

PARKING NOTICE:

Due to State Street Reconstruction, we ask the public attending this meeting to park in the Coliseum Parking lot (off 1st St) and utilize the alley to walk to the Park & Recreation entrance for attendance. The City will arrange special accommodations for any mobility concerns, please call 641-754-5701.

MARSHALLTOWN

— I O W A —

PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Thursday, August 15, 2024, at 5:00 pm

City Council Chambers, City Hall

10 West State Street, Marshalltown, IA 50158

1. CALL TO ORDER

2. ROLL CALL

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

3. Approve Minutes For 7/9/24 And Revised Minutes For 6/26/24 Meetings

Documents:

- 3. 06262024_PZ_Min_FINAL CK Rev.pdf
- 3. 07092024_PZ_Min_CK.pdf

4. Public Hearing On Chapter 156 Article E Parking, Loading, And Stacking

Documents:

[4. Chapter 156 Parking Amendment \(SCL 7.22.24\).pdf](#)

4.1. Motion To Report Recommendations On Chapter 156 Article E Parking, Loading, And Stacking To The City Council

5. Review Additional Changes Provided By City Staff To Chapter 72: Parking Rules

Documents:

[5. Chapter 72 Parking Rules Mark-up 07092024_mtg rev.pdf](#)

6. Discussion On Chapter 156 Table 156.B.004-1 Residential District Lot And Building Standards

Documents:

[6. Table 156 B 004-1.pdf](#)

[6. Comments for the Table 156.B.004-1.pdf](#)

7. Adjourn

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – June 26, 2024

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

Roll Call:

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

Absent: Gruendler and Isom

Item 3: Approve Meeting Minutes from June 13, 2024

Minutes are approved as distributed.

Item 4: Public Hearing and Recommendation to City Council for Rezoning Request For 600, 601,602, 603, 611, 612, 621, 622, 629, 630, 631, 632, 633, 634, 635, 636, And 637 Creekside Ln

Boston opened the public hearing at 5:01 PM. No public comments. Public hearing was closed at 5:02 PM. Boston reviewed that the mixed-use was not appropriate for the proposed development which required structures to be built to (property) line with garages located in the rear. The current request will be rezoned to Medium Density Residential zoning (RM). Cindy Kendall informed the commission members that garages would be located in the front. The Commission discussed whether this be a multiplex. Zoning defined was confirmed this would be a multiplex since units are all located on one lot.

Valbracht made the motion to make the Recommendation to City Council for Rezoning Request for 600, 601,602, 603, 611, 612, 621, 622, 629, 630, 631, 632, 633, 634, 635, 636, and 637 Creekside Ln. Brodin seconded. Motion carried 5-0.

Item 5: PUBLIC HEARING and RECOMMENDATION on text amendment for Chapter 157 Land Subdivision Regulation

Boston opened the public hearing on 5:03PM. No public comments. Public hearing was closed at 5:04. Boston stated that all the changes were from the last meeting. and just would like to send recommend to city council including the fourteen days submitting.

Brodin motioned to adopt the changes to Chapter 157 Land Subdivision Regulation. Seconded by Valbracht. Motion carried 5-0.

Item 6: Discussion on Chapter 72 and Chapter 156 E Parking, Loading, and Stacking.

Boston noticed an error on the table which shows parking space of nine and half feet which would not match with the chapter 72. Eilers has some questions regarding the grammatical errors. Eilers would send the changes to chapter 72. Eilers asked by section 72.101 includes **P** on any grass or direct except as otherwise noted in this chapter. Boston said the reason was it was not stated in this chapter. Eilers asked why 72 chapter is allowed in public parking and not in public street. Heather Thomas Public Works director change was made for downtown housing parking. Thomas was concerned with construction and agricultural equipment. Commission decided to remove from chapter 72 Residential Parking Section (B). Setting the date for a public hearing will be at the next meeting as it was not on the agenda.

1. Discussion on Ground Mounted Solar Array in PI (Public Institution)

Boston would not like to review this topic and potentially have a consultant for the solar array to be allowed in the zoning ordinance. Erin Carpenter 802 N 4th St spoke on this discussion. Solar array is a new era for generating energy. Iowa needs to be more competitive. There is free technical support with solar policies.

Meeting Adjourned at 6:45 pm.

Plan and Zoning Commission

Meeting Minutes – July 9, 2024

Meeting was called to order by Chairman Boston at 5:00 PM in the City Council Chambers at 10 W. State Street, Marshalltown, IA

Roll Call:

Present: Boston, Brodin, Casady, (attended remotely) and Eilers.

Absent: Gruendler, Isom and Valbracht

Also attending, Heather Thompson, Public Works director and Cindy Kendall, Consultant

Item 3: Approve Meeting Minutes from June 26, 2024

After discussion, the June 26 minutes are to be corrected and brought back to the Commission at the August 15, 2024 meeting for approval.

