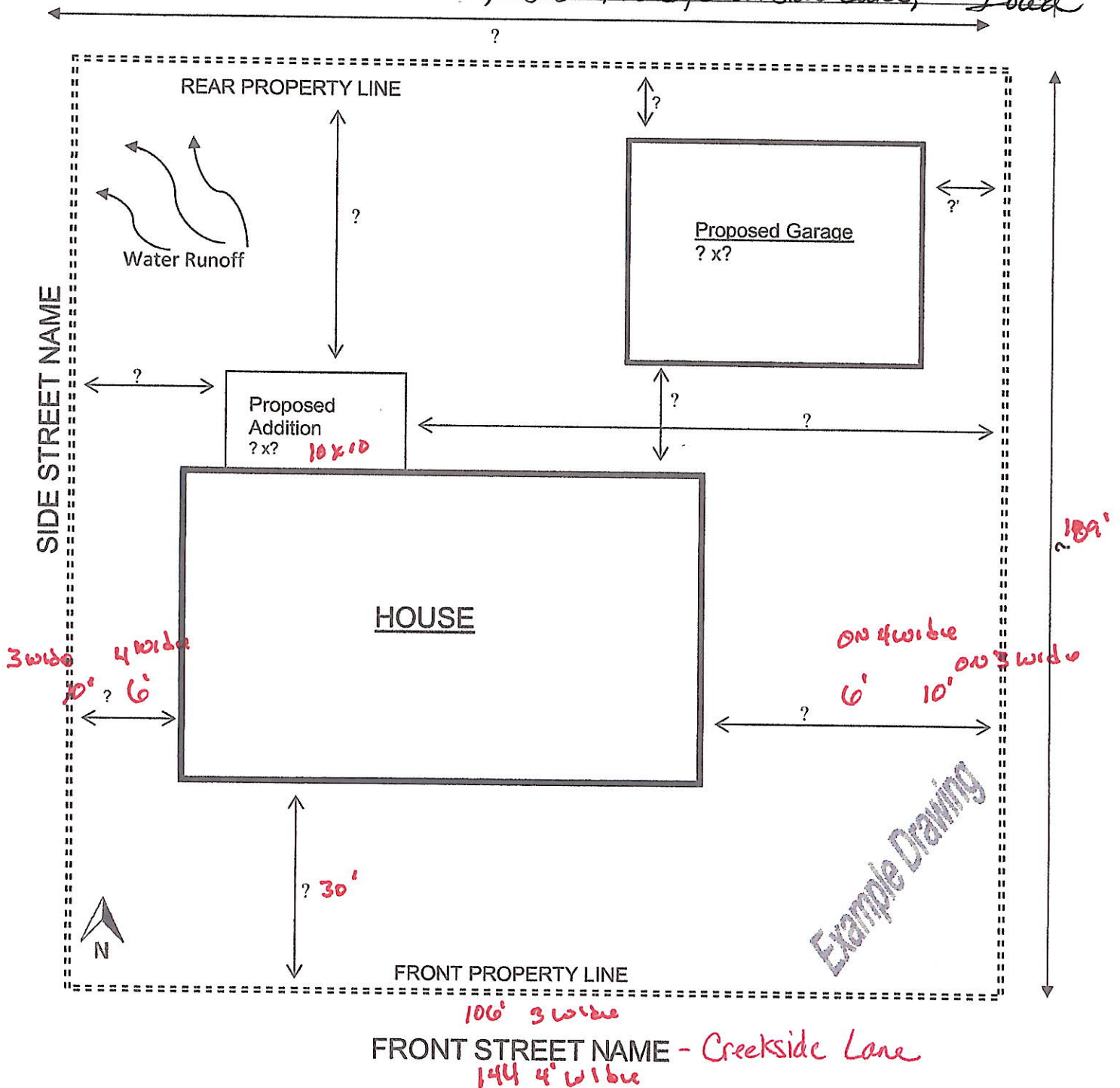
PROPOSED DEVELOPMENT SUMMARY

PARCEL A:	18,609 SF
PARCEL B:	18,609 SF
PARCEL C:	18,618 SF
PARCEL D:	17,100 SF
PARCEL E:	17,600 SF
PARCEL F:	17,688 SF
PARCEL G:	15,279 SF
TOTAL AREA:	124,281 SF (2.83 AC)
TOTAL UNITS:	24
PROPOSED UNITS/ACRE:	8.41

SITE PLAN

Name: Creekside Townhomes

Property Address: Parcel F, Job #1526, Creekside Lane, Marshalltown Iowa



Please be sure to include the following items in your sketch.

