1. Agenda

    Documents:

        AGENDA.PDF

2. Supporting Meeting Documents

    Documents:

        MINUTES.PDF
        REGULATIONS.PDF

Notice of Public Meeting
Plan & Zoning Commission – AGENDA

Agenda for Thursday, March 26, 2015– 5:30 PM
City Hall, Council Chambers
10 West State Street, Marshalltown

Call to Order:

Committee Members:

Jon Boston, Chair	Angela Lins-Eich
Sharon Greer, Vice-Chair	Fauna Nord
Tammy Lawson,	Steve Valbracht
Keith Bloomquist	

Roll Call Start: Lawson

Business:

1. Review and approval of the minutes from 3-12-15
2. Public Hearing - Ordinance Change Application
    a. Fence Height in M2 District
3. Public Hearing - Rezoning
    a. JBS Property

http://ci.marshalltown.ia.us/meetings/view/MeetingID/1193

Date posted: 3-19-15

MINUTES
MARSHALLTOWN PLAN & ZONING COMMISSION
MARCH 26, 2015

Call to order: 5:30 PM
Adjournment 5:45 PM

Members Present:
Keith Bloomquist
Tammy Lawson
Jon Boston, Chair
Moon Chaplin-Eich
Fauna Nord
Stephen Valbracht

Members Absent
Sharon Greer, Vice-Chair

1. Review and approval of minutes from 3-12-15

Approved as distributed.

2. Public Hearing - Ordinance Change Application - Fence Height in M2 District

Jeremy Adkins was present to describe this application. He seeks to change the fence height limits in the M2 Heavy Industrial District. Boston said the Commission has not discussed fence height rules in twenty five years and is not opposed to a higher limit in the industrial park. Valbracht said since the M2 zoning district extends near downtown he would like to see different rules east of 18th Ave. Motion to recommend allowing ten foot fences east of 18th Ave. Fences west of 18th will remain 8 feet high.

Motion: Nord **2nd:** Lawson
Motion Approved: 6-0

3. Public Hearing - Rezoning Request - JBS property along 10 th Ave.

Brad Carl was present to describe this application. JBS seeks to rezone five parcels it owns from to M2 Heavy Industry from R3 Medium Density Residential. There are parking lots on two of the parcels currently with plane to build two more and a temporary office structure on the others. Motion to approve rezoning parcels as presented.

Motion: Chaplin-Eich **2nd:** Lawson
Motion Approved: 6-0

With no further business the Commission adjourned.

Respectfully submitted,
Stephen Troskey, City Planner

CHAPTER 4
DISTRICTS AND GENERAL REGULATIONS

Section 1. Districts.

For the purpose of this Ordinance, the City of Marshalltown, Iowa, is hereby divided into nineteen (19) Districts, which are as follows:

A-1	Agricultural Reserve District
R-1	Low Density Residential District
R-2	Low Density Residential District
R-2A	Low Density Residential District
R-3	Medium Density Residential District
R-4	Medium Density Residential District
R-5	High Density Residential District
R-6	Mobile Home Residence District
ED	Education District
TN	Traditional Neighborhood
NC	Neighborhood Commercial
CC	Community Commercial
OP	Office Park
CBD	Central Business District
GC	General Commercial
PC	Planned Commercial
RC	Regional Commercial
M-1	Light Industrial District
M-2	Heavy Industrial District
PUD	Planned Unit Development

Section 2. Map.

The boundaries of these districts are shown upon the map made part of this Ordinance, which map is designated as the "District Map of the City of Marshalltown, Iowa". The District Map made a part of this Ordinance and on file in the Office of the Engineering Department of the City of Marshalltown, Iowa, and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all such notations, references, and other information shown thereon were fully set forth or described in metes and bounds herein. Where there is uncertainty as to the boundaries of the Districts as shown on the District Map of Marshalltown, Iowa, the following rules shall apply:

1. Where boundaries are shown approximately following street and alley lines, such street and alley lines shall be interpreted to be the boundaries.

2. Where boundaries are indicated so that they approximately follow lot lines and are not more than fifteen (15) feet distant there from, such lot lines shall be interpreted to be the boundaries.

3. In un-subdivided property where a district boundary divides a parcel of land, the boundary shall be determined by the use of the scale appearing thereon.