Item 4: Review Chapter 156 Article E Parking, Loading, Stacking and Set Public Hearing for August 15

After minor and grammatical corrections and discussion, a motion was presented by Eilers, seconded by Brodin to accept the final comments and set the public hearing for August 15, 2024. Ayes: Boston, Brodin, Casady and Eilers. Carried.

Item 5: Discussion on Chapter 72 Parking

Those present reviewed various display and other grammatical changes along with:
72.106 clarified that this section applied to any **state or federal highway**
72.117 Underscore the first sentence in paragraphs A, B, and C to indicate title of that section.
Also in (C) insert the word “is” ...to read.. municipal parking lots is prohibited.

Meeting Adjourned at 5:35 pm.

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
CITY OF MARSHALLTOWN, IOWA
CHAPTER 156 (PARKING, LOADING, AND STACKING)**

WHEREAS, the City Council of the City of Marshalltown, Iowa, has adopted Chapter 156 (Parking, Loading, and Stacking); and

WHEREAS, the City Staff has identified various provisions of Chapter 156 pertaining to parking design and required off-street parking that require amendment; and

WHEREAS, the City Council finds the following amendments to Chapter 156 to be in the best interest of the City and the public in general.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. Amendment. Sections 156.E.003(A) and 156.E.003(B), and Table 156.E.003 are hereby amended as follows, with underlining indicating added text and strikethroughs indicating removed text:

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 as required per 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 9	16.8	12.9	11	18	18	44.6	43.8
45	9.5 9	19.1	15.9	13	18	12.7	51.2	49.8
60	9.5 9	20.1	17.8	18	18	10.4	58.2	53.6
90	9.5 9	18	18	24	24	9	42	60

Parallel	9.5 9 ¹	21 ² (length)	21 ² (length)	12	18	N/A	30	36
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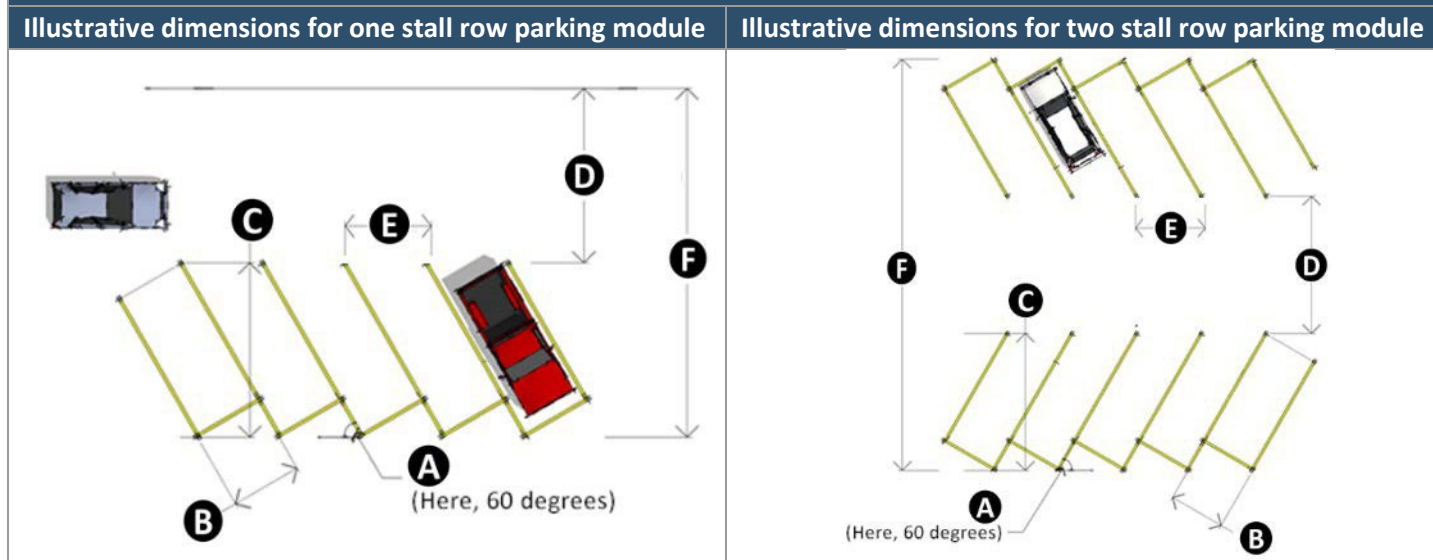
TABLE NOTES:

¹End spaces must be ~~12~~ 10 feet

² ~~End spaces must be 18 feet.~~ Please note that accessible stalls allow 8 foot with a minimum 5 foot no parking area next to them.

Figure 156.E.003

Illustrative Parking Module Configurations



B. Surfacing and Drainage.

1. *Paving and Grading.* Except as set forth in Subsection D, *Alternative Paving Materials*, below, all off-street parking areas, driveways, and access drives must be paved with an all-weather surface and graded and drained as to dispose of all surface water accumulations within the area.
2. *Equipment .* Areas in rear and interior side yards used to store equipment used in connection with the operation of a business located on the premises in areas zoned General Commercial or General Industrial, may be surfaced with gravel ~~or grass~~ that is maintained to eliminate blowing dust and erosion and must be screened per 156.F.005 Screening when adjacent to residential use or zoned areas or public right-of-way.

