

MARSHALLTOWN

I O W A

PLAN AND ZONING COMMISSION

Notice of Special Meeting

Thursday, December 5, 2024, at 5:00 pm

City Council Chambers, City Hall

10 West State Street, Marshalltown, IA 50158

1. CALL TO ORDER

2. ROLL CALL

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

3. Approve Minutes From November 7, 2024 Meeting

Documents:

[11-05-2024_PZ_Minutes_CK.pdf](#)

4. Public Hearing As Published On An Ordinance To Amend The Code Of Ordinances, City Of Marshalltown, Iowa, Chapter 156: Zoning

Documents:

[Zoning Text Amendment \(SCL 11.20.24\)_TR Update \(1\).pdf](#)

5. Commission Discussion And Motion To Make Recommendation Of Changes To The City Council For Consideration

AMENDED SECTIONS:

Section 1. Table 156.B.005-1 Adding lot standards for the Public/Institutional (PI) Zoning District

Section 2. Table 156.C.003 amended, changing Vehicle Fuel Stations from a permitted use (P) to a special use (S) in the Urban Core (UC) Zoning District; by changing Ground-Mounted Solar Arrays (Accessory Use) from prohibited (--) to a

special use (S) in the Nonresidential Public/Institutional (PI) Zoning District; and by further indicating in the table notes that Vehicle Fuel Stations shall be prohibited (--) in portions of the Urban Core (UC) Zoning District encompassed by the Historic District Overlay (UC-HD).

Section 3. The title of Section 156.C.005(H) “Standard for solar panel arrays (principal use),” shall be superseded and replaced as follows: “Standards for in-ground solar panel arrays.”

Section 4. Section 156.C.005(H)(1) amended by adding the following Table 156.C.003 (I) Location. The setback from any residential dwelling unit shall be 300 feet from the nearest edge of the Solar Panel Array.

Section 5. Section 156.C.007(G)(1)(d) shall be amended by adding the following subsection 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.”

Section 6. Section 156.C.007(G) shall be amended by adding the following subsection (f): Violation, non-compliance, and revocation of registration.

Section 7. Section 156.C.007(G) shall be amended by adding the following subsection (4): Swimming pool regulations

Section 8. Section 156.F.002(D) shall be amended by adding the following subsection (6): Solar Array Bufferyard Substitutions

Section 9. Table 156.G.004-3 amended, for Pylon or Pole Signs for the General Commercial (GC) and General Industrial (GI) Zoning Districts

Section 10. Table 156.G.004-3 shall be further amended, with respect to Pylon or Pole Signs, by adding requirements for Pylon or Pole Signs in the Mixed-Use (MU) Zoning District

Section 11. Amending definitions to Section 156.M.003 for:

- HOME-BASED BUSINESS
- HOME-BASED BUSINESS (NO IMPACT)
- SWIMMING POOL
- SWIMMING POOL (TEMPORARY ABOVE GROUND) and
- UTILITIES

Documents:

[Zoning Text Amendment \(SCL 11.20.24\)_TR Update \(1\).pdf](#)

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – November 7, 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 to accommodate a rezoning request schedule.

Item 2: Roll Call:

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

Also attending, Ron Frantzen of McFarland Clinic, McFarland Marshalltown Administrator, Deb Wollam, John Hall for the Chamber of Commerce, City Administrator Carol Webb, Cindy Kendall, and Trey Rouse, Consultants.

Item 3: Approve Meeting Minutes from October 24, 2024.

The Chair asked for comments. As there were no comments or corrections, the minutes of the October 24 meeting were approved as presented.

Item 4: Rezoning Application for 2815 S 2nd Street has been withdrawn.

Tom Werzberger contacted Cindy Kendall to indicate that the developer has decided to withdraw the rezoning request. No further action is required at this time.

Item 5: Discussion concerning Zoning Ordinance change Application Packet submitted by McFarland Clinic with a preliminary site plan. The Application for a zoning Ordinance change requesting that parcels of at least 8 acres within the Public and Institutional (PI) zone, be allowed to install inground solar array upon receiving a Special Use Permit. The application demonstrated other property that could benefit from such a change to Section 156.C.003-1 and Section 156.C.007. Upon discussion, a buffering of 100-300 feet was suggested in lieu of the 8 acres proposed in the application. This buffering would be required when adjacent property is residential, not owned by the applicant. Language would also be added for an exception if the adjacent property (owned by someone other than the applicant) could agree to the placement of the solar inground array in writing.

Other standard requirements for in ground array are currently under review in the following agenda items or elsewhere in Section 156 will also apply such as the plant substitutions, anti-glare panel composite, and 300 ft buffering from residential structures.

A motion was presented by Brodin, seconded by Gruendler to include the change in the non-residential, Public Institutional Zone to allow a Special Use permit for inground solar panels using the 300 foot buffering with the exception language in the proposed Section 156 amendment. All ayes on roll call with Isom and Valbracht absent.

