MARSHALLTOWN
IOWA

PLAN AND ZONING COMMISSION

Notice of Regular Meeting
Thursday, November 7, 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 From October 24, 2024 Meeting

    Documents:

    10-24-2024_PZ_Minutes_CK.pdf
4. Rezoning Application For 2815 S 2nd Street Has Been Withdrawn
5. Discussion Of Zoning Ordinance Change For Application Packet Submitted By McFarland Clinic And Site Plan

    Documents:

    Ordinance Change Application Form McFarland Solar Request w attachment Signed 10 31 2024.pdf
    McFarland Solar Layout - Scaled Model 05 07 2024.pdf

5.1. Commission Action For Further Discussion Or Setting Public Hearing

6. Discussion - Review Of Chapter 156: Zoning (Version 2)

    Item 1: 156.F002 (D) Plant Substitutions for solar installations

    Item 2: Table 156.C.003-1 under Urban Core (UC) Zoning District

Item 4: Update the language of Pole Sign

Item 5: Update Table 156.G.004-3 adding design standards for Pylon (Pole) signs within the Mixed-Use (MU) Zoning District

Item 6: 156.M.003 and 156.C.007 Accessory Use - Residential Swimming Pools

Item 7: Update language for Utilities, Major Utility, and Minor Utility

Item 8: Update language for Home-Based Business Accessory Use Definition and Requirements

Item 9: Update Table 156.B.005-1 Non-Residential & Mixed-Use District Lot & Building Standards to include the proposed Public/Institutional (PI) Zoning District standards

Documents:

Proposed Changes for Chapter 156 v2.pdf
PI District Development Standards Table.pdf
Zoning Map for IP zone discussion.pdf

6.1. Commission Action For Further Discussion Or Setting Public Hearing

Plan and Zoning Commission

Meeting Minutes – October 24, 2024

The meeting was called to order by Chairman Boston at 5:00 PM in the City Council Chambers at 10 W. State Street, Marshalltown, IA This meeting was scheduled as a quorum was not available on the regular meeting date of October 17, 2024.

Item 2: Roll Call:

Present: Boston, Eilers, Isom, Casady, Gruendler and Brodin. Valbracht absent.

Also attending, Tom Wertzberger of Wertzberger Architects, Mike Ladehoff, Council member, Cindy Kendall, and Trey Rouse, Consultants.

Item 3: Approve Meeting Minutes from September 26, 2024.

The Chair asked for comments. As there were no comments or corrections, the minutes of the September 26 meeting were approve as presented.

Item 4: Review Rezoning Application for 2815 S. 2nd Street

Tom Werzberger addressed the Commission concerning the new development for this parcel. Because the proposal has retail to the front of the structure with residential units upstairs, a rezoning is requested. As there was some question as to the best zone classification for this development, a special meeting was scheduled for November 7 at 5:00 pm in the Council Chambers.

Item 5: Set Public Hearing on Rezoning Application.

This item will be considered at the November 7 meeting.

Item 6: Discussion – Review of Chapter 156: Zoning

The Commission discussed nine items on proposed changes or clarifications to Chapter 156 as follows:

1. *156.F.002 (D) Plant Substitutions for solar installations (6) Solar Arrays Substitution*.

   Proposed :

   6a. When an in-ground Solar Array is being developed as a primary use and requires a bufferyard that includes overstory or understory trees, this requirement may be substituted for 20 evergreens/shrubs of a minimum of 4 feet in height per 100 linear feet of the bufferyard distance. When installed they should be no more than 5 feet apart and at each corner of the solar array, one evergreen/shrub of a minimum of 4 feet should be placed in addition to the previous requirement.

   6b. When an in-ground Solar Array is being developed as a primary use and requires a bufferyard that includes overstory or understory trees, this requirement may be substituted for a 6 ft. tall, 100% opaque privacy fence. When installed this fence should be a minimum of 5 ft. from the solar array and should completely cover sight of the solar array from the

public right-of-way and surrounding properties. Fence materials and installation must follow the Fence Requirements within the Marshalltown Zoning Code.
Explanation: This addition to the Plant Substitution list is proposed because of the nature of in-ground solar array use not appropriately being accommodated with its required bufferyard. Tall trees within the required bufferyard hinder the primary use of the in-ground solar array negatively impact it. Allowing this substitution to be put in place still allows for a bufferyard to exist and block visibility of the use, while allowing the maximum efficiency of the proposed use on the property it is located at. The frequency of the new bufferyard still remains to make sure that the use is covered from adjacent properties and neighboring uses.
Discussion: Clarification for the minimum of 4 feet plants would be at time of planting not expected growth. The definition of opaque fence would be that a person could not see through the fencing. The height of the fence was set at 6 foot which would be from ground to top of solar panel.

2. *Table 156.c.003-1 under Urban Core (UC) Zoning District*

   Proposed: This use isn't appropriately utilized within the Urban Core Zoning District, as this is the Marshalltown downtown. There are currently no Vehicle Fuel Stations within the UC Zoning District with the closest being the Casey's on 3rd Avenue being placed within the Mixed-Use District. This removal would preserve the character of the downtown and UC Zoning District to be walkable and pedestrian based.

   Discussion: A review of the locations of potential Vehicle Fuel Station was discussed, however the consensus was that it would not be consistent with the Urban Core District.

3. *Review the zoning map for Mixed- Use (MU) zones*

   Proposed: Discuss the viability of the neighborhood remaining Mixed Use (MU) versus changing to Medium-Density Residential (RM) as described From Turner Street to May Street and from approximately the City property east of Linn Creek to 12th Ave.

   Discussion: Due to the proximity of the Linn Creek bike trail and the potential of developing under a MU, the consensus of the commission was not to recommend a change to Medium-Density Residential at this time.

4. *Update language of Pol Sign Other Design requirements*

   Proposed: This change is for clarification as it can currently be interpreted that "support(s)" means the pole or the physical foundation of the sign. With the change to "base or foundation" it removes the aspect of the pole being the possible part of the sign to have to meet this requirement.