Section 2. Amendment. REQUIRED OFF-STREET PARKING

Section 156.E.004(B) and Table 156.E.004 are hereby amended as follows, with underlining indicating added text and strikethroughs indicating removed text:

- 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~~ 9 feet wide and ~~20~~ 18 feet deep in dimension and ~~is not~~ may also be part of an access drive to a private garage or carport and shall be counted in the Minimum 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.

Table 156.E.004 Minimum and Maximum Parking (For External Parking)			
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable			
Use Category	Subtype	Minimum Spaces	Maximum Spaces
Residential and Agricultural			
Household Living	Dwelling, Apartment	1 per dwelling unit	1 per bedroom
	Dwelling, Single-Family Attached	2 per dwelling unit	4 <u>6</u> per dwelling unit
	Dwelling, Single-Family Detached	2 per dwelling unit	4 <u>6</u> per dwelling unit
	Dwelling, Duplex	2 per dwelling unit	4 <u>6</u> per dwelling unit
	Dwelling, Townhouse	2 <u>1</u> per dwelling unit	4 <u>6</u> 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	± <u>2</u> per 2 beds

Table 156.E.004 Minimum and Maximum Parking (For External 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 <u>2</u> per dwelling unit
	Bed and Breakfast Home	1 per bedroom	1 <u>2</u> 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 <u>2 per lot</u>
	Kennel	1 per 1,000 SF GFA	1 per 250 SF GFA
	Plant Nursery, Greenhouse, and Landscaping Business	--	--
	Veterinary Clinic	1 per 500 SF GFA	1 per 200 SF GFA
	Veterinary Hospital	1 per 500 SF retail area	1 per 300 SF retail area
	Crop Production	--	--
	Nursery (Retail)	1 per 500 SF retail area	1 per 200 SF retail area
	Stable (Public or Commercial)	1 per horse boarded	2 per horse boarded
Public and Institutional			
Day Care	Adult Day Care	1 per employee	1.75 per employee
	Pre-School or Child Day Care Center	1 per employee	1.75 per employee
	Group Day Care Center	1 per employee	1.75 per employee
	Botanical Garden, Nature Preserve or Trail	--	--
	Bus or Train Passenger Terminal	--	--
Educational Facilities	College or University	1 per 400 SF office, research, and library area; plus 1 space per 300 sq ft assembly areas and classrooms	1 per 300 SF office, research, and library area; plus 1 space per 250 sq ft assembly areas and classrooms --
	Training Facility or Vocational School	1 per 300 SF GFA	1 per 250 SF GFA --

Table 156.E.004 Minimum and Maximum Parking (For External 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 (For External 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
(For External 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
(For External Parking)

SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable

Use Category	Subtype	Minimum Spaces	Maximum Spaces
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Notes:

¹ In addition to the required and maximum for the primary use.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. When Effective. This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

Passed this ____ day of _____ 2024 and signed this ____ day of _____ 2024.

CITY OF MARSHALLTOWN, IOWA

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____ 2024, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____ 2024.

Alicia Hunter, City Clerk

CHAPTER 72: PARKING RULES

Section

General

72.001 Definitions

Stopping, Standing or Parking

72.101 General prohibition

72.102 Overtime and alternate parking

72.103 Semi-tractors, trucks or trailers

72.104 Responsibility for vehicles

72.105 Removal of unattended vehicle from bridge, tunnel or causeway

72.106 Stopping on traveled way

72.107 Moving another's vehicle

72.108 Theaters, hotels and auditoriums

72.109 Parking at right-hand curb

72.110 Parking within lines

72.111 Parking over 24 hours

72.112 Bus stops and taxicab stands

72.113 Street right-of-way & Terrace parking

72.114 Median strips

72.115 Parking in alleys

72.116 Parking vehicles for display or sale

72.117 Municipally-owned parking lots

72.118 Street parking near intersections

Parking on Residential Properties

72.201 Purpose

72.202 Scope

72.203 Driveways; number, composition, location and size

72.204 Driveway extensions in front yards; exceptions

- 72.205 Residential parking
- 72.206 Unlicensed, inoperable vehicles
- 72.207 Responsibility for violations
- 72.208 No prior notice, warning required

Parking on Business Properties

- 72.301 Purpose
- 72.302 Scope
- 72.303 Driveways and parking
- 72.304 Unlicensed, inoperable vehicles
- 72.305 Responsibility for violations
- 72.306 No prior notice, warning required

Special Stops

- 72.401 Railroads; obedience to signals; crossings
- 72.402 Primary roads designated as through highways
- 72.403 Emerging and yielding when emerging from private roadway, alley, building or driveway

Habitual Violator Penalty and Procedures

- 72.501 Habitual violator
- 72.502 Removal and impoundment of illegally parked vehicles
- 72.503 Right of owner to redeem impounded vehicle
- 72.504 Right to hearing
- 72.505 Conduct of hearing

Penalty

- 72.999 Penalty

GENERAL

§ 72.001 DEFINITIONS.