- Property lines (include lot dimensions if known).
- Show the home, other structures, the street, the sidewalk and driveway.
- Existing structures & driveways with dimensions.
- Proposed work with dimensions.
- If removing existing structures, driveways or sidewalks show the portions to be removed and/or replaced.

1526



— Marshall County Courthouse —
1 East Main Street — Marshalltown, Iowa 50158

MARSHALL COUNTY ASSESSOR

Blaze K. Wurr, County Assessor

Phone (641) 754-6305

Email: assessor@marshallcountya.gov

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- Are any of these parcels in escrow? Yes ___ No X (Parcels in escrow may not be combined)
- Parcels in different Tif areas may not be combined.
- Parcels of different class may not be combined.

Parcels may be combined if they meet the following criteria:

X They are contiguous and located within the same section, same quarter section, township, & range.

X The properties lie within the same taxing district

X The ownership is identical with the exception to Iowa Code 558.

X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creskide Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

Telephone Number: 319-777-2284 Email: bridge@comedge.com

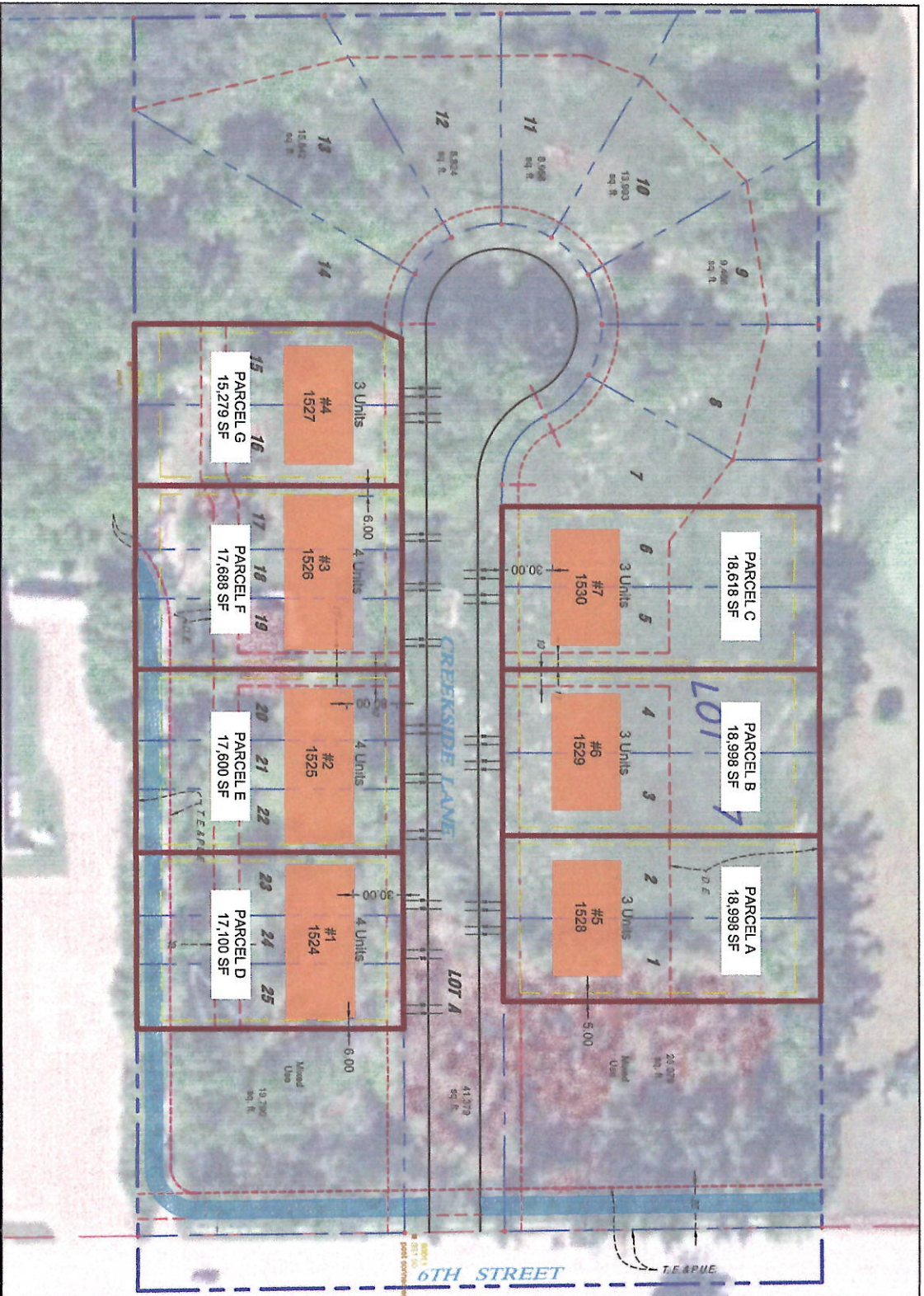
I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
8418-34-478-020	RES	LOT 19, BLK 1 CREEK SIDE EST	640228
8418-34-478-019	RES	LOT 18, BLK 1 CREEK SIDE ESTATES	640228
8418-34-478-018	RES	LOT 17, BLK 1 CREEK SIDE ESTATES	640228