Item 6: Commission Action for Application of Zoning Ordinance Change – A motion was presented by Eilers, seconded by Brodin to put this forward for a public hearing on December 5, 2024 at 5:00 in the Council Chambers.

Item 7: Further Discussion Reviewing the following areas of Chapter 156

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 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 and Mixed-Use District Lot and Building Standards to include the proposed Public/Institutional (PI) Zoning District standards

Changes for these sections were reviewed. The city map presented demonstrated the PI parcels and current setbacks. All of the parcels that do conform to the proposed changes will be considered legal non-conforming. The changes to Table 156.B.005-1 as discussed at the last meeting were discussed. A motion by Bordin, second by Eilers to approve the table as presented passed on a roll call all aye vote with Isom and Valbracht absent.

Item 8: Commission action for further discussion or setting public hearing. Motion by Brodin, second by Eilers to move forward with all these changes to a public hearing on December 5, at 5:00 pm in the Council chambers. All ayes on a roll call vote with Isom and Valbracht absent.

As there was no other business to come before the Commission, the meeting was adjourned at 5:50 pm.

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA CHAPTER 156 (ZONING)

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

WHEREAS, the City Council has identified various provisions of Chapter 156 requiring 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. Table 156.B.005-1 shall be amended, by adding the following lot and building standards for the Public/Institutional (PI) Zoning District:

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.										

Section 2. Amendment. Table 156.C.003-1 shall be amended, by changing Vehicle Fuel Stations from a permitted use (P) to a special use (S) in the Urban Core (UC) Zoning District; by changing Ground-Mounted Solar Arrays (Accessory Use) from prohibited (--) to a special use (S) in the Nonresidential Public/Institutional (PI) Zoning District; and by further indicating in the table notes that Vehicle Fuel Stations shall be prohibited (--) in portions of the Urban Core (UC) Zoning District encompassed by the Historic District Overlay (UC-HD).

Section 3. Amendment. The title of Section 156.C.005(H) “Standard for solar panel arrays (principal use),” shall be superseded and replaced as follows: “Standards for in-ground solar panel arrays.”

Section 4. Amendment. Section 156.C.005(H)(1) shall be amended by adding the following subsection (l):

“(l) Location. The setback from any residential dwelling unit shall be 300 feet from the nearest edge of the Solar Panel Array.

1. Exemption. If the property owner of the nearest residential dwelling unit allows, the Solar Panel Array may be developed within 300 feet of the structure while still adhering to all other requirements of the In-Ground Solar Panel Array use. If this exemption is utilized, a Landscape Bufferyard Type B or completely opaque fence may be requested by the owner of the residential dwelling unit and thus required between the In-Ground Solar Panel Array and property of the residential dwelling unit. This opaque buffer can also meet the standards for (h) Fencing as long as all other requirements of that standard are met. Confirmation with City Staff from the property owner will be needed to grant this exception.”

Section 5. Amendment. Section 156.C.007(G)(1)(d) shall be amended by adding the following subsection 12:

“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.”

Section 6. Amendment. Section 156.C.007(G) shall be amended by adding the following subsection (f):

“(f) *Violation.* Any home-based business that does not abide by the requirements set forth within this Zoning Ordinance, operates without being registered, or falls out of compliance with this Zoning Ordinance shall be subject to the Violation and Penalty section of this Zoning Ordinance. This includes fines being levied after written documentation is sent to the residents to abate violations of this Zoning Ordinance. If a home-based business operates without regard to the requirements of this Zoning Ordinance or registration previously obtained, they be subject to penalty along with revocation of their registration and termination 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 this Zoning Ordinance, or ceases to terminate business as ordered will constitute separate offenses.

Section 7. Amendment. Section 156.C.007(G) shall be amended by adding the following subsection (4):

“(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. Any pool erected and in use before the adoption of this code is considered a legal non-conforming swimming pool.
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.”

Section 8. Amendment. Section 156.F.002(D) shall be amended by adding the following subsection (6):

“(6) *Solar Array Substitutions.*

- a. 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, a minimum of 5 feet away from the solar array, 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.

- b. 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.”

Section 9. Amendment. Table 156.G.004-3 shall be amended, with respect to Pylon or Pole Signs, by superseding and replacing the “Other Standards” for the General Commercial (GC) and General Industrial (GI) Zoning Districts to read as follows:

“The width of the base of the foundation(s) of the sign shall be a minimum of 60% of the width of the face of the sign.”

Section 10. Amendment. Table 156.G.004-3 shall be further amended, with respect to Pylon or Pole Signs, by adding the following requirements for Pylon or Pole Signs in the Mixed-Use (MU) Zoning District:

Number Allowed	1 per frontage
Maximum Area (Per Sign Panel/Cumulative)	20 s.f. / 1 s.f. per linear ft. of street frontage; 35 s.f. maximum
Maximum Height	25 ft.
Maximum Clearance	8 ft. above grade and 20 ft. above adjacent drive aisle, if edge of sign is within 1 ft. of aisle
Minimum Setback	10 ft.
Illumination	Internal and external
Other Standards	--
Other Signs	If used, no monument sign is allowed
Sign Permit	Yes.