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

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

BUSINESS: 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, or recreational vehicles 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 or entrance, 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 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 containing the primary entrance. Refer to § 156: Zoning for additional information.

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, side street front, or side yard. Refer to § 156: Zoning for additional information.

RECREATIONAL 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 STREET FRONT YARD. On a corner lot, the portion of the parcel adjacent to street right-of-way that is between the front yard and parcel line opposite of the side of the primary entrance of the primary structure or dwelling. The side street front yard extends along the side of structure/dwelling and the side street to the rear lot line. Refer to § 156: Zoning for additional information.

SIDE YARD. The portion of the parcel that is between the front yard and the rear and furthest face of the primary structure or dwelling that is not adjacent to street right-of-way. Refer to § 156: Zoning for additional information.

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 signed;
- (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 as referenced by table 156.008.a-1 Visibility Triangle

(P) On any grass or dirt except as otherwise noted in this chapter or § 156: Zoning.

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

Commented [AH1]: Change to 72.999 (waiting for confirmation from PD)

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 § 712.999

Commented [AH2]: Change to 72.999.

§ 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 an 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 § 712.999

Commented [AH3]: Correct to 72.999 (waiting on PD for confirmation)

§ 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 § 712.999

Commented [AH4]: Change to 72.999.

§ 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) (i) Upon any state or federal highway outside of 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 paved or improved or main-traveled part of the state or federal highway when it is practical to stop, park or so leave such vehicle, trailer or recreational vehicle off such part of the state or federal highway, but in every event a clear and unobstructed width of at least 20 feet of such part of the state or federal highway 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 state or federal highway; provided, however, school buses may stop on a state or federal highway for receiving and discharge 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.

(A) (1) (ii) Upon any street outside of 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 portion of the street designed for the through movement of vehicles, exclusive of auxiliary lanes or designated parking lanes/areas thereon as otherwise permitted by the City or as set forth in approved ordinance; provided, however, school buses may stop on a street for receiving and discharge of 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 or trailer 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

Commented [AH5]: OK

§ 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

Commented [AH6]: OK

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

Commented [AH7]: Change to 72.999

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

Commented [AH8]: Change to 72.999

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 § 742.999

Commented [AH9]: Change to 72.999.

§ 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; however, this section shall not apply to vehicles, trailers or recreational vehicles, machinery, mobile or movable equipment 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.

(2013 Code, § 20-178) (Ord. 11652, passed 4-15-1970) Penalty, see § 742.999

Commented [AH10]: Change to 72.999

§ 72.112 BUS STOPS AND TAXICAB STANDS.

It shall be unlawful to stop, park or leave standing any vehicle, ~~trailer, or recreational vehicle~~ 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 § 742.999

Commented [AH11]: Change to 72.999

§ 72.113 STREET RIGHT-OF-WAY & TERRACE PARKING.

Absent there being a designated parking area that does not create a visual hazard pursuant to 156.B.008a-1, 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 (if present) or right-of-way property 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; however, this section shall not apply to vehicles, trailers or recreational vehicles, machinery, mobile or movable equipment 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.

(2013 Code, § 20-180) (Ord. 68, passed 8-14-1950; Ord. 8141, passed 7-11-1951; Ord. 14206, passed 11-13-1984) Penalty, see § 742.999

Commented [AH12]: Change to 72.999

§ 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 § 712.999

Commented [AH13]: Change to 72.999

§ 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, even for loading or unloading, where the city has strictly prohibited blocking of such alley by the posting of permanent or temporary signage. This subsection shall not apply to garbage, refuse or recycling collection where loading and unloading occurs with the vehicle running; persons performing the collection services stay within 30 feet of the vehicle at all times; services are immediately and continuously rendered until the vehicle is moved; and services are anticipated to take less than 2 minutes.

(B) If no designated signage prohibiting the blocking of an alley exists, an alley may be blocked only for the purposes of loading or unloading for a reasonable period of time, and in no event shall exceed 30 minutes.

(2013 Code, § 20-182) (Ord. 68, passed 8-14-1950; Ord. 8141, passed 7-11-1951) Penalty, see § 712.999

Commented [AH14]: Change to 72.999

§ 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 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

Commented [AH15]: Need to confirm how this is enforced.

§ 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, trailers, 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 § 712.999

Commented [AH16]: Change to 72.999

~~-(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, except as allowed by § 93.007 Alcoholic Beverages.~~

Commented [AH17]: Delete – this is covered in 130.030 and not relevant to Parking Rules.

(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. In areas where no sidewalk exists, it shall be the extension of the street right-of-way line.
- (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. In areas where no sidewalk exists, it shall be the extension of the street right-of-way line.
- (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 § 712.999

Commented [AH18]: 72.999 (C) outlines this penalty.