   Discussion: To provide further clarification, the commission agreed that a support will be described as a base or foundation of the sign

5. *Update Table 156.G.004-3*

   Proposed: These design standards need to be added to Table 156.G.004-3 due to the fact that Pole signs are permitted signs within the Mixed Use (MU) Zoning District but have no design standards. As it stands now, a Pole sign within the MU Zoning District has no design standards and could be made in any fashion. The standards created above account for the average pole sign design and the unique nature of the MU Zoning District having both residential and commercial in close proximity.

   Discussion: The commission agreed that the table should be changed to reflect the following:

   a. Number Allowed – 1 per frontage
   b. Maximum Area - 20 s.f. / 1 s.f. per linear ft. of street frontage; 35 s.f. maximum
   c. Maximum Height – 25 ft.
   d. Minimum Clearance – 8 ft. above grade and 20 ft. above adjacent drive aisle, if edge of sign is within one foot of aisle
   e. Minimum Setback – 10 ft.
   f. Illumination – Internal and External
   g. Other Standards –
   h. Other Signs – If used, no monument sign is allowed
   i. Sign Permit Required – Yes

6. *Accessory Use – Residential Swimming Pools*
   Proposed: As of now, there are no regulations that pertain to them other than having a fence or barrier around them. Even that wasn't well defined on what regulations were required. This section will be added (as shown below) to the definitions and accessory use chapter to give this accessory use regulations and standards to allow residents to have swimming pools and make sure they are as safe as possible.

156.M.003 Definitions

Swimming Pool. Any enclosure, in ground or above ground, having a water surface area exceeding two hundred square feet and a water depth of not less than twenty-four inches.

Temporary Above Ground Swimming Pool. Any swimming pool less than 5,000 gallons which is erected a maximum of six (6) months in a calendar year and is completely drained and stored away for the winter months.

156.C.007 Accessory Uses and Structures

(4) Swimming Pools.

(a) General regulations.

1. Permits Required. No swimming pool shall be constructed, excavated or established in the City without first obtaining a Building Permit therefor. An application for a permit shall be submitted through the Building Permit process to the City which

includes the type and size of pool, together with a site plan containing the following information:

Location of pool; location of all structures on the building lot including house, garage, fencing or other improvements; location of pumps, filter, wiring, protective fencing, back flush and drainage outlets, grading plans and finish elevation around the pool; location of existing underground or overhead wiring, utility easements, trees and similar features; together with location of structures on adjacent lots.

A. Exceptions. Temporary Above Ground Swimming Pools are exempt from this permit requirement.

2. Fees. Normal Building Permit fees shall be charged as currently done through the Building Permit review process for an accessory use structure.

3. Enforcement of Provisions. The Zoning Administrator and Building Inspector, or duly authorized representative, shall be charged with enforcement of this Section.

This Section shall apply retroactively only with regard to safety features such as wiring and fencing to all existing swimming pools, and the owners shall have one (1) year after the official adoption of this Section to conform to these requirements.

4. Penalty. Any person violating the provisions of this Section shall be guilty of a Code Violation and subject to the payment of a maximum fine of one-thousand two hundred fifty dollars ($1,250.00). If the person violating this section of the code does not remedy the issue after contact with the city and initial fine, then they'll receive an additional code violation for each day that the requirements of this code are not met and accumulate an additional fine of a maximum of one hundred dollars ($100.00) for each separate violation.

(b) Minimum regulations.

1. Pools shall not be located within ten (10) feet (measured horizontally) from underground or overhead utility lines of all types.

2. Pools shall not be located within any private or public utility, drainage, walkway or other easement.

3. Construction of pools shall be undertaken so as to avoid hazards, damage or considerable inconvenience to adjacent property.

4. The lot owner shall be liable for damages to any business or private property caused during pool construction or use.

5. To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owners' property or onto approved public drainage ways and shall not drain onto adjacent private land. Drainage onto public streets or other public drainage ways shall require permission from the appropriate local City officials and Marshalltown Water.

6. Any pool lighting shall be directed toward the pool and not toward adjacent property.

7. Outdoor swimming pool areas shall be enclosed with a permanent safety fence at least four (4) feet in height to prevent uncontrolled access to the pool area, and the fence shall have a self-closing gate and self-latching with the latch inaccessible to small children and at least four (4) feet from the ground level. The fence shall be completely installed before filling the pool.

A. The use of temporary fencing (such as portable, garden, and snow fencing) is not allowed to satisfy this requirement.

B. Fencing is not required for temporary above ground swimming pools which have at least four (4) foot high vertical sidewalls provided the sole access is by means of a removable ladder, ramp, or stairs which must be removed when the pool is not in use.

8. All wiring, installation of heating units, grading, installation of pipe or other construction shall be subject to inspection by the City Inspector.

9. Nuisances, such as undue noise, lighting of adjacent property, health and safety hazards, damage to vegetation on adjoining property, and the like, shall not be permitted.

10. Filling of pools from fire hydrants or other public facilities shall require the permission of the appropriate local City officials and Marshalltown Water.

(c) Location regulations.

1. Single-Family Residential. Pools shall not be located within ten (10) feet of any rear lot line nor within five (5) feet of any side lot line, nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front yard.

A. The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least twenty-five (25) feet from any residential structure on adjacent property and not closer than eight (8) feet to any lot line.

2. Multi-Family Residential. Private swimming pools intended for and used by occupants and guests of occupants of multiple-family dwellings shall adhere to the following regulations:

A. No part of the water surface of the swimming pool shall be closer than forty (40) feet to any lot line.

B. No pumps, filters or other apparatus used in connection with the pools shall be located closer than forty (40) feet to any lot line.

C. The pool areas shall be adequately fenced to prevent uncontrolled access from the streets or adjacent as contained in Section 156.C007 (4)(b)(7). Adequate screening, including, but not limited to, a landscape bufferyard type B

shall be placed between the pool area and adjoining single-family district lot lines as found in Table 156.F.004-2.

D. All deck areas, adjoining patios or other similar areas used in conjunction with the pools, shall be located at least fifteen feet from any lot line in an adjoining Single-Family District.