Owners signature: [Signature]

Date: 5-07-2024

OFFICE USE ONLY. NEW PARCEL NUMBER: _____
APPROVED BY: ASSESSOR _____ & AUDITOR _____



ZONING SUMMARY

ZONING: M1 (MULTIFAMILY)
 PROPOSED USE: ATTACHED SINGLE FAMILY
 BULK REGULATIONS:
 FRONT YARD: 15'
 SIDE YARD: 5'
 REAR YARD: 15'
 ALLOW DENSITY: 20.77 UNIT/AC
 MIN LOT AREA: 1,250 SF

PROPOSED DEVELOPMENT SUMMARY

PARCEL A:	18,609 SF
PARCEL B:	18,618 SF
PARCEL C:	17,100 SF
PARCEL D:	17,600 SF
PARCEL E:	17,688 SF
PARCEL F:	15,279 SF
TOTAL AREA:	124,281 SF (2.833 AC)
TOTAL UNITS:	24
PROPOSED UNITS/ACRE:	8.41

1527



– Marshall County Courthouse –
 1 East Main Street – Marshalltown, Iowa 50158
MARSHALL COUNTY ASSESSOR
 Blaze K. Wurr, County Assessor
 Phone (641) 754-6305
 Email: assessor@marshallcountyiowa.gov

PLEASE NOTE:

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- Are any of these parcels in escrow? Yes ___ No X (Parcels in escrow may not be combined)
- Parcels in different Tif areas may not be combined.
- Parcels of different class may not be combined.

Parcels may be combined if they meet the following criteria:

X They are contiguous and located within the same section, same quarter section, township, & range.

X The properties lie within the same taxing district

X The ownership is identical with the exception to Iowa Code 558.

X There are no delinquent taxes due on any parcel to be combined.

Deed/Contract Owners Names: Creekside Townhomes, LLC

Address: 740 Kacena Road, Hiawatha, IA 52233

Telephone Number: 319-777-2284 Email: bridge@comedge.com

I, the undersigned, request that the following parcel numbers to be combined into a single parcel number.

Parcel Number	Class	Legal Description	Taxing District #
8418-3A-478-017	RES	LOT 10, BLK 4 CREEKSIDE ESTATES	LA0228
8418-3A-478-016	RES	LOT 15, BLK 4, CREEKSIDE ESTATES	LA0228

Owners signature: 