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 in this subchapter apply to all residential zoned 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 Permit, Special Use Permit, 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 / Side Street Front Yard Driveway & Extension Materials	Allowable Rear and Side Yard Driveway & Extension Materials
Driveways Installed prior to 2010 & Continuously Maintained	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 10/01/2024	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 10/01/2024	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 driveway shall not lead perpendicularly 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, recreational vehicles and trailers, must be 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 must be connected to a driveway leading from an approved curb drop or entrance.
- c. The maximum number of vehicles, recreational vehicles, and trailers, allowed to be parked at one time on a parcel outside of a permanent roofed enclosure shall be as follows:
 - i. Dwelling, Single-Family Attached; Dwelling, Single-Family Detached; Dwelling, Duplex; Dwelling, Townhouse; and Dwelling, Multiplex:
 - 1. Maximum quantity shall be in accordance with § 156.E.004.
 - 2. Any vehicle, trailer, or recreational vehicle longer than 30-feet in length shall count as two.
 - 3. There shall be a maximum of two trailers.
 - ii. Dwelling, Apartment:
 - 1. Maximum quantity shall be in accordance with § 156.E.004.
 - 2. Any vehicle, trailer, or recreational vehicle longer than 30-feet in length shall count as two.

(3) The vehicle, trailer, or recreational vehicle wheels and any component touching the ground must be located entirely on surfacing in accordance with § 72.203.A.

(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.~~

Commented [AH19]: Remove since this whole section is subject to 72.999 as reference at the end of the section.

(C) *Width of driveway.*

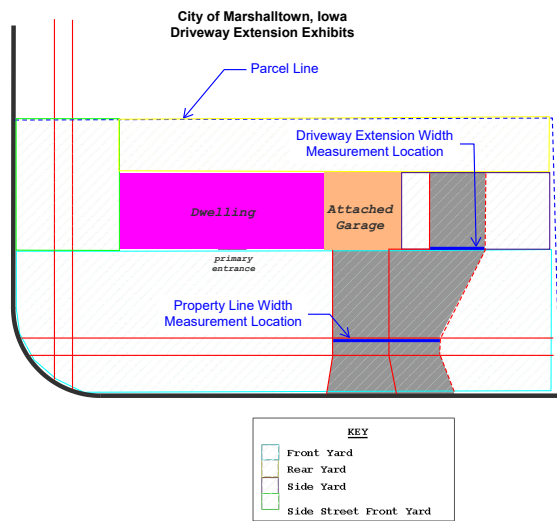
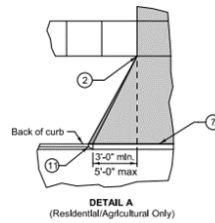
- (1) The maximum width of a driveway shall be based on the vehicle stall count of the permanent roofed vehicle enclosure (garage) and be no wider than the following:

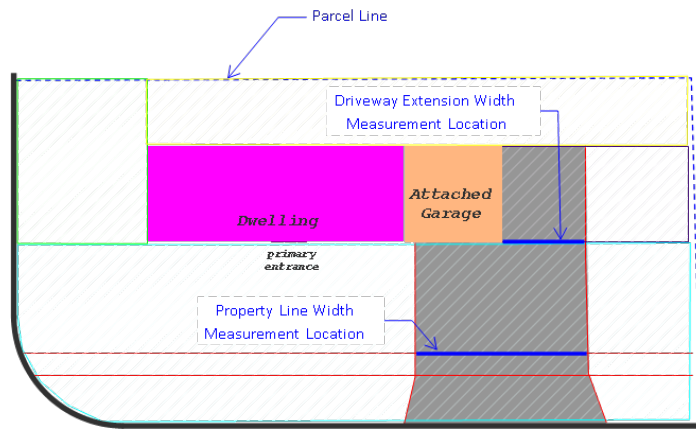
No connected garage	10 feet (plus a maximum of one driveway extension)
1 vehicle stall wide garage	12 feet (plus a maximum of one driveway extension)
2 vehicle stall wide garage	24 feet (plus a maximum of one driveway extension)
3 vehicle stall wide garage	24 feet (plus a maximum of one driveway extension)
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 a maximum of one driveway extension

- (2) The driveway width shall be measured at the property line, as shown on the following exhibit.
- (3) 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 stall count or allow driveway tapering. All approvals shall be noted on the driveway permit.
- (4) A driveway extension shall be a maximum width of 10 feet. If a driveway extension runs past the front face of the dwelling or garage as a driveway extension, the driveway extension maximum width shall be measured

perpendicular to the driveway extension at the location where the extension passes the front face, as shown on the following exhibit.

- (5) In situations where a driveway extension is located along the side of a structure with a roof overhang that causes conflict of vehicles, trailers, or recreational vehicles, the driveway extension may be increased in width by the amount of the roof overhang, up to four feet. Driveway extension tapering or width changes shall be utilized to reduce the allowable width back to the requirements, as documented on the driveway permit.
- (6) A curb cut or entrance may flare out between the property line and an approved entrance or curb cut in accordance with Marshalltown Supplementary Specifications to SUDAS, so long as not to cross a property line without written/recorded permission from the adjacent property owner. For Reference Only (SUDAS 2024 allows 3-5' flare)





(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.

