

CITY OF HUDSON, IOWA

ZONING ORDINANCE

ORDINANCE NUMBER 887

AN ORDINANCE REPEALING: CHAPTER 166, OF THE CITY CODE OF HUDSON AND ALL OF THE AMENDMENTS THERETO. ORDINANCE NUMBER 887 IS AN ORDINANCE CREATING ZONING REGULATIONS FOR THE PURPOSE OF PROTECTION HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF HUDSON, IOWA.

THE FOLLOWING ZONING ORDINANCE IS ENACTED IN LIEU THEREOF AS NEW ORDINANCE NUMBER 886, THE CITY OF HUDSON, IOWA ZONING ORDINANCE, AS CHAPTER 166 OF THE CITY CODE.

Recommended for Adoption by
Hudson Planning and Zoning Commission On:

05/18/2023

Adopted by
Hudson City Council On:

XX/XX/2023

Effective Date:

XX/XX/2023

Revision date:

Prepared by the
Iowa Northland Regional Council of Governments

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CITY OF HUDSON, IOWA

ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF HUDSON, BLACK HAWK COUNTY, IOWA: AN ORDINANCE REPEALING: CHAPTER 166, OF THE CITY CODE OF HUDSON AND ALL OF THE AMENDMENTS THERETO. ORDINANCE NUMBER 887 IS AN ORDINANCE CREATING ZONING REGULATIONS FOR THE PURPOSE OF PROTECTION HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF HUDSON, IOWA.

THE FOLLOWING ZONING ORDINANCE IS ENACTED IN LIEU THEREOF AS NEW ORDINANCE NUMBER 887, THE CITY OF HUDSON, IOWA ZONING ORDINANCE, AS CHAPTER 166 OF THE CITY CODE:

ARTICLE I

TITLE, PURPOSE, NATURE, AUTHORITY, IOWA OPEN MEETINGS LAW, AND DEFINITIONS

Section 1.00 **TITLE**

This Ordinance shall be known as and may be referred to and cited as Ordinance Number ____, "The City of Hudson, Iowa Zoning Ordinance". It is adopted in accordance with the Hudson Comprehensive Plan.

Section 1.01 **PURPOSE**

The various use districts which are created by this Ordinance and the various articles and sections of this Ordinance are adopted for the purpose, among others, of:

1. Implementing the Comprehensive Plan for the City of Hudson, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the city that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Lessening or avoiding congestion in the public streets and highways;
6. Seeking to protect against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
8. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;

9. Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
10. Helping to prevent land development activities which lead to roadside blight, and to minimize the effects of nuisance producing activities;
11. To prevent, whenever possible, land boundary disputes or real estate title problems;
12. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when the City is developing or enforcing land use regulations;
13. Providing uniform procedures and standards for the regulation and platting of land while allowing the widest possible latitude for the City to establish and enforce ordinances regulating the division and use of land, City development, and annexation, within the scope of Chapters 354, 364, 368, and 414 of the *Code of Iowa*
14. Encouraging orderly community development and providing for the regulation and control of the extension of public improvements, public services and utilities, the improvement of land, and the design of subdivisions, consistent with an approved comprehensive plan or other specific community plan.
15. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
16. Conserving the taxable value of land and buildings throughout the City; and
17. Defining the powers and duties of the Zoning Administrator and other bodies, as provided herein.

Section 1.02 NATURE

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of Hudson, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, morals, and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population. This ordinance also regulates the usage of signs within the City.

Section 1.03 AUTHORITY

The authority for this Ordinance is granted by the Code of the State of Iowa, Chapter 414, City Zoning; 306C, Junkyard Beatification and Billboard Control.

Section 1.04 IOWA OPEN MEETINGS LAW

The Hudson Planning and Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the *Code of Iowa* as amended. Wherever in this Ordinance a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

Section 1.05 DEFINITIONS

For the purpose of the Ordinance and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein.

Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel" and the word "building" includes "structure". The word "shall" is mandatory; the word "may" is permissive. The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. Accessory Building or Use: A building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. An accessory building shall be a minimum of six (6) feet away from other buildings or structures.
2. Apartment: A room or suite of rooms used as the dwelling of a household, including bath and culinary accommodations, located in a building in which there are three (3) or more such rooms or suites.
3. Appeal: A request for review of the Zoning Administrator's interpretation of any provision of this Ordinance or a request for a variance.
4. Auto Body Repair Shop: Any building, structure or land used for automobile body repair, restoration, and painting.
5. Basement/Cellar: A basement shall be a portion of a building having two (2) or more of its sides below grade. A basement or cellar is not included in computing the number of stories for the purpose of height measurement.
6. Bed and Breakfast: An owner-occupied dwelling unit that contains no more than three (3) guest rooms where lodging, with or without meals, is provided for compensation.
7. Billboard: A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
8. Board of Adjustment: "Board of Adjustment" shall mean the Zoning Board of Adjustment of the City of Hudson, Iowa.
9. Boarding, Rooming, and Lodging House: A building other than a hotel where, for compensation and by arrangement, meals, lodging are provided for three (3) or more persons on a weekly or monthly basis.
10. Building: Any structure, which shall include, but not be limited to, signs of all types, designed or built for supporting, enclosing, or sheltering of any use or occupancy.
11. Building Code: The Uniform Building Code (U.B.C) promulgated by the International Conference of Building Officials.
12. Building Height: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. The only exceptions to the building height requirements set forth in this Ordinance appear in Section 15.01.