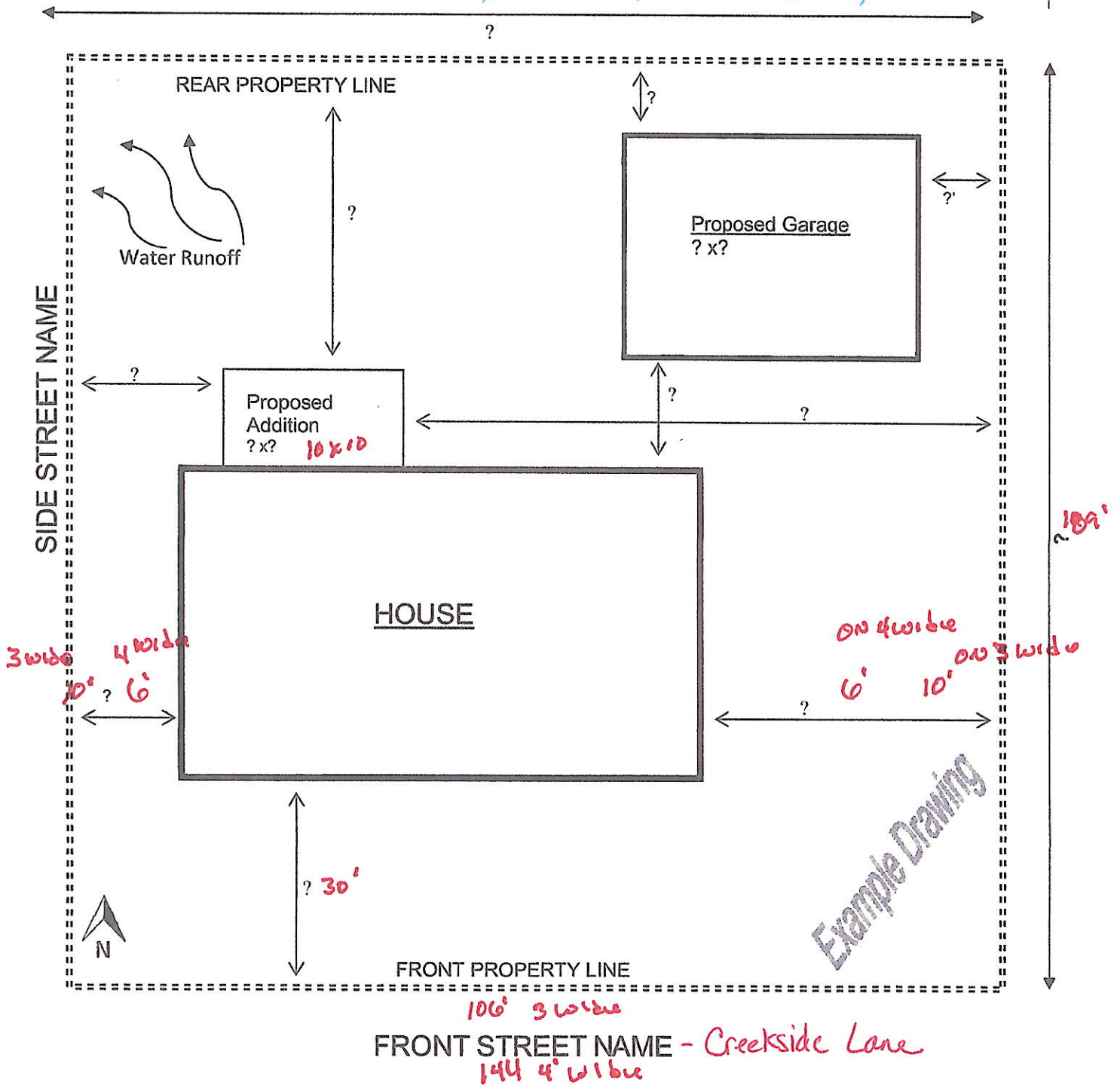
Date: 5-27-2024

OFFICE USE ONLY. NEW PARCEL NUMBER: _____
 APPROVED BY: ASSESSOR _____ & AUDITOR _____

SITE PLAN

Name: Creekside Townhomes

Property Address: Parcel G, Job #1527, Creekside Lane, Marshalltown, Iowa



Please be sure to include the following items in your sketch.

- | | |
|--|--|
| <ul style="list-style-type: none"> Property lines (include lot dimensions if known). Show the home, other structures, the street, the sidewalk and driveway. Existing structures & driveways with dimensions. | <ul style="list-style-type: none"> Proposed work with dimensions. If removing existing structures, driveways or sidewalks show the portions to be removed and/or replaced. |
|--|--|