(G) Reasonable variations from these requirements may be approved by the City Engineer and the Planning Department jointly for unforeseen situations or unusual property configurations.

(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

Commented [AH20]: OK

§ 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](#)

Commented [AH21]: OK

§ 72.205 RESIDENTIAL PARKING.

(A) *Residential 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 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) 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](#)

Commented [AH22]: OK

§ 72.206 UNLICENSED, INOPERABLE VEHICLES.

(A) 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, side street front, 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.

(B) Nuisance vehicle removal, storage, redemption or disposal regulations are outline in § 95.010.

(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

Commented [AH23]: OK

§ 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 to 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 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 Permit, Special Use Permit, Variance, or other zoning related requirements and waivers shall govern if a conflict in parking requirements is 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 and parking.

(1) Front yard.

a. Parking of all 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 or applicable sections of § 156 Zoning.

b. Only one driveway shall be allowed in a front yard per street frontage except where the driveway was approved as part of a parking lot.

c. No driveway shall be located in front of a dwelling unless it is the entrance to an approved parking lot.

d. A driveway shall not lead perpendicularly 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 or applicable sections of § 156 Zoning.

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 a majority sales being agricultural products or equipment and the lot(s) owned by the business site total over four acres, product or equipment for sale may be displayed on grass or gravel.

b. For a group gathering (party, club, reception, meeting, community event, etc.) an 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 regulations.

§ 72.304 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.

§ 72.305 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.

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

SPECIAL STOPS

§ 72.401 RAILROADS; OBEDIENCE TO SIGNALS; CROSSINGS

(A) *Obedience to signal of train.*

(1) Whenever any ~~person-driver 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~~they 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 A~~ 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~~ 10.999. Statutory reference: Similar provisions, see I.C.A. §§ 321.341 through 321.344

Commented [AH24]: This is not addressed in 72.999. Violation referenced in 130.011 Refusing Signal of Officer which refers to penalty 130.999 which then refers to 10.999.

§ 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 § 721.999~~

Commented [AH25]: Change to 71.999 (seems to be a moving violation not parking)

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 delinquent Notice of Parking Violations 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 Notice of Parking Violations 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~~

Commented [AH26]: OK

§ 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 that~~ 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~~ said vehicle by paying the associated city fees ~~or~~ and 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 of \$50 will be required, payable to the City Clerk of Marshalltown.

(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 towing and 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~~ five business days from the date 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.

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Commented [AH27]: Reduced this time frame since a tow company could potentially dispose of a vehicle after 10 days per IA code.

(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 [alternate, sidewalk, terrace, overtime parking, over line, blocking drive, not a space, parked 24 hours, parked 48 hours, no parking 2:30-5:30 AM, no parking anytime, left side to curb, yellow curb, 18" from curb, here to corner, permit violation, occupy 2 parking spaces, or here to alley permit parking, overtime parking, no](#)

~~parking any time and restricted~~ parking provisions shall be a fine ~~set by resolution <OR>~~ of \$20 if paid within 30 days of the violation and, if not so paid within 30 days of the violation, the fine shall be \$25. ~~The penalty for violating snow ordinance parking provisions shall be a fine of \$25 if paid within 30 days of the violation and, if not so paid within 30 days of the violation, the fine shall be \$35.~~ The penalty for violating fire lane ~~and yard~~ parking provisions shall be a fine of \$30 if paid within 30 days; and, if not so paid within 30 days, the fine shall be \$35. ~~The penalty for violating disabilities parking provisions shall be a fine of \$100.~~ Fines shall not be paid in pennies.

(2) Payment of the fines referred to in division (A)(1) above may be made by depositing the money in the envelope provided in the courtesy box ~~located at City Hall or the Police Department~~, 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. <OR> or if~~ sufficient U.S. postage is not affixed when the citation is mailed such penalty shall be \$5.

(5) ~~If any penalty set forth in this section is not so paid as provided in this section within ten days after such violation, the person, firm or corporation liable shall be chargeable upon an information filed in the appropriate court and shall be subject to such penalty under costs as the court shall determine. To contest a penalty in this section you must personally appear at the police department within 30 days for processing of a Court Citation and shall be subject to such costs as determined by the court.~~

~~(6) A vehicle registration hold may be placed on a vehicle with delinquent Notice of Parking Violations. All fines must be paid before a hold is released.~~

~~(7) An annual fee of \$5 will be applied to all delinquent Notice of Parking Violations.~~

(2013 Code, § 20-168)

(B) ~~Fee set by resolution <OR>~~ The fine for each violation in § 72.0103 of this chapter shall be \$50, plus surcharges.

(2013 Code, § 20-170)

(C) Anyone violating the provisions of § 72.0118 of this chapter shall be fined \$20, if paid within 30 days of the date of the violation. If not paid within 30 days the fine shall be \$25. Violations shall be charged and collected in the same manner as other parking violations, by notice of a fine payable to the City Clerk.

(2013 Code, § 20-234)

Commented [AH28]: This is on our current fee schedule, evaluating if we should eliminate.