4. Whenever any street, alley, or other public way is vacated by action of the Council of the City of Marshalltown, Iowa, the Zoning District adjoining each side of such street, alley or public way shall be extended automatically to the center of such vacated area.

5. Streets, alleys, places and public ways are not included within any District.

Section 3. General Regulations and Provisions.

1. Residential dwellings. All residential dwellings for which building permits have been issued after November 1, 1985 shall meet the following standards:
   a) The principal portion of such building shall have a minimum dimension of not less than twenty (20) feet.
   b) The principal portion of such building shall have a continuous and complete frost protected perimeter foundation constructed of materials as required by the Building Code for regular foundation construction.
   c) The building shall have for the exterior wall covering either:
      i) Wood or masonry finish, or its appearance, and/or
      ii) Vertical or horizontal grooved siding or lap siding, or its appearance.
   d) Metals Roofs shall be allowed if the following conditions are met or otherwise approved by the Site Plan Review Board:
      i) Opening shall not be seen on the fascia and shall be completely covered with material designed and built for metal roofing systems.
      ii) Galvanized steel shall not be used.
      iii) Roof and fastener color shall be the same, with the exception of trim pieces.

2. Multiple Buildings Upon on Lot.
   a) More than one (1) main institutional, public or semi-public apartment, commercial or industrial building may be located upon a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot.
   b) Residential Flexibility Standards (Chapter 9) may also permit more than one residential unit to be placed on a single lot so long as the lot is located in an R4 or R5 zoning district.

c) Commercial/industrial and residential uses are not allowed on the same lot with exceptions to the CBD, TN, and M2 districts.

3. Architectural Standards.
   a) Exterior siding of dwellings built or used for residential purposes must meet the current Building Code.
   b) Metal siding must consist solely of designs considered an "architectural system". This includes no metal siding that shows seams, bolts, or screws.

Section 4. Use Regulations.

1. No building shall be erected, or structurally altered, nor shall any building or land be used except for a use permitted in the district in which the building or land is located.

2. Existing railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility structure other than the usual poles, wires, and underground utilities shall be established in such districts except when so authorized by the City Council.

3. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary building shall be removed upon completion of the construction work.

4. On corner lots the yard with the least street frontage shall be considered the front yard, regardless of address or building orientation.

5. For non-corner lots with two street frontages the lesser-classified road shall be considered the front yard. For corner lots with three frontages the lesser-classified road shall be considered the front yard. If no street hierarchy exists, the orientation of the building shall dictate the front yard.

6. Trailers, boxcars, and other structures not originally built for permanent placement shall not be allowed on residential lots. These structures may be used within the normal operation of business on commercial or industrially zoned land. If used for storage, the structures must be located at the rear of the property. If a lot has more than one street frontage they must be located on the side facing a lesser-classified road.

7. Child Care Centers are allowed in Residential districts only in structures originally built for commercial, business, church, or school purposes, and must provide required off-street parking plus a pick up/drop off area adequate as to not impact traffic on the adjacent street.

Section 5. Height Regulations.

1. No building shall be erected, or structurally altered, to exceed the height limit herein established for the district in which the building is located.

2. Buildings located in Commercial and Industrial Districts may be erected to a height in excess of the limitations heretofore set forth, provided the approval of the City Council be first obtained, and provided that there be an additional setback of one (1) foot from all required yard lines for each foot of additional height above fifty (50) feet.

3. Churches, schools, and hospitals may be erected to a height of not to exceed seventy-five (75) feet, except as provided in the preceding paragraph..
4. Property elevation shall be established by the average elevation under the building footprint

5. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such district, except as provided in (1) above.

6. The height regulations of this Ordinance shall not apply to church spires, belfries, monuments, tanks, water towers, fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, radio and television towers, antenna or aerials, chimneys, elevator bulkheads, smoke stacks, emission towers, conveyors and, flag poles., radio and television towers, and antenna or aerials. Towers and antennas are further addressed in chapter 30, regarding Special Use Permits.

Section 6. Area Regulations.

1. General Regulations:
   a) No building shall be erected, or structurally altered, except in conformity with the area regulations of the district in which the building is located.
   b) Every part of a required yard shall be open to the sky except where accessory buildings are permitted in a rear or side yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed eighteen (18) inches.
   c) The minimum yards and other open spaces, including lot area per family, required by this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced below the district requirements of the Ordinance.