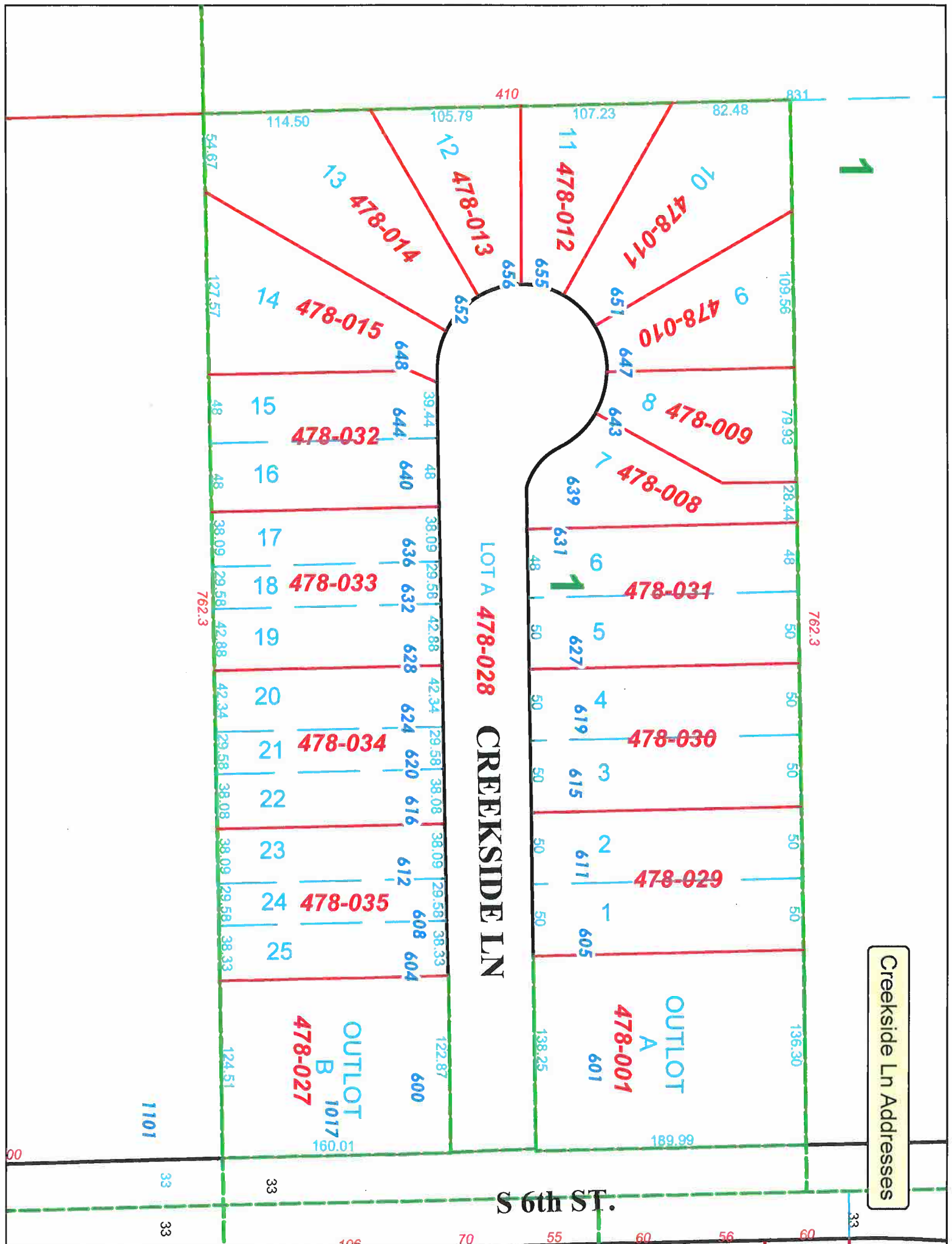


S 6TH ST

CITY OF MARSHALLTOWN
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION



ADDRESS ADDITION
CREEKSIDE LN
6/6/2024



MARSHALLTOWN

— I O W A —

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 13, 2024 – Meeting Date

SUBJECT: Discussion to Set the Public Hearing for August 15 Text Amendment for Chapter 157 Land Subdivision Regulations

Request: Discussion regarding chapter 157 subdivision and addressing how to update the language to make existing lots conforming such as mall lots allow private access and easements.

Staff Review: Zoning officer, chair of plan and zoning commission, public works director, and city administrator have provided language to include in chapter 157.

add 157.003 (B) (10) Final Plat must be submitted minimum of 60 days after the Preliminary Plats approved date. Except simple lot splits (one into two) may have the Preliminary and Final Plats submitted together if they meet the following requirements: The resulting lots have all infrastructure in place, no private access/street is involved, and each lot shall front on a publicly dedicated street.

add 157.003 (B) (11) All storm water retention pond parcels must be combined with an adjacent parcel(s) an Affidavit of Non-Severability with a developed lot and have an easement recorded on the title of all parcels the pond serves.

Add the following to 157.005 (E) (1) after the existing text:

A lot may have private access from a adjacent lot or from a private street if located in the GC or GI zone if all the following conditions are met:

- (a) Any private access or street must be complaint with fire code.
- (b) A easement must allow access to each lot that will provide street or private access. and must be registered to the property title of each lot.
- (c) Property titles of all lots must show that City will not maintain or have dedication of the private street, private access, or easement.
- (d) All storm water retention pond and/or stand alone access parcels must be combined with an adjacent parcel with an Affidavit of Non-Severability with a developed lot.
- (e) All other requirements in this code not directly related to the private access or private street still apply.

Next Steps: Finalize discussion and present as a text amendment at next Plan and Zoning Commission 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.

CHAPTER 157: LAND SUBDIVISION REGULATIONS

Section

157.001	General provisions
157.002	Rules and definitions
157.003	Procedures for platting
157.004	Presentation requirements for plats
157.005	Design standards for plats
157.006	Required minimum site improvements
157.007	Procedures for improvements
157.008	Administration
157.999	Penalty

Editor's Note

This chapter is derived from Ord. 12288, passed 8-27-1973; Ord. 14346, passed 4-8-1991; Ord. 14688, passed 11-2-2002; Ord. 14776, passed 11-14-2005; Ord. 14844, passed 9-9-2008.