Discussion: The Commission had a good deal of discussion concerning the limitations some residential properties would have in complying with these regulations due to a) lot size and b) location of utilities. Further discussion is scheduled for the November 7 special meeting.

7. *Update language for Utilities, Major Utility, and Minor Utility*

Proposal: To clarify what permits a use from being a major utility versus a minor utility. The updates to major utility identify that the uses listed plus any new uses that meet the defined standards will be considered major utilities by definition. The updates to the Minor utilities identify what is currently considered a minor utility use and that any use that doesn't meet the standards set forth in the major utility definition, will be considered a minor utility. See highlighted sections below:

UTILITIES. A use category containing major or minor infrastructure that serves a site, a development, or the city at-large. Major utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site part-time or full-time personnel. Minor utilities include public or private infrastructure serving a limited area with seasonal, as needed, or no on-site personnel.

(1) Major utilities include Electrical substation; electric or gas generation plant; solar panel array (wall- or ground-mounted and greater than 850 square feet); telephone exchange and transformer or substation; water storage tank; and water treatment plant and other uses meeting the definition of major utilities according to the Zoning Administrator.

(2) Minor utilities include Pumping or regulator stations; solar panel array (roof-mounted or ground-mounted 850 square feet or less); stormwater retention or detention facility; telecommunication antenna co-located on an existing structure; and other uses not meeting the definition of major utilities according to the Zoning Administrator.

(3) Typical accessory uses include Associated office and storage; fleet maintenance; minor utilities; and storage structures.

Discussion: The Commission appreciated the need for this clarification. All noted is that all references to telecommunication was removed from this area as it has its own section due to the sensitive distinction of communications vs utility infrastructure.

8. *Home-Based Business Accessory Use Definitions and Requirements*

Proposal: The clarification to the definition was included to remove requirements from being located within the definition and moved to an appropriate spot in the code. It also defined a "No-impact home-based business". The requirement additions moved the employee requirement to being in the appropriate section and outlined the requirement to allow for one (1) employee that does not live at the residence. The final addition is codifying the violation and non-compliance clause that is found on the Home-Based Business registration form. Before codifying this, the City was unable to take action against home-based businesses that were not following the Zoning Code.

Definition:

HOME-BASED BUSINESS. Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes, and which is carried on wholly within a main building or accessory building, other than business gardens as defined and meets the requirements of section 156.C.007(G) for operating the business, employees outside of those who reside on the premises, signage, and other requirements.

> No-Impact Home-Based Business. Any occupation that takes place within the premises of a clear residential dwelling that has no outward impact on the property, surrounding neighbors, changes the property in any way, does not create additional traffic/parking that would normally be associated with a residential dwelling, no signage, sound, odor, or nuisance of any kind.

Requirements:

12. Employees. The Home-Based Business allows one (1) employee to work and assist in the home-based business that does not reside on the premises. All other employees must reside on the premises.

(f) Violation, Non-Compliance, and Revocation of Registration. Any home-occupation that does not abide by the requirements set forth within the Zoning Code operates without being registered and complaints arise or falls out of compliance with the Zoning Code shall be subject to the Violation and Penalty section of the Zoning Code. This includes fines being levied after written documentation is sent to the residents to come into conformance with the Zoning Code. If a Home-Based Business operates without regard to the requirements of the Zoning Code or registration previously obtained, then they'll be subject to penalty along with revocation of their registration with a request to end the function of the home-based business. A fine of one hundred ($100.00) dollars will be levied for each offense. Each day that the home-based business is considered to be non-compliant, not operating within the requirements of the Zoning Code, or ceases to end business practices after the date requested will result in separate offenses per day.

Discussion: After discussing the history of in home businesses which does not allowing any non-resident employees, the consensus of the Commission is to adopt this recommendation as presented.

9. *Update Table 156.B.005-1 Non Residential & Mixed Use District Lot & Building Standards to include the proposed Public/Institutional (PI) Zoning District standards*

   Proposal: There are currently no codified standards for development within the Public/Institutional (PI) Zoning District. If a developer were to propose a permitted use be built on a lot that is within the PI Zoning District, the city couldn't require any form of development or design standard. The proposed table is to update Table 156.B.005-1 to make sure that the PI Zoning District has development standards for its permitted residential use and permitted non-residential uses.

   Discussion: As the referendum for the Miller School is on the Nov 7 ballot which could project a different footprint for the construction site, the committee asked Consultant Trey Rouse to research all the PI areas to identify any potential issues and report back at the November 7 meeting.

As there was no other business to come before the Commission, the meeting was adjourned at 5:32 pm.

MARSHALLTOWN
IOWA
HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT
36 North Center Street, Marshalltown, IA 50158
Ph: 641-754-5756 Fax: 641-754-5742
www.marshalltown-ia.gov

Zoning Ordinance Change Application Packet

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

Notifications: A notice of public hearing with your name and request will be published in the Times-Republican newspaper.

1. The burden of providing sufficient evidence to make the applicant's case shall be on the applicant at all times.

2. The ordinance change request must be considered by the Plan Zoning Commission and the City Council. Contact the Housing & Community Development Director for a schedule of upcoming meetings.

3. The Commission will review the request at a regularly scheduled meeting at least once prior to the *public hearing*. A *public hearing* must be held by the Commission prior to making a recommendation to the City Council. The Plan Zoning Commission meets in the City Council Chambers at City Hall at 5:00 PM on the Thursday following the first Council meeting of the month.

4. The Marshalltown City Council meets on the 2nd and 4th Mondays of the month at 5:30 p.m. in the City Hall Council Chambers. According to Iowa Code, ordinance changes and amendments require three readings and a public hearing.

5. Under optimum conditions it takes about 4-6 months for an ordinance change if the issue is not controversial. More in-depth ordinance changes may require additional time.

6. The burden of research related to proposed changes is not to be put solely on City staff. **Applicants will be required to gather some information as part of the ordinance change process.** This may include, but not limited too, research on similar ordinances from other communities, the number/type of affected properties should change be approved, how proposed changes relate to other City departments, etc.