2. Front Yard:
   a) Uncovered steps or paved terraces may project into the front yard for a distance of not exceeding ten (10) feet, but this shall not permit a roof.
   b) Canopies covering a porch supported entirely by or from the front wall of the main building shall be at least seven (7) feet high from ground level and shall not extend more than seven (7) feet into the front yard required setback as is herein defined and shall not extend closer than five (5) feet to the front lot line upon which such building is located. This provision relating to projections into the front yard shall apply in all zoning districts where a front yard is required.
   c) On an interior lot which adjoins the rear lot line of a corner lot, the minimum front yard depth shall be seventy-five (75) percent of that required by the front yard regulations of the district in which the lot is located.

3. Side Yard:
   a) A car port or canopy shall be considered a part of the structure which it is attached to and may project into the side yard, or rear yard provided every part of such car port or canopy is unenclosed and is set back at least the minimum required for that district.
   b) Where dwelling units are permitted above commercial and industrial structures in commercial and industrial districts, no side yards are required, except such side yard as may be required by the district regulations for a commercial or industrial building on the side of the lot adjoining a dwelling district.
   c) On a corner lot in any dwelling district, the width of the yard along the side street line shall be the same as the required front yard from the adjacent neighbors.

4. Rear Yard:
   a) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.

5. Lot Area Per Family:
   a) A single lot having less area than required area for the district in which it is located which was a lot of record on the effective date of this Ordinance may be used for any purpose permitted in that district.
   b) Where two or more vacant adjacent lots under common ownership, each having less than required for the district in which they are located and which were lots of record on the effective date of this Ordinance, that area shall be redivided as to conform with the area regulations of that district before any building is erected or placed thereon.

Section 7. Visual Clearance at Intersections.

1. On a corner lot where required yards exist, no fence, wall, trees, shrubbery, sign or any other kind of structure or obstruction to vision with openings of less than seventy percent (70%) of its vertical surface area shall be erected, placed, planted, be allowed to grow, or be maintained between a height of two (2) feet and eight (8) feet above the established curb grade at the inter-section of streets on the part of any yard located within the triangular zone formed by the intersecting property lines and a line connecting two (2) points on said property lines twenty (20) feet from their point of intersection.

2. At intersections involving one-way streets, unusual intersection configurations or other unusual conditions, the city authority shall determine the limits of the visual clearance zone, but in no case shall the limits exceed the requirements of Paragraph 1 hereinabove.

Section 8. Fences and Walls.

1. Height Limitations:
   a) In any residential "R" district, fences and walls not exceeding four (4) feet in height may be located within the required front yard.
   b) In any residential "R" district, fences and walls not exceeding six (6) feet in height may be located within the required side and rear yards.
   c) In any commercial district or industrial district west of 18th Avenue, fences and walls not exceeding eight (8) feet in height may be located within any required yard. A one (1) foot extension consisting of strands of barbed wire may be used at the top of any fence or wall with a minimum average height of six (6) feet which is used for security or protective purposes.
   d) In any commercial district or industrial district east of 18th Avenue, fences and walls not exceeding ten (10) feet in height may be located within any required yard. A one (1) foot extension consisting of strands of barbed wire may be used at the top of any fence or wall with a minimum average height of six (6) feet which is used for security or protective purposes.
   e) Special fence requirements such as fencing provided around parks, recreation and school facilities may be erected to a height in excess of the above limits upon approval of the zoning administrator.
   f) Fences and walls located on corner lots shall comply with the visual clearance requirements in Section 7 of this Chapter.
   g) Fences in the A1 district used in conjunction with residential uses shall abide by a) and b) from this section
   h) Fences in the A1 district used on conjunction with farming operations shall abide by c) from this section.
   i) Decorative walls may be used as a boundary marker in residential subdivisions, not to exceed four (4) feet in average height the front yard and six (6) feet in average height the rear and side yards, provided they are approved at the time of the preliminary plat.
   j) In an area where residential and non-residential uses abut one another, any part of the non-residential lot that could be considered the same as the adjacent front yard shall abide by a) from this section.

k) All residential fences in the CBD and TN districts shall abide by the regulations described in a) from this section. This shall not apply to approved outdoor storage or loading facilities, in which case those areas may follow c) from this section.