§ 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.

ALIQOT 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.

(10) Final Plat must be submitted minimum of 60 days after the Preliminary Plats approved date. Except simple lot splits (one into two) may have the Preliminary and Final Plats submitted together if they meet the following requirements: The resulting lots have all infrastructure in place, no private access/street is involved, and each lot shall front on a publicly dedicated street.

(11) All storm water retention pond parcels must be combined with an adjacent parcel(s) an Affidavit of Non-Severability with a developed lot and have an easement recorded on the title of all parcels the pond serves.

~~(C)~~

~~(D)(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.

~~(E)(D)~~ Filing.

(1) The final plat, if approved, shall be filed with the Marshall County Recorder and Auditor. Any approval of the final

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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 comers 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, a lot may have private access from an adjacent lot or from a private street if located in the GC or GI zone if all the following conditions are met:

(a) Any private access or street must be compliant with fire code.

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(b) An easement must allow access to each lot that will provide street or private access, and must be registered to the property title of each lot.

(c) Property titles of all lots must show that City will not maintain or have dedication of the private street, private access, or easement.

(d) All storm water retention pond and/or stand-alone access parcels must be combined with an adjacent parcel with an Affidavit of Non-Severability with a developed lot.

(1)(e) All other requirements in this code not directly related to the private access or private street still apply.

(2) Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with

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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.

§ 157.999 PENALTY.

(1) Any person who violates any of the terms or provisions of this chapter shall be charged with a misdemeanor, punishable by a fine of not more than \$100 or by imprisonment not exceeding 30 days.

(2) In the event of a violation or threatened violation of this chapter, the City Council or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Solicitor to prosecute such action. In addition to any other penalty herein violation of the terms or provisions of this chapter is a Municipal Infraction.

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 13, 2024 – Meeting Date

SUBJECT: Discussion on Solar Array (accessory use) in PI

Request: Plan and Zoning approved a text amendment to change the solar array ground mounted and set the public hearing in May 16th and currently being reviewed as the A change in allowing solar array ground mounted as a accessory use has been requested.

Staff Review:

Ground mounted solar be permitted in PI Zoning. Additional setback requirements exist where PI when PI abuts RL, RM, RH, MU, UC, PUD zoning districts and requires a minimum 75' setback from the nearest buildable lot within that zoning district. Potentially having a minimum lot of size requirements could also reduce the amount of locations in the PI.

Here is the location for

- Unity Point
- Iowa Valley Community College
- McFarland Clinic
- Hoglan Elementary
- Fisher Elementary
- High School
- St. Henry's Church & School
- Lenihan
- First Baptist
- Marshalltown Christian School
- Grandview Heights
- Fellowship Baptist
- Faith Assembly of God
- Anson Elementary
- Anson Park
- Marshalltown Arts & Civic Center
- Miller Middle School
- Library
- Woodbury Elementary
- Rodgers Elementary
- Franklin Elementary
- Iowa Veteran's Home

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.

- Water Pollution Control

Next Steps:

Make recommendations to the proposed changes for chapter 156. Set a public hearing for the text amendment for the next meeting on May 16,

Housing & Community Development

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

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 13, 2024 – Meeting Date

SUBJECT: Discussion for Chapter 72 (Parking Rules) and Chapter 156 E Parking, Loading, and Stacking 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.

1. To 156.E.003 (A) (4) add "See screening per 156.F.005"
2. Change 156.E.003 (B) (2) to eliminate "service vehicles" and "grass" from the language.
3. To end of text add "or 156.F.005 screening"
4. 156.E.004 (B) (1) Change "is not part of " to "is part of " Add to end of text "and shall be counted in the Minimum Spaces and Maximum Spaces of table 156.E.004 for Household Living;
"
5. Table 156.E.004 Household Living change "4 per dwelling unit" to "6 per dwelling unit"
6. Table 156.E.004 for Educational Facilities and Medical Facilities eliminate the Maximum Spaces restriction.

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

DRIVEWAY. A surface consisting of materials allowed in section § 72.203 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 vehicles, trailers, recreational 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 vehicles, trailers, recreational 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.

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

RECREATINAL VEHICLE- A vehicle designed for recreational use such as camping (means a vehicular or portable unit designed to be mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, fifth wheel trailers, camping trailers, motor homes, or truck campers which may be used as a temporary dwelling or sleeping place.)