Date Submitted & Fee Paid: 10/31/2024

HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

36 North Center Street, Marshalltown, IA 50158

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

www.ci.marshalltown.ia.us

Zoning Ordinance Change Application Packet

All items listed must be submitted with this application:
Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete. In addition, other information may be requested at the required public meetings.

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

✓ **Description of Ordinance Change**. Please attach a sheet of paper explaining in detail why you are seeking an ordinance change. Information should include how proposed changes would affect other properties.

Please type or print legibly in ink.

Requester's Name: McFarland Clinic - Ron Frantzen	
Mailing Address: 421 East Merle Hibbs Blvd, Marshalltown, IA 50158	
Phone: 641-753-2947	Email: rfrantzen@mcfarlandclinic.com
Current Zoning Classification of Property in Question (if related to ordinance change) : Public Institution (PI)	
Current Use (if related to ordinance change): McFarland Clinic - Outpatient medical clinic with adjacent vacant land.	
Proposed Use (if related to ordinance change): Continued use and operation of the clinic with a private solar array on adjacent vacant land to support utility cost control for ongoing operations.	
Signature and Date: Ron Frantzen 10/31/2024	

Revised 07/18

We are proposing the following changes to Chapter 156 of the zoning code to allow McFarland Clinic to construct and operate a private solar array on our property for the purpose of controlling utility costs.

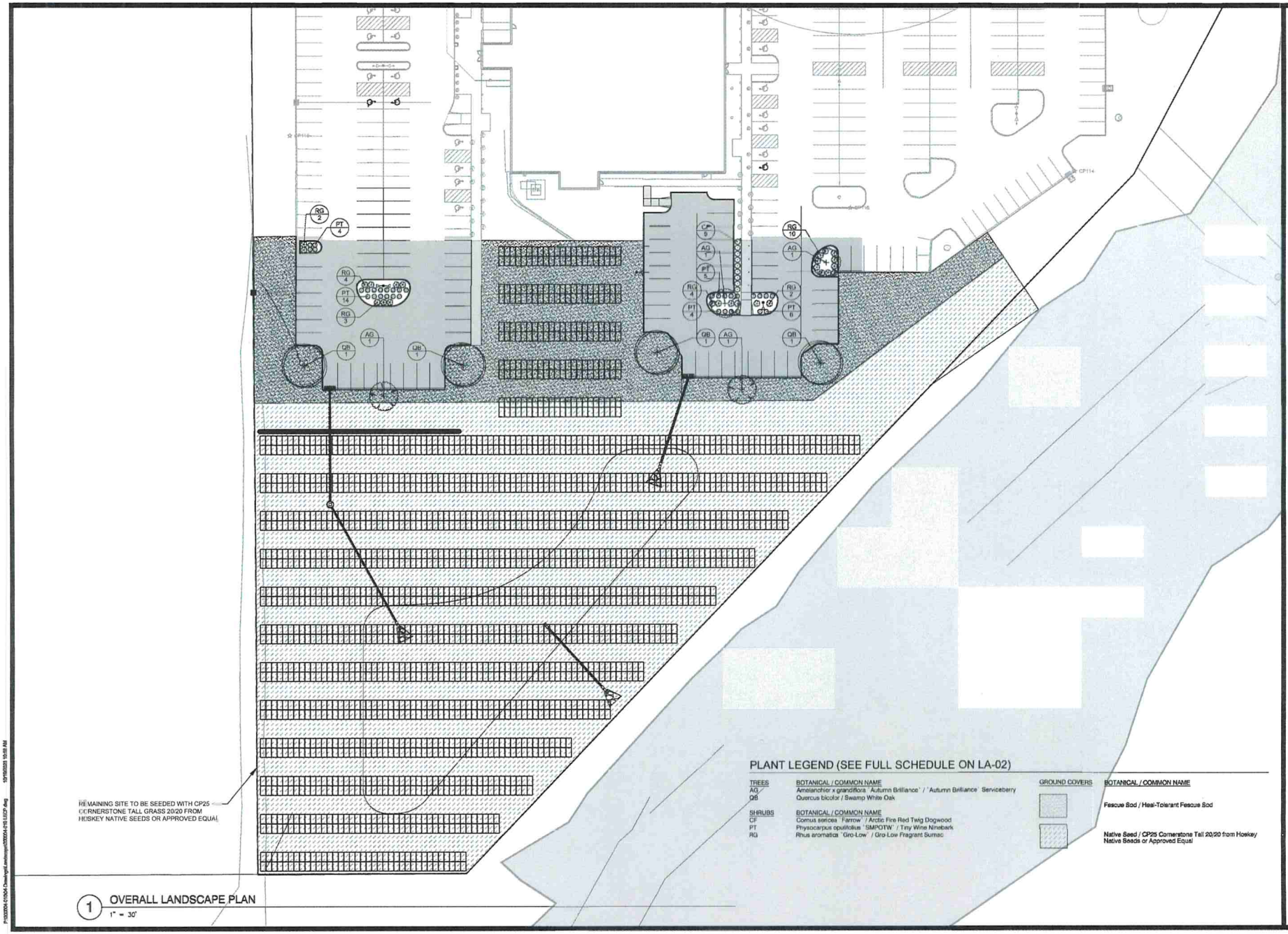
156.C.003-1 – Ground-Mounted Solar Panels (Accessory Use) – Add 'S' for PI

156.C.007 – 3. Solar Panels (Accessory Use) – a. Ground-Mounted Solar Panels – Add vi. Allowable in PI Zoning District for lots larger than 8 acres.

This would provide McFarland with a path forward while meeting all the other requirements that exist for Ground-Mounted solar in Industrial or Agricultural zoning districts and still requires a special use permit allowing P&Z to review the extent of the development. We reviewed the City's zoning map, looking at the PI Zoning District, the properties that are both zoned PI and over 8 acres (if some lots would be combined) are the following:

- Unity Point Hospital (27.5 Acres)
- Iowa Valley Community College (243.8 Acres)
- McFarland Clinic (9.28 Acres)
- Marshalltown Community High School (50.35 Acres)
- St. Henry's Church & School (8 Acres)
- First Baptist (9.18 Acres)
- Marshalltown Christian School (9.15 Acres)
- Faith Assembly of God (11.95 Acres)
- Anson Park (10.06 Acres)
- Iowa Veterans Home (157.52 Acres)
- Water Pollution Control (>66.7 Acres)

This would limit the number of properties that could accommodate ground-mounted solar significantly and would only provide for properties that would have sufficient space to offer necessary screening from residential areas. Most of these properties would not be able to accommodate solar without taking land that is otherwise being used for activities (i.e. High School, St. Henry's, Anson Park). This would provide a pathway for Iowa Valley, the Iowa Veterans Home, or Unity Point to install solar arrays. They would have sufficient space to place these arrays and yet they are not permitted under our current zoning code. This adjustment would provide for that option.