2. Approved Residential Fence Materials

a) Fences shall be constructed using materials commonly used for and suitable for residential-style fencing, including but not limited to, brick, stone, wrought iron, vinyl, chain link (with a top rail support), split rail with treated wood in compliance with 2(c), stockade or board-on-board wood. Finished side must face the adjoining property.
b) Used or reclaimed wood or other materials may be used provided they are in good condition and can be reasonably expected to last as long as new materials.
c) Any part of a wood fence that touches concrete or contacts the ground must be pressure-treated wood or wood that is naturally resistant to decay and insects, such as cedar or redwood. Fasteners and hardware used with pressure treated wood shall be hot dipped galvanized, stainless steel, or coated per manufacturers standards for use with such woods.
d) Side or rear yard garden plots may use green garden fence, woven wire, or chicken wire provided it does not exceed five feet in height using steel posts not exceeding five feet in height or any approved materials from section 8.2.

3. Prohibited Residential Fences and Materials. No person or property owner shall install:

a) An electric, razor wire, barbed, chicken, woven, snow (except from November 1st through March 31), plastic safety, plastic garden, concrete block, or grapestake fence.
b) Any wire or chain link-type fence with the cut or salvage end of the fence exposed at the top.
c) A fence which creates a hazard to users of the street, sidewalk or to nearby property.
d) A fence composed solely of fence posts.
e) An incomplete fence, consisting only of posts and supporting members.
f) No Fence shall be constructed of used or discarded materials in disrepair, including, but not limited to complete or partial pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a Fence.
g) Agricultural fence products such as creosote posts, steel posts, wire panels, field fence, high tensile wire, tube gates, etc.
h) Any material not listed in section 8.2(a) is not approved.

4. Maintenance of Fences and Walls

Fences and walls shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences and walls shall not create an appearance of patchwork, rust, or peeling paint which is indicative of a state of disrepair. Every fence and wall installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.

Section 9. Decks and Patios.

1. Front yard decks and patios may extend into the required front yard setback ten (10) additional feet.
2. Rear and side yard decks must comply with the setbacks listed in their respective district.
3. Fences and screening for decks, patios, pools, and other structures on the interior of the yard shall not exceed seven (7) feet above the floor or ground level of said structure, provided they are attached or directly adjacent to the primary building on the lot and meet the underlying primary building setbacks.

Section 10. Accessory Buildings.

1. Any accessory building that is not a part of the main building shall be located not less than five (5) feet from any portion of the main building or any other structure on the lot (not including fences).
2. The following size requirements shall apply to any accessory building located entirely in the required rear yard:

Single family and two family residences:

Lots having a total lot area less than one-half (1/2) acre:	• Shall not occupy more than thirty (30) percent of the required rear yard. • Maximum size of an accessory building shall not exceed 1,000 square feet. • Maximum sidewall height of ten (10) feet.. • Maximum peak height of fifteen (15) feet.
Lots having a total lot area of at least one-half (1/2) acre but less than one (1) acre:	• Shall not occupy more than thirty (30) percent of the required rear yard. • Maximum size of an accessory building shall not exceed 1,600 square feet. • Maximum sidewall height of twelve (12) feet.. • Maximum peak height of seventeen (17) feet.
Lots having a total lot area of at least one (1) acre:	• Shall not occupy more than thirty (30) percent of the required rear yard. • Maximum size of an accessory building shall not exceed 3,000 square feet. • Maximum sidewall height of fourteen (14) feet. • Maximum peak height of nineteen (19) feet.

Multi family residences:

Lots having a total lot area of any size:	• Shall not occupy more than thirty (30) percent of the required rear yard. • Maximum size of an accessory building shall not exceed 300 square feet per unit. • Maximum sidewall height of ten (10) feet.

4. Any accessory building located entirely in the required rear yard shall not be nearer than three (3) feet to any lot line.
5. Any accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations of the district in which the building is located. On a corner lot in any dwelling district, the width of the yard along the side street line shall not be less than one-half (1/2) of the depth of the front yard.
6. Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
7. No accessory building or part thereof shall be located in the front yard.

8. Architectural Standards:
    a) Accessory buildings shall be architecturally treated to produce an aesthetically pleasing façade. Exterior materials of commercial quality shall include wood, masonite, aluminum, steel, decorative concrete block, stucco, brick or other similar materials with an effective life of 25 years or greater.
    b) Accessory buildings shall have either a hip or gable roof not to exceed a 4 in 12 pitch.
    c) The zoning administrator shall review and approve architectural design to assure compliance and compatibility with the requirements and aesthetic compatibility with the neighborhood. Any appeals to these administrative decisions shall be taken to the Site Plan Review BoardBoard of Adjustment.
9. A maximum of two (2) accessory buildings shall be permitted and combined size shall not exceed the size requirements listed in this section.