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 or recreational vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (A) On a sidewalk or portion thereof;
- (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, trailer, or recreational 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 dirt except as otherwise noted in this chapter

(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, trailer, or recreational 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, trailer, or recreational vehicle stopped or parked upon a roadway shall be stopped or parked with the wheels of such vehicle, trailer, or recreational vehicle parallel with and within 18 inches of the curb, and not closer than four feet end to end from another vehicle, trailer, or recreational 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 vehicle, trailer, or recreational vehicle 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, trailer, or recreational 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, trailers, or recreational vehicles parked within the city in violation of ordinances regulating parking of such vehicles, trailers, or recreational vehicles..

(B) Owner's responsibility. If any vehicle, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle, trailer, or recreational vehicle constitutes an obstruction to traffic, such officer is authorized to provide for the removal of such vehicle, trailer, or recreational 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, or recreational vehicle whether attended or unattended, upon the main-traveled part of the street when it is practical to stop, park or so leave such vehicle, trailer, or recreational 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, trailer, or recreational vehicle shall be left for the free passage of other vehicles, trailers, or recreational vehicles, and a clear view of such stopped vehicles, trailers, or recreational vehicles 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, trailers, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational vehicle in such position.

(C) Whenever any peace officer finds a vehicle, trailer, or recreational vehicle standing upon a street in violation of any of the provisions of this section, such officer is authorized to move such vehicle, trailer, or recreational vehicle or require the driver or other person in charge of the vehicle, trailer, or recreational vehicle to move the vehicle, trailer, or recreational 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, trailer, or recreational 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 vehicle, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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 vehicles, trailers, or recreational vehicles are marked or painted upon the surface of any street or municipally owned or leased parking lot, the driver or operator of any vehicle, trailer, or recreational vehicle shall park the vehicle, trailer, or recreational 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 vehicle, trailer, or recreational 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 vehicle, trailer, recreational 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, trailer, or recreational 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 vehicle, trailer, or recreational 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, trailer, or recreational 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 vehicle, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational vehicle running and persons performing the collection services stays at or within 30-feet of the vehicle, trailer, or recreational 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, trailer, or recreational vehicle, including a vehicle, trailer, or recreational 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 trailer or recreational 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, trailer, or recreational vehicles left on municipally-owned parking lots. Any vehicle, trailer, or recreational 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 vehicle, trailer, or recreational 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 vehicle, trailer, or recreational 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.

(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 (shall be a minimum of 6 inches) or Asphalt (shall be an equivalent strength)	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 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 second 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.
- 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 :

- iii. There shall be a maximum of two trailers, any vehicle, trailer, or recreational vehicle larger than 30' counts as two.

(3) The vehicle, trailer, or recreational 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.

(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 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 vehicle, trailer or recreational vehicle in the front yard of any residential lot, unless the vehicle, trailer or recreational 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 vehicles, trailers, or recreational 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, trailer, or recreational 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, trailer, or recreational vehicle cannot be determined, any person, corporation or legal entity who was the registered owner of such vehicle, trailer, or recreational 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 per table 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 vehicles, trailers, recreational vehicles, 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 § 72.203 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailers, or recreational vehicles required to stop at railroad crossings.

(1) (a) The driver of a vehicle, trailer, or recreational 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, trailer, or recreational 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 vehicle, trailer, or recreational vehicle or registration plate to become delinquent shall be deemed to be a habitual violator.

(C) No person shall park a vehicle, trailer, or recreational 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, trailer, or recreational vehicle in the status of an illegally parked vehicle, and the vehicle, trailer, or recreational 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, trailers, or recreational vehicles or cause vehicles to be removed and impounded when the vehicles, trailers, or recreational 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, trailers, or recreational 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 vehicle, trailer, or recreational vehicle impounded pursuant to § 72.502 of this chapter may claim the vehicle, trailer, or recreational 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, trailer, or recreational 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 vehicle, trailer, or recreational vehicle was impounded pursuant to § 72.501 of this chapter, all delinquent parking citation-complaints must be satisfied. An administrative fee set by resolution will be required, payable to the City Clerk. (D) If the vehicle, trailer, or recreational vehicle is not claimed until after a hearing requested pursuant to § 72.073 of this chapter, the vehicle, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational 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, trailer, or recreational vehicle and any personal property contained within the vehicle, trailer, or recreational 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, trailer, or recreational vehicle and personal property contained within the vehicle, trailer, or recreational vehicle in question. The department causing the vehicle, trailer, or recreational vehicle to be impounded shall carry the burden of establishing that there was probable cause to impound the vehicle, trailer, or recreational vehicle in question. The Hearing Officer shall decide only that either there was probable cause to impound the vehicle, trailer, or recreational vehicle and contents, or there was no probable cause to impound the vehicle, trailer, or recreational vehicle and contents. If the Hearing Officer determines there was probable cause to impound the vehicle, trailer, or recreational vehicle and contents, the registered owner or person having legal entitlement to possession of the vehicle, trailer, or recreational vehicle is responsible for payment of all charges attributable to the impoundment and storage of the vehicle, trailer, or recreational 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 set by resolution (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, trailer, or recreational 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 fee set by resolution.