Section 11. Amendment. The following definitions shall be added to 156.M.003 or shall supersede and replace existing definitions in 156.M.003, as the case may be, as follows:

“**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.”

“HOME-BASED BUSINESS (NO IMPACT). 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.”

“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.”

“SWIMMING POOL (TEMPORARY ABOVE GROUND). 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.”

“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-mounted 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.”

Section 12. 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 13. 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

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA CHAPTER 156 (ZONING)

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

WHEREAS, the City Council has identified various provisions of Chapter 156 requiring 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.

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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.										

Section 2. Amendment. Table 156.C.003-1 shall be amended, by changing Vehicle Fuel Stations from a permitted use (P) to a special use (S) in the Urban Core (UC) Zoning District; by changing Ground-Mounted Solar Arrays (Accessory Use) from prohibited (--) to a special use (S) in the Nonresidential Public/Institutional (PI) Zoning District; and by further indicating in the table notes that Vehicle Fuel Stations shall be prohibited (--) in portions of the Urban Core (UC) Zoning District encompassed by the Historic District Overlay (UC-HD).

Section 3. Amendment. The title of Section 156.C.005(H) “Standard for solar panel arrays (principal use),” shall be superseded and replaced as follows: “Standards for in-ground solar panel arrays.”

Section 4. Amendment. Section 156.C.005(H)(1) shall be amended by adding the following subsection (I):

“(l) Location. The setback from any residential dwelling unit shall be 300 feet from the nearest edge of the Solar Panel Array.

1. Exemption. If the property owner of the nearest residential dwelling unit allows, the Solar Panel Array may be developed within 300 feet of the structure while still adhering to all other requirements of the In-Ground Solar Panel Array use. If this exemption is utilized, a Landscape Bufferyard Type B or completely opaque fence may be requested by the owner of the residential dwelling unit and thus required between the In-Ground Solar Panel Array and property of the residential dwelling unit. This opaque buffer can also meet the standards for (h) Fencing as long as all other requirements of that standard are met. Confirmation with City Staff from the property owner will be needed to grant this exception.”

Section 5. Amendment. Section 156.C.007(G)(1)(d) shall be amended by adding the following subsection 12:

“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.”

Section 6. Amendment. Section 156.C.007(G) shall be amended by adding the following subsection (f):

“(f) *Violation.* Any home-based business that does not abide by the requirements set forth within this Zoning Ordinance, operates without being registered, or falls out of compliance with this Zoning Ordinance shall be subject to the Violation and Penalty section of this Zoning Ordinance. This includes fines being levied after written documentation is sent to the residents to abate violations of this Zoning Ordinance. If a home-based business operates without regard to the requirements of this Zoning Ordinance or registration previously obtained, they be subject to penalty along with revocation of their registration and termination 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 this Zoning Ordinance, or ceases to terminate business as ordered will constitute separate offenses.

Section 7. Amendment. Section 156.C.007(G) shall be amended by adding the following subsection (4):

“(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. Any pool erected and in use before the adoption of this code is considered a legal non-conforming swimming pool.
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.”

Section 8. Amendment. Section 156.F.002(D) shall be amended by adding the following subsection (6):

“(6) *Solar Array Substitutions.*

- a. 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, a minimum of 5 feet away from the solar array, 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.

- b. 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.”

Section 9. Amendment. Table 156.G.004-3 shall be amended, with respect to Pylon or Pole Signs, by superseding and replacing the “Other Standards” for the General Commercial (GC) and General Industrial (GI) Zoning Districts to read as follows:

“The width of the base of the foundation(s) of the sign shall be a minimum of 60% of the width of the fact of the sign.”

Section 10. Amendment. Table 156.G.004-3 shall be further amended, with respect to Pylon or Pole Signs, by adding the following requirements for Pylon or Pole Signs in the Mixed-Use (MU) Zoning District:

Number Allowed	1 per frontage
Maximum Area (Per Sign Panel/Cumulative)	20 s.f. / 1 s.f. per linear ft. of street frontage; 35 s.f. maximum
Maximum Height	25 ft.
Maximum Clearance	8 ft. above grade and 20 ft. above adjacent drive aisle, if edge of sign is within 1 ft. of aisle
Minimum Setback	10 ft.
Illumination	Internal and external
Other Standards	--
Other Signs	If used, no monument sign is allowed
Sign Permit	Yes.

Section 11. Amendment. The following definitions shall be added to 156.M.003 or shall supersede and replace existing definitions in 156.M.003, as the case may be, as follows:

“**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.”

“HOME-BASED BUSINESS (NO IMPACT). 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.”

“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.”

“SWIMMING POOL (TEMPORARY ABOVE GROUND). 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.”

“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-mounted 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.”

Section 12. 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 13. 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