Section 11. Home Occupations.

1. Statement of Intent:

This section is intended to protect residential districts from potential adverse impacts of certain home occupation activities (described below); to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations; it is not the intent to eliminate certain home-based businesses and occupations which may be compatible with residential areas.

2. Criteria:
    a) No Exterior Display. That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, with the exception of section 'd' herein;
    b) Residential Design Features. That the building shall include no features of design not customary for residential use;
    c) Residential Character. That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.
    d) Signs. Any sign utilized by a home occupation in an "R" district shall be limited to one building mounted sign which shall not exceed one square foot in area.
    e) Equipment. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
    f) Employment. On-site employees must be members of the immediate family residing on the premises. Additional employees may be permitted as required by law or may be permitted through the Special Use Permit process by the Board of Adjustment.
    g) Traffic and Parking. Traffic generated by the home occupation shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.
    h) Structural modifications or additions to the residence for the expansion of a home-occupation are prohibited.
    i) Non-compliance. Any home-occupation which does not abide by the terms of this section shall be punishable under the Violation and Penalty section of the zoning ordinance.

3. Registration Required:

All home occupations shall fill out a registration form (no fee)(fee set by resolution) with the Zoning Department in order to assure compliance with the terms of this Ordinance.

4. Permitted Home Occupations:

Applicants shall register with the Zoning Department for approval and shall comply with the criteria in Section 10 11 Part 24. The following home occupations are permitted:

a) Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations, including contractors..
b) Office facilities for telecommuters, salesmen, sales representatives, manufacturer's representatives, and other similar trades or occupations when traffic generated complies with the *traffic and parking* criteria as stated in Section 2.
c) Home sewing or tailoring.
d) Studio for an artist, photographer, writer, or composer.
e) Telephone answering.
f) Catering, home-cooking and preserving for the purpose of selling the product.
g) Tutoring or giving lessons, limited to four students simultaneously.
h) Child Care Home or Child Development Home

Upon receiving the registration, the applicant shall be notified of the decision of the department. The decision may be appealed to the Board of Adjustment within 30 days of the notification if the applicant is aggrieved.

5. Prohibited Home Occupations:

Prohibited home occupations shall not be allowed permission to operate. The following home occupations are considered prohibited:

a) Animal hospitals.
b) Private clubs.
c) Restaurants.
d) Stables and Kennels.
e) Automobile repair or auto body shops. More than 2 vehicles per year which are not registered at the residence and are rebuilt, repaired, or reconstructed shall constitute an automobile repair or auto body shop.
f) Automobile paint shops.
g) Any occupation which is considered illegal by law.
h) Any use which does not meet the criteria in Section 10 11 Part 2 .2.

6. Other home occupations:

Any home occupation which is not considered "permitted" or "prohibited" shall use and abide by the Special Use process as described in this Ordinance with the exception of a review by the Plan and Zoning Commission. A special fee for a home occupation Special Use Permit shall be $15set by resolution. The Board of Adjustment shall review the home occupation in regards to the criteria listed in part 2 of this section. The Board shall take into account concerns by neighbors and the possible negative impacts to the residential character of the neighborhood. The board may place any restrictions on the home occupation and the Board shall be critical when evaluating requests for additional employees.

7. Existing Home Occupations:

Existing home occupations which are in conformance at the time of adoption of this ordinance shall remain in conformance, also known as "being grandfathered in". If an existing business is vacated any new business must meet current regulations.with the Zoning Ordinance of 1957 and with the Zoning Ordinance of 1998 shall be considered permitted. Said home occupations shall register.

Existing home occupations which are in compliance with the Zoning Ordinance of 1957 and are not considered "permitted" or "prohibited" in the Zoning Ordinance of 1998 shall be "grandfathered" and allowed to continue to operate under the terms of the Nonconforming Uses section of the zoning ordinance. Said home occupation shall register.