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

(2013 Code, § 20-168)

Fee set by resolution(2013 Code, § 20-234)

(D) (1) Number of parked vehicles, trailers, or recreational 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, trailers, or recreational 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 vehicle, trailer, or recreational 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) Fee set by resolution. (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 [see screening per 156.F.005.-](#)
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*.

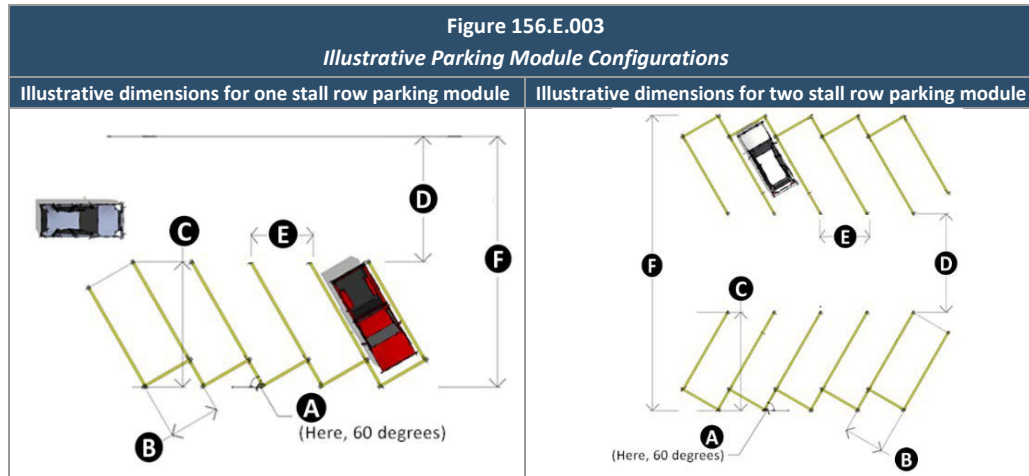
Table 156.E.003
Minimum Parking Module Dimensions

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



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 refer to 156.F.005 screening.
- 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.**
- This Section applies to all uses and structures in all zoning districts, except as provided below.
 - 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:
- 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; and shall be counted in the Minimum Spaces and Maximum Spaces of table 156.E.004 for Household Living
 - Encroachment.* The area does not encroach upon a public sidewalk;
 - Surface.* The area has an improved hard surface as required in Section 156.E.003.B, *Surfacing and Drainage*; and
 - 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	6 4 per dwelling unit
	Dwelling, Single-Family Detached	2 per dwelling unit	6 4 per dwelling unit
	Dwelling, Duplex	2 per dwelling unit	6 4 per dwelling unit
	Dwelling, Townhouse	2 per dwelling unit	6 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	<u>1</u> 1-per 300 SF GFA	--1 per 250 SF GFA

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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
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

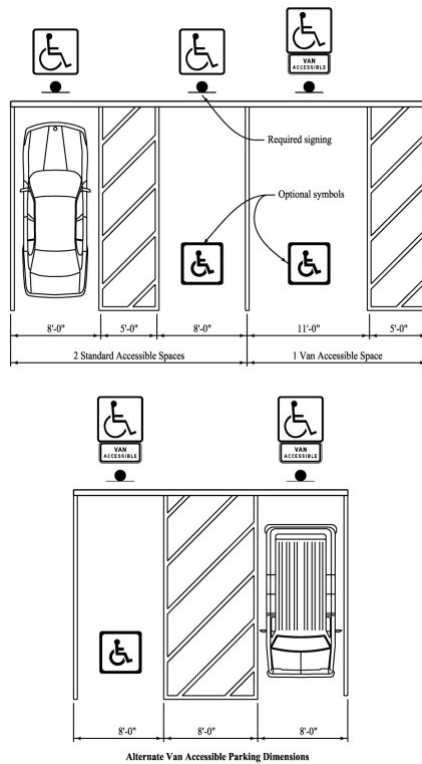
- A. **Number of Required Spaces.** Parking for disabled persons shall be provided as set out in [Table 156.E.005-1, Accessible Parking Requirements](#), or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities 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 ¹ Refer 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