PLANT LEGEND (SEE FULL SCHEDULE ON LA-02)

TREES	BOTANICAL / COMMON NAME
AG	Amelanchier x grandiflora `Autumn Brilliance` / `Autumn Brilliance` Serviceberry
QB	Quercus bicolor / Swamp White Oak

SHRUBS	BOTANICAL / COMMON NAME
CF	Cornus sericea `Farrow` / `Arctic Fire Red Twig Dogwood`
PT	Physocarpus opulifolius `SMPOTW` / `Tiny Wine Ninebark`
RG	Rhus aromatica `Gro-Low` / `Gro-Low Fragrant Sumac`

GROUND COVERS	BOTANICAL / COMMON NAME
	Fescue Sod / Heat-Tolerant Fescue Sod
	Native Seed / CP25 Cornerstone Tall 20/20 from Hoskey Native Seeds or Approved Equal

1 OVERALL LANDSCAPE PLAN
1" = 30'

McCLURE
making lives better
1360 NW 121ST. Street
Clive, Iowa 50325
515-964-1229
fax 515-964-2370

NOTICE:
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LANDSCAPE PLAN

NORTH

0 15' 30' 60'
GRAPHIC SCALE

MARSHALLTOWN
MCFARLAND CLINIC
SITE PLAN AMENDMENT
MARSHALLTOWN, IOWA
200004-010
OCTOBER 19, 2023

REVISIONS
-
-
-
-
-

ENGINEER: T. SMITH
DRAWN BY: D. YATSOOK
CHECKED BY: -
FIELD BOOK NO.: -
DRAWING NO.: LA-01
SHEET NO.: 7 / 9

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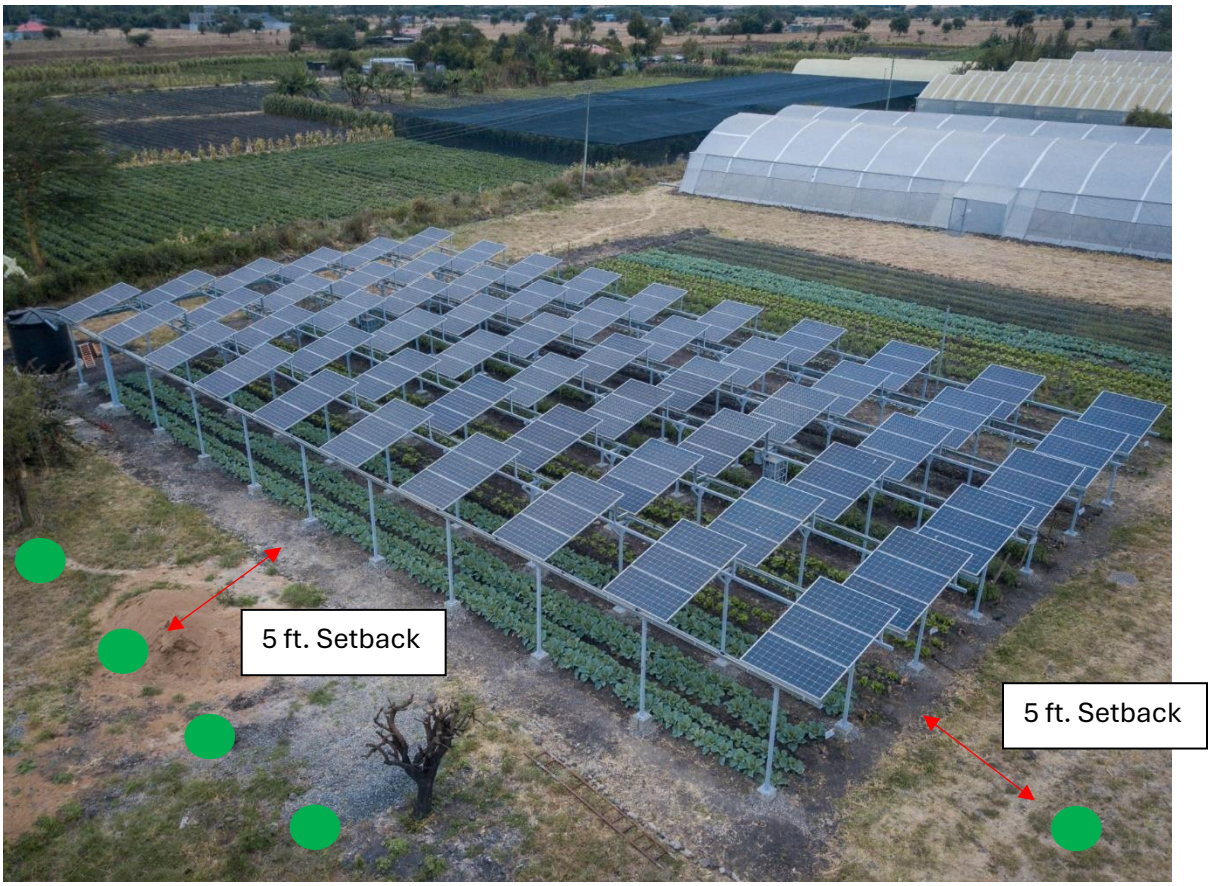
1. Add Substitution (6) to 156.F002 (D) Plant Substitutions.

(6) Solar Arrays Substitution.