Existing home occupations which are not in compliance with the Zoning Ordinance of 1957 or which are considered "prohibited" in the Zoning Ordinance of 1998 shall apply for a Special Use permit within six (6) months of the effective date of this Ordinance. A special fee for a home occupation Special Use Permit shall be $15 and said home occupation shall register.

Those uses which are considered "prohibited" in the Zoning Ordinance of 1998 and do not apply for a Special Use Permit within six months shall discontinue their operation. Any home occupation which fails to Register or to obtain a Special Use permit shall be punishable under the Violation and Penalty section of the zoning ordinance.

Section 12. Regulation of Satellite Television Dish Antennas.

The following shall only apply to satellite dishes or antennas greater than three (3) feet in diameter:

1. Installation Permit Required.

Every person intending to install or materially reconstruct an antenna dish for reception of television signals from Earth satellites shall apply for and receive a building permit from the City before installing or commencing work on the antenna structure. The antenna shall meet all required setbacks. The fee for the permit shall be $25.set by resolution.

2. Satellite Television Dish Antennas.

a) Any satellite television dish antenna in any residential zoning district shall have a maximum height of ten (10) feet and a maximum diameter of ten (10) feet, shall be located on the rear one-half of the lot, shall be a neutral color, shall be at least ten (10) feet from any main building existing or under construction on the same lot, shall be at least five (5) feet from any rear or side property line, and in the case of a corner lot, shall not project beyond the front yard required or existing on the adjacent lot.
b) In the case of an interior lot abutting upon two or more streets, a satellite television dish antenna shall not be erected or altered so as to encroach upon the one-quarter of the lot nearest either street or in any case, the front yard required for either street.
c) If an antenna dish used for television is to be attached to a structure on a residential lot, it shall not exceed five (5) feet in diameter and shall be attached only to the back of the structure. No more than one-half of such antenna dish shall be visible from the front of the structure.
d) In any commercial or industrial district, unless commercially licensed, a satellite television dish antenna shall not exceed forty-five (45) feet in height nor be located closer than fifteen (15) feet to any public street. If used for advertising purposes, a satellite television dish antenna shall be deemed to be a sign and shall also be governed by the sign regulations applicable to the property. Where a satellite television dish antenna is proposed to be mounted on the roof of a building in a commercial or industrial district, it shall not exceed more than ten (10) feet above the height limit established for the district in which the structure is located and such antenna shall not be used for any commercial or advertising purposes.

Section 13. Adult Entertainment Businesses.

1. Establishment of Business:
The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities herein described and defined. It shall also include any addition to or expansion of an existing adult entertainment business which causes said business to occupy over 20% more space than before such addition or expansion.

2. Regulation of Location and Operation:
   a) No person shall cause or permit the establishment of any adult entertainment business as herein defined within 750 feet of any other such business, any school, place of worship, library, public park, public playground or areas zoned or used for residential use., save and except if said adult entertainment business is located in an area zoned M-2, in which case said adult entertainment business may be located within 250 feet of any area zoned for residential use.
   b) Measurement shall be taken on a direct line from the closest property line of such adult entertainment business to the point on the property line of such other business, school, place of worship, library, public park, public playground or area zoned or used for residential use which is closest to the said customer entrance of such adult entertainment business..
   c) All building openings, entries, windows, etc. shall be constructed, located, covered or screened in such a manner as to prevent a view of display areas from, or a view into the interior of the adult entertainment business from, any pedestrian sidewalk, walkway, street, or other public or semi-public area.
   d) Any adult entertainment business in existence on the effective date of this Ordinance which does not comply with the minimum separation requirements defined in Paragraphs a and b above may be continued as a nonconforming use for a period of not more than six (6) years thereafter. Such nonconforming use shall not be expanded, extended or altered with regard to the land area, building or structure involved in such use. The provisions of Paragraph c above shall apply to all adult entertainment businesses, including said nonconforming uses, upon adoption of this Ordinance.

Section 14. Halfway Houses and Ex-Offender Rehabilitation Services.

1. Regulation of Location and Operation:
   a) No person shall cause or permit the establishment of any halfway house or ex-offender rehabilitation as herein defined within 750 feet of any other such business, any school, place of worship, library, public park, public playground or areas zoned or used for residential use.

Section 15. Annexation of Territory.

All territory which may hereafter be annexed to the City of Marshalltown, Iowa shall be annexed as a part of the "A-1" Agricultural Reserve District unless otherwise agreed upon with the property owners.