Commented [AH29]: 72.003 references 71.999, waiting confirmation from PD.

(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.

Commented [AH30]: Innocent until proven guilty.

Commented [AH31]: Needs legal review.

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

Commented [AH32]: Yard parking violations is covered in 72.999A(1).

~~(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)~~

(E) Habitual Violators as outlined in 72.501 must pay all delinquent Notice of Parking Violations and the administrative fee of \$50 before the City will authorize the release of said vehicle. The violator must then pay all towing and storage fees to the tow company prior to the release.

(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)

Table 156.B.004-1
Residential District Lot and Building Standards
(See Figures 156.B.004-1 through -6, below)

Housing/Building Type ¹	Maximum Gross Density (Units/ Acre)	Common Civic or Open Space/ Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building Height	Minimum/Maximum Setbacks			
			Area	Width		Front	Side Street	Side ⁴	Rear
Graphic Legend			A	B	C	D	E	F	G
AG - Agricultural Residential Conventional Development Type									
Single-Family Detached ⁵	0.04	N/A	25 Acres	120	35 ft.	50 ft.	20 ft.	15 ft.	50 ft.
Permitted Nonresidential Uses ⁷	N/A	N/A	25 Acres	120	35 ft.	50 ft.	20 ft.	15 ft.	50 ft.
RR - Rural Residential Conventional Development Type									
Single-Family Detached	2.82	N/A	14,375 s.f.	85 ft.	35 ft.	35 ft.	20 ft.	15 ft.	50 ft.
Permitted Nonresidential Uses ⁷	N/A	N/A	14,375 s.f.	85 ft.	35 ft.	35 ft.	20 ft.	15 ft.	50 ft.
RL - Low Density Residential Conventional Development Type									
Single-Family Detached	4.40	N/A	9,000 s.f.	75 ft.	35 ft.	30 ft.	15 ft.	10 ft.	35 ft.
Single-Family Attached	4.90	N/A	8,000 s.f.	60 ft.	35 ft.	30 ft.	15 ft.	10 ft.	35 ft.
Duplex	5.64	N/A	7,000 s.f.	60 ft.	35 ft.	30 ft.	15 ft.	10 ft.	35 ft.
Permitted Nonresidential Uses ⁷	N/A	N/A	9,000 s.f.	75 ft.	35 ft.	30 ft.	15 ft.	10 ft.	35 ft.
RL - Low Density Residential Cluster Development Type									
Single-Family Detached	5.58	15%	6,500 s.f.	60 ft.	35 ft.	15 ft.	7 ft.	7 ft.	25 ft.
Single-Family Attached	5.64	15%	6,000 s.f.	50 ft.	35 ft.	15 ft.	7 ft.	7 ft.	20 ft.
Duplex	5.98	20%	5,250 s.f.	50 ft.	35 ft.	20 ft.	8 ft.	8 ft.	20 ft.
Permitted Nonresidential Uses ⁷	N/A	20%	6,500 s.f.	60 ft.	35 ft.	15 ft.	7 ft.	7 ft.	25 ft.
RM - Medium Residential Density Conventional Development Type									
Single-Family Detached	7.15	N/A	5,000 s.f.	60 ft.	35 ft.	30 ft.	10 ft.	10 ft.	25 ft.
Single-Family Attached	8.56	N/A	4,500 s.f.	50 ft.	35 ft.	20 ft.	10 ft.	10 ft.	25 ft.
Duplex	10.47	N/A	4,000 s.f.	50 ft.	35 ft.	20 ft.	10 ft.	10 ft.	20 ft.
Townhouse	11.44	N/A	3,500 s.f.	25 ft.	45 ft.	20 ft.	10 ft.	10 ft.	20 ft.
Multiplex	11.54	N/A	3,500 s.f.	75 ft.	45 ft.	20 ft.	10 ft.	10 ft.	20 ft.
Apartment		N/A	2,000 s.f.	60 ft.	45 ft.6	20 ft.	10 ft.	10 ft.	25 ft.
Manufactured Home Park			Refer to § 156.C.005(D)(1), Manufactured Home Park						
Permitted Nonresidential Uses ⁷	N/A	N/A	5,000 s.f.	75 ft.	35 ft.	20 ft.	10 ft.	10 ft.	25 ft.
RM - Medium Residential Density Infill Development Type									
Single-Family Detached	11.40	N/A	2,750 s.f.	40 ft.	35 ft.	20 ft.	10 ft.	10 ft.	20 ft.
Duplex	11.91	N/A	3,000 s.f.	30 ft.	35 ft.	10 ft.	10 ft.	10 ft.	20 ft.
Townhouse	11.44	N/A	3,500 s.f.	25 ft.	45 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Multiplex	13.33	N/A	3,000 s.f.	75 ft.	45 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Apartment		N/A	1,600 s.f.	60 ft.	45 ft.6	20 ft.	10 ft.	10 ft.	20 ft.
Manufactured Home Park			Refer to § 156.C.005(D)(1), Manufactured Home Park						
Permitted Nonresidential Uses ⁷	N/A	N/A	5,000 s.f.	75 ft.	35 ft.	20 ft.	10 ft.	10 ft.	25 ft.
RM - Medium Residential Density Tiny House or Cottage Development Type									
Cottage Court	9.48	30%	2,000 s.f.	45 ft.	20 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Tiny House	14.5	30%	1,000 s.f.	40 ft.	20 ft.	20 ft.	8 ft.	5 ft.	20 ft.
RH - High Density Residential Conventional Development Type									
Single-Family Detached	11.40	N/A	2,750 s.f.	40 ft.	35 ft.	20 ft.	10 ft.	10 ft.	20 ft.
Townhouse	18.18	N/A	2,000 s.f.	20 ft.	45 ft.	10 ft.	10 ft.	10 ft.	15 ft.
Multiplex	21.50	N/A	2,000 s.f.	45 ft.	45 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Apartment		N/A	1,600 s.f.	60 ft.	45 ft.6	10 ft.	10 ft.	10 ft.	25 ft.
All Permitted Nonresidential Uses ⁷	N/A	N/A	7,500 s.f.	50 ft.	40 ft.	10 ft.	10 ft.	10 ft.	25 ft.
RH - High Density Residential Infill Development Type									
Single-Family Detached	11.40	N/A	2,750 s.f.	40 ft.	35 ft.	20 ft.	10 ft.	10 ft.	20 ft.
Multiplex	21.39	N/A	1,875 s.f.	45 ft.	45 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Townhouse	21.87	N/A	1,600 s.f.	18 ft.	45 ft.	5 ft.	10 ft.	10 ft.	15 ft.
Apartment	30.66	N/A	1,200 s.f.	60 ft.	45 ft.6	5 ft.	10 ft.	10 ft.	10 ft.
All Permitted Nonresidential Uses ⁷	N/A	N/A	N/A	N/A	40 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Notes:									