6a. When an in-ground Solar Array is being developed as a primary use and requires a bufferyard that includes overstory or understory trees, this requirement may be substituted for 20 evergreens/shrubs of a minimum of 4 feet in height (height of planting at initial installation) per 100 linear feet of the bufferyard distance. When installed they should be no more than 5 feet apart and at each corner of the solar array, one evergreen/shrub of a minimum of 4 feet should be placed in addition to the previous requirement. If a building is within 20 ft. of a proposed in-ground solar array, is on the same parcel, and is owned by the applicant developing the in-ground solar array, then it may be used as the 100% opaque buffer for that side of the in-ground solar array.

6b. When an in-ground Solar Array is being developed as a primary use and requires a bufferyard that includes overstory or understory trees, this requirement may be substituted for a 6 ft. tall, 100% opaque privacy fence. When installed this fence should be a minimum of 5 ft. from the solar array and should completely cover sight of the solar array from the public right-of-way and surrounding properties. Fence materials and installation must follow the Fence Requirements within the Marshalltown Zoning Code. If a building is within 20 ft. of a proposed in-ground solar array, is on the same parcel, and is owned by the applicant developing the in-ground solar array, then it may be used as the 100% opaque buffer for that side of the in-ground solar array.



Explanation:

This addition to the Plant Substitution list is proposed because of the nature of in-ground solar array use not appropriately being accommodated with its required bufferyard. Tall trees within the required bufferyard hinder the primary use of the in-ground solar array negatively impact it. Allowing this substitution to be put in place still allows for a bufferyard to exist and block visibility of the use, while allowing the maximum efficiency of the proposed use on the property it is located at. The frequency of the new bufferyard still remains to make sure that the use is covered from adjacent properties and neighboring uses.

2. Table 156.C.003-1 under Urban Core (UC) Zoning District change the Vehicle Fuel Station use as a permitted use and make it require a Special Use Permit. Add a note to the UC-HD District that there will be a change from permitted to not permitted within this district for Vehicle Fuel Stations. Change from "P" to "S" in UC District. Change from "P" to "—" in UC-HD District.

Explanation:

This use in some cases may not be appropriately utilized within the Urban Core Zoning District, as this is the Marshalltown downtown. There are currently a few Vehicle Fuel Stations within the UC Zoning District but lie on the outside edges of this district. This change to "S" would allow for them to still exist but encourage appropriate development of them in the future. Within the UC-HD District, this use isn't appropriate as this district attempts to preserve the historical buildings in the area. Removing it from the Historical District overlay is appropriate to preserve Marshalltown's downtown. This will be done through a "*" and additional note in the Use Table.

4. Update language of Pole Sign Other Design requirement from "The width of the support(s) of the sign shall be a minimum of 60% of the width of the sign face" to "The width of the base and foundation(s) of the sign shall be a minimum of 60% of the width of the sign face width" for the MU, GC, and GI Zoning Districts.

Explanation:

This change is for clarification as it can currently be interpreted that "support(s)" means the pole or the physical foundation of the sign. With the change to "base or foundation" it removes the aspect of the pole being the possible part of the sign to have to meet this requirement.

5. Update Table 156.G.004-3 to add in the following design standards for Pylon (Pole) Signs within the Mixed-Use (MU) Zoning District:

Number Allowed – 1 per frontage

Maximum Area - 20 s.f. / 1 s.f. per linear ft. of street frontage; 35 s.f. maximum

Maximum Height – 25 ft.

Minimum Clearance – 8 ft. above grade and 20 ft. above adjacent drive aisle, if edge of sign is within one foot of aisle

Minimum Setback – 10 ft.

Illumination – Internal and External

Other Standards –

Other Signs – If used, no monument sign is allowed

Sign Permit – Yes

Explanation:

These design standards need to be added to Table 156.G.004-3 due to the fact that Pole signs are permitted signs within the Mixed Use (MU) Zoning District but have no design standards. As it stands now, a Pole sign within the MU Zoning District has no design standards and could be made in any fashion. The standards created above account for the average pole sign design and the unique nature of the MU Zoning District having both residential and commercial in close proximity.

6. Accessory Use – Residential Swimming Pools

156.M.003 Definitions

Swimming Pool. Any enclosure, in ground or above ground, having a water surface area exceeding two hundred square feet and a water depth of not less than twenty-four inches.

> **Temporary Above Ground Swimming Pool.** Any swimming pool less than 5,000 gallons which is erected a maximum of six (6) months in a calendar year and is completely drained and stored away for the winter months.

156.C.007 Accessory Uses and Structures

(4) Swimming Pools.

(a) General regulations.

1. Permits Required. No swimming pool shall be constructed, excavated or established in the City without first obtaining a Building Permit therefor. An application for a permit shall be submitted through the Building Permit process to the City which includes the type and size of pool, together with a site plan containing the following information:

Location of pool; location of all structures on the building lot including house, garage, fencing or other improvements; location of pumps, filter, wiring, protective fencing, back flush and drainage outlets, grading plans and finish elevation around the pool; location of existing underground or overhead wiring, utility easements, trees and similar features; together with location of structures on adjacent lots.

A. Exceptions. Temporary Above Ground Swimming Pools are exempt from this permit requirement.

2. Fees. Normal Building Permit fees shall be charged as currently done through the Building Permit review process for an accessory use structure.

3. Enforcement of Provisions. The Zoning Administrator and Building Inspector, or duly authorized representative, shall be charged with enforcement of this Section.

This Section shall apply retroactively only with regard to safety features such as wiring and fencing to all existing swimming pools, and the owners shall have one (1) year after the official adoption of this Section to conform to these requirements.

4. Penalty. Any person violating the provisions of this Section shall be guilty of a Code Violation and subject to the payment of a maximum fine of one-thousand two hundred fifty dollars ($1,250.00). If the person violating this section of the code does not remedy the issue after contact with the city and initial fine, then they'll receive an additional code violation for each day that the requirements of this code are not met and accumulate an additional fine of a maximum of one hundred dollars ($100.00) for each separate violation.

(b) Minimum regulations.

1. Pools shall not be located within ten (10) feet (measured horizontally) from underground or overhead utility lines of all types.

2. Pools shall not be located within any private or public utility, drainage, walkway or other easement.

3. Construction of pools shall be undertaken so as to avoid hazards, damage or considerable inconvenience to adjacent property.

4. The lot owner shall be liable for damages to any business or private property caused during pool construction or use.

5. To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owners' property or onto approved public drainage ways and shall not drain onto adjacent private land. Drainage onto public streets or other public drainage ways shall require permission from the appropriate local City officials and Marshalltown Water.

6. Any pool lighting shall be directed toward the pool and not toward adjacent property.

7. Outdoor swimming pool areas shall be enclosed with a permanent safety fence at least four (4) feet in height to prevent uncontrolled access to the pool area, and the fence shall have a self-closing gate and self-latching with the latch inaccessible to small children and at least four (4) feet from the ground level. The fence shall be completely installed before filling the pool.

A. The use of temporary fencing (such as portable, garden, and snow fencing) is not allowed to satisfy this requirement.

B. Fencing is not required for temporary above ground swimming pools which have at least four (4) foot high vertical sidewalls provided the sole access is by means of a removable ladder, ramp, or stairs which must be removed when the pool is not in use.

8. All wiring, installation of heating units, grading, installation of pipe or other construction shall be subject to inspection by the City Inspector.

9. Nuisances, such as undue noise, lighting of adjacent property, health and safety hazards, damage to vegetation on adjoining property, and the like, shall not be permitted.

10. Filling of pools from fire hydrants or other public facilities shall require the permission of the appropriate local City officials and Marshalltown Water.

(c) Location regulations.

1. Single-Family Residential. Pools shall not be located within ten (10) feet of any rear lot line nor within five (5) feet of any side lot line, nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front yard.

A. The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least twenty-five (25) feet from any residential structure on adjacent property and not closer than eight (8) feet to any lot line.

2. Multi-Family Residential. Private swimming pools intended for and used by occupants and guests of occupants of multiple-family dwellings shall adhere to the following regulations:

A. No part of the water surface of the swimming pool shall be closer than forty (40) feet to any lot line.

B. No pumps, filters or other apparatus used in connection with the pools shall be located closer than forty (40) feet to any lot line.

C. The pool areas shall be adequately fenced to prevent uncontrolled access from the streets or adjacent as contained in Section 156.C007 (4)(b)(7). Adequate screening, including, but not limited to, a landscape bufferyard type B shall be placed between the pool area and adjoining single-family district lot lines as found in Table 156.F.004-2.

D. All deck areas, adjoining patios or other similar areas used in conjunction with the pools, shall be located at least fifteen feet from any lot line in an adjoining Single-Family District.

Explanation:

There have been many inquiries regarding the regulations for residential swimming pools for the community. As of now, there are no regulations that pertain to them other than having a fence or barrier around them. Even that wasn't well defined on what regulations were required. This section will be added to the definitions and accessory use chapter to give this accessory use regulations and standards to allow residents to have swimming pools and make sure they are as safe as possible.

7. Update language for Utilities, Major Utility, and Minor Utility for clarity of interpretation.

UTILITIES. A use category containing major or minor infrastructure that serves a site, a development, or the city at-large. Major utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site part-time or full-time personnel. Minor utilities include public or private infrastructure serving a limited area with seasonal, as needed, or no on-site personnel.

(1) Major utilities include Electrical substation; electric or gas generation plant; solar panel array (wall- or ground-mounted and greater than 850 square feet); telephone exchange and transformer or substation; water storage tank; and water treatment plant and other uses meeting the definition of major utilities according to the Zoning Administrator.

(2) Minor utilities include Pumping or regulator stations; solar panel array (roof-mounted or ground-mounted 850 square feet or less); stormwater retention or detention facility; telecommunication antenna co-located on an existing structure; and other uses not meeting the definition of major utilities according to the Zoning Administrator.

(3) Typical accessory uses include Associated office and storage; fleet maintenance; minor utilities; and storage structures.

Explanation:

This change is to clarify what permits a use from being a major utility versus a minor utility. The updates to major utility identify that the uses listed plus any new uses that meet the defined standards will be considered major utilities by definition. The updates to the Minor utilities identify what is currently considered a minor utility use and that any use that doesn't meet the standards set forth in the major utility definition, will be considered a minor utility.

8. Update language for Home-Based Business Accessory Use Definition and Requirements.

Definition:

HOME-BASED BUSINESS. Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes, and which is carried on wholly within a main building or accessory building, other than business gardens as defined and meets the requirements of section 156.C.007(G) for operating the business, employees outside of those who reside on the premises, signage, and other requirements.

No-Impact Home-Based Business. Any occupation that takes place within the premises of a clear residential dwelling that has no outward impact on the property, surrounding neighbors, changes the property in any way, does not create additional traffic/parking that would normally be associated with a residential dwelling, no signage, sound, odor, or nuisance of any kind.

Requirements:

12. Employees. The Home-Based Business allows one (1) employee to work and assist in the home-based business that does not reside on the premises. All other employees must reside on the premises.

(f) Violation, Non-Compliance, and Revocation of Registration. Any home-occupation that does not abide by the requirements set forth within the Zoning Code operates without being registered and complaints arise or falls out of compliance with the Zoning Code shall be subject to the Violation and Penalty section of the Zoning Code. This includes fines being levied after written documentation is sent to the residents to come into conformance with the Zoning Code. If a Home-Based Business operates without regard to the requirements of the Zoning Code or registration previously obtained, then they'll be subject to penalty along with revocation of their registration with a request to end the function of the home-based business. A fine of one hundred ($100.00) dollars will be levied for each offense. Each day that the home-based business is considered to be non-compliant, not operating within the requirements of the Zoning Code, or ceases to end business practices after the date requested will result in separate offenses per day.

Explanation:

The clarification to the definition was included to remove requirements from being located within the definition and moved to an appropriate spot in the code. It also defined a "No-impact home-based business". The requirement additions moved the employee requirement to being in the appropriate section and outlined the requirement to allow for one (1) employee that does not live at the residence. The final addition is codifying the violation and non-compliance clause that is found on the Home-Based Business registration form. Before codifying this, the City was unable to take action against home-based businesses that were not following the Zoning Code.