Trey Rouse prepared this document for the 8-15-24 discussions at the Planning and Zoning meeting. Trey is an employee of Bolton & Menk, hired as a consultant to review the building permits and assist with other zoning matters during the vacancies of the Housing and Economic Developer Director and the City Planner.

Concerning Table 156.B.004-1

Equation for finding Maximum Gross Density (Units/Acre):

(Size of Acre (43,560 Sq. ft.) / Minimum Lot Size (Area) = Base Maximum Gross Density

Base Maximum Gross Density x (15-25% + Common Civic or Open Space/Landscape Surface Area Minimum requirement) = Adjustment for Right-Of-Way and Open Space on Parcel

Base Maximum Gross Density – Adjustment for Right-Of-Way and Open Space = Maximum Gross Density

Example:

Single-Family Detached within RM Conventional Development Type and does not have a Common Civic or Open Space requirement

43,560 sq. ft. / 5,000 sq. ft. = 8.712

8.712 x (0.18 + 0) = 1.56816

8.712 – 1.65816 = 7.15 Acres/Unit

Note:

The 15-25% adjustment for Right-Of-Way and other utilities and incorporated needs on each one of the lots is an adjusting variable. It is not kept consistent throughout the table and is adjusted accordingly for each use.

Comments for Minimum Lot Area, Width, and Building Height Standards:

These standards will define what lots look like for each of the uses within their respective Zoning Districts. It is important to keep them consistent and within realistic parameters for the community. When defining larger developments such as Townhomes, Multiplexes, and Apartments. They should be fairly consistent on the minimum lot area and width with small adjustments to apartments as those can be designed vastly differently.

Building height should be highly determined by the use and then some consideration from where it resides in the community by Zoning district. Building maximum height should be consistent between Single-Family Uses (Attached and Detached), slightly more dense uses (Duplexes, Townhomes, and Multiplexes), and then a unique height to allow for the densest uses (Apartments). It is common to allow

for Single-Family to be two stories (30 to 35 ft.), more dense uses to be up to 3 stories (45 to 50 ft.) and the densest uses to be up to 4 stories (60 to 65 ft.).

Comments for Setbacks:

Setbacks are the most restrictive requirements when an applicant attempts to develop anything on a property. These setbacks define the true building area that a property has. Increasing these setbacks means that you decrease the area that a property owner can add to their home, place a garage, shed, or detached accessory structure on their property. These restrictions can create issues of unlicensed development or backlash. After reviewing several Building Permits, increasing all side yard setbacks to 10 ft. and increasing street side yard setbacks would have led denials of simple Building Permits for only those reasons. Front yard setbacks aren't impacted with accessory structures but are impacted by porches. However, it is common to have varying front yard setbacks for different use types with higher ones for Single-Family Residential Dwellings and lower ones for higher density uses. Rear yards are a focus of accessory structures and are usually larger to protect and not disturb neighboring uses around the property. Maintaining appropriate setbacks allows for flexibility in use of property owner's property and possibilities for unique lots and parcels. Increasing these requirements can lead to many issues for not only existing properties but the design of new construction as well on empty parcels.