9. Update Table 156.B.005-1 Non-Residential and Mixed-Use District Lot and Building Standards to include the proposed Public/Institutional (PI) Zoning District standards.

Please see the attached table.

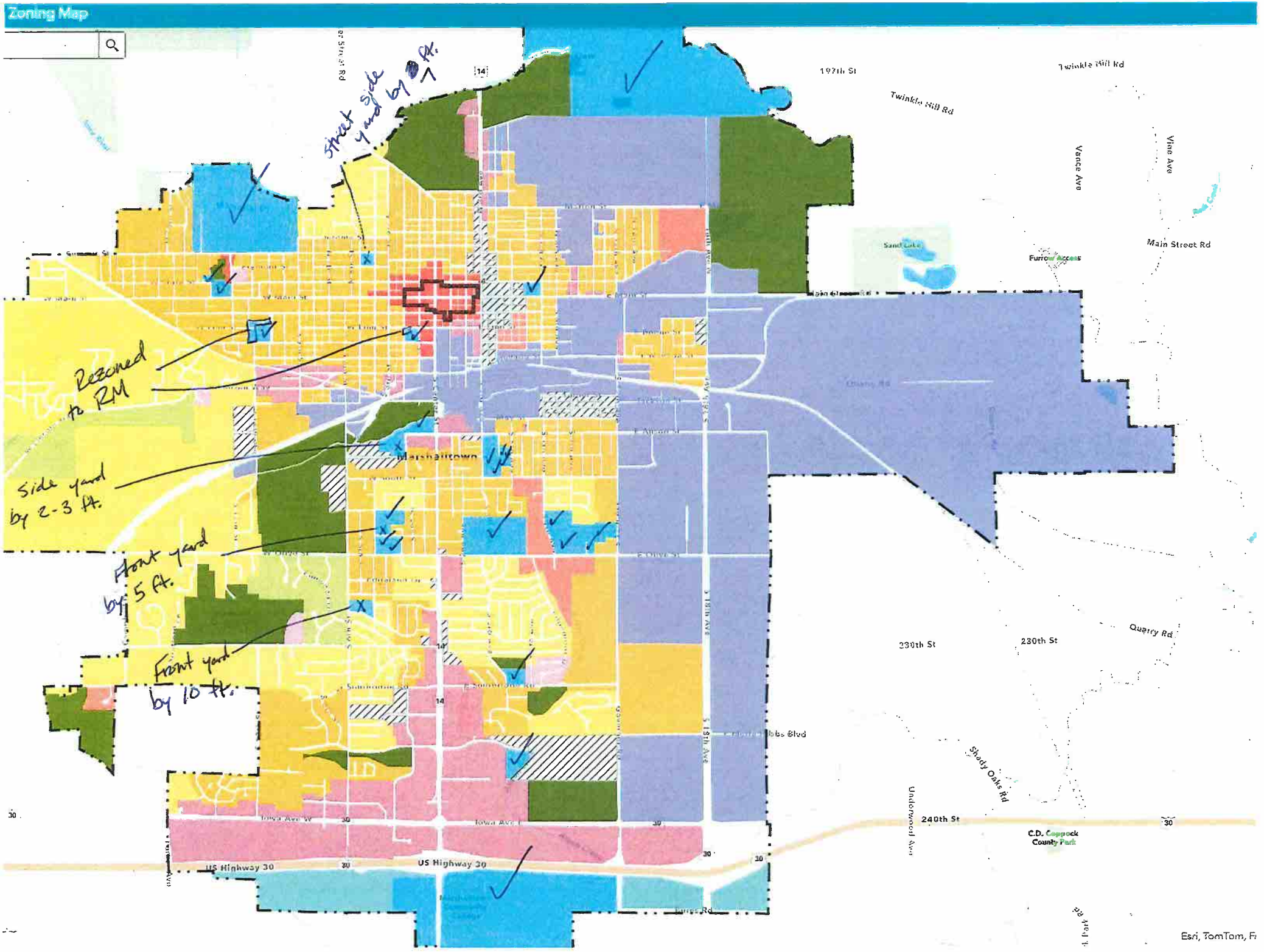
Explanation:

There are currently no codified standards for development within the Public/Institutional (PI) Zoning District. If a developer were to propose a permitted use be built on a lot that is within the PI Zoning District, the city couldn't require any form of development or design standard. The proposed table is to update Table 156.B.005-1 to make sure that the PI Zoning District has development standards for its permitted residential use and permitted non-residential uses.

Table 156.B.005-1
Nonresidential and Mixed-Use District Lot and Building Standards
(See Figures 156.B.005-1 and -2, 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		**Minimum/Maximum Setbacks**[4]			
Graphic Legend			Area	Width	Height	Frontage Build Out	Front	Side Street	**Side**[5, 6]	**Rear**[6]
			A	B	C	D	E	F	G	H
PI - Public and Institutional										
All Other Group Living Uses	21.5	N/A	6,000 Sq. Ft.	60 ft.	45 ft.	N/A	30 ft.	10 ft.	5 ft.	25 ft.
Permitted Nonresidential Uses	N/A	15%	6,000 Sq. Ft.	60 ft.	75 ft.[1]	100%	25 ft.[1]	8 ft.[1]	7 ft.[1]	10 ft.[1]

Note [1]: These maximums and minimums are set generally for the PI District. Based upon the use that is proposed to be developed, the Zoning Administrator may recommend an adjustment to the requirements to the Planning and Zoning Commission and Zoning Board of Adjustments for a variance that allows development as needed to best benefit the community, protect the use of surrounding properties, prevent nuisances, and to minimize any negative impacts of the proposed use.


Zoning Map
Street side yard by 7 ft.
Rezoned to RM
Side yard by 2-3 ft.
Front yard by 5 ft.
Front yard by 10 ft.
Marshalltown
197th St
Twinkle Hill Rd
Vance Ave
Main Street Rd
Sand Lake
Furrow Access
230th St
Quarry Rd
240th St
Shady Oaks Rd
C.D. Coppock County Park
US Highway 30
Esri, TomTom, Fi