13. Building Line: A line on a plat between which line and a street, alley, or private place no building or structure may be erected.
14. Building Official: The officer or other designated authority charged with the administration and enforcement of the Building Code in the City of Hudson.
15. Car Wash: A building, or portion thereof, containing facilities for washing two (2) or more automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial handwashing of such automobiles, whether by operator or by a customer.
16. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. A carport attached to a principal building shall be considered a part of the principle building and subject to all yard requirements therein.
17. Child Care Center (Institutional): Any established or institution, such as a church or non-profit organization, which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional childcare center shall not be conducted in a dwelling unit or private home.
18. Child Care Center (Home): An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a childcare center in the home shall be considered a "home occupation" and shall follow the provisions outlined in this Ordinance.
19. City Engineer: "City Engineer" shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
20. Clinic: A building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.
21. Common Sewer System: A central sewer collecting system, if available, to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the City and County or State Boards of Health.
22. Common Water System: A central water supply system, if available, to each platted lot from one single source approved by the City and County or State Boards of Health.
23. Comprehensive Plan: The general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
24. Conduit: Any channel, pipe, sewer, or culvert used for the conveyance or movement of water, whether open or closed.
25. Confinement Feeding Operation: Any laying, nursing, farrowing, or finishing operation that is conducted within a building or structure with a central waste collection system, for the purpose of raising livestock or poultry for sale.

26. Consignment and Auction Sales Operations: A business which, on an ongoing basis, stores and sells personal property as well as others to the public either indoors or outdoors.
27. Convenience Store: A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
28. Conveyance: An instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
29. Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
30. Curb line: The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the jurisdiction's engineer.
31. Deck: An outdoor structure that is attached to a house or accessory building which is generally constructed of wood, concrete or composite material and used for ingress and egress as well as recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of six (6) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
32. Developmentally Disabled: For the purpose of the 'family home' provisions of this Ordinance, a disability of a person which has continued or can be expected to continue indefinitely, and which is one of the following.
 - (a) Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
 - (b) Attributable to any other condition found to be closely related to mental retardation.
 - (c) Attributable to dyslexia resulting from a disability.
 - (d) Attributable to a mental or nervous disorder.
33. District: A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are uniform.
34. Drive-in Restaurant or Refreshment Stand: Any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
35. Driveway: A private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
36. Dump/Landfill: A premises used for the disposal of "clean" type of fill material or refuse, such as dirt, rocks, bricks, concrete, rubble, tree branches, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.

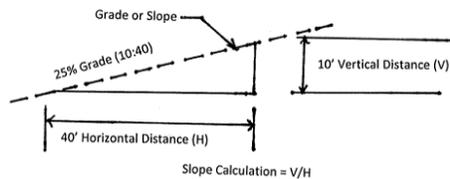
37. Dwelling: Any building or portion thereof which is designed for, or used for, residential purposes and is a minimum of twenty-four (24) feet in width. A dwelling does not include a tent, cabin, trailer, tiny home, or mobile home. A dwelling is constructed of conventional materials such as brick, block, and wood. A dwelling shall not be constructed with discarded or salvaged materials.
38. Dwelling, Attached: A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
39. Dwelling, Condominium: A multiple-family dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
40. Dwelling Detached: A dwelling which is not attached to any other dwelling or accessory building by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit or accessory building and is a minimum of six (6) feet away from other buildings or structures.
41. Dwelling, Multiple-Family: A residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
42. Dwelling, Row: Any one of three (3) or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "townhouse".
43. Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only. Single-family dwelling shall include a "manufactured home", as herein defined.
44. Dwelling Two-Family/Duplex: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each.
45. Dwelling Unit: A dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only.
46. Earth Home: An earth home is a structure that is built for habitation below the finished or natural grade on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be confused with the definition of a basement or cellar.
47. Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
48. Economic Base: The production, distribution and consumption of goods and services within a planning area.
49. Egress: An exit.
50. Elder Home: A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.
51. Eminent Domain: The authority of a government to take, or to authorize the taking of, private property for public use for just compensation.

52. Environmental Impact Statement (EIS): A statement on the effect of development proposals and other major activities which significantly affect the environment.
53. Essential Services: The erection, alteration, or maintenance, by public utilities, municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare of the City of Hudson. All buildings or telecommunication towers associated with 'essential services', however, must abide by this Ordinance (see Section 3.08).
54. Exotic Animals: Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
55. Factory-Built Home/Mobile Home: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and which is designed to be used as a dwelling unit. A factory-built home or mobile home may be used with or without a permanent foundation when connected to utilities. The term factory-built home or mobile home does not include "recreational vehicle."
56. Factory-Built Home Park or Subdivision / Mobile Home Park: A parcel (or contiguous parcels) of land divided into two (2) or more factory-built home lots for rent or sale.
57. Family: One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.
58. Family Home: A community-based residential home which is licensed as a residential care facility licensed under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
59. Farm or Farmland: A parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. For the purposes of this Ordinance a "farm" shall consist of thirty-five (35) or more contiguous acres, exclusive of streets and roads.
60. Farm Animal: The production, keeping, or maintenance for sale or personal use of animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees, fish, and fur animals but not including rabbits kept as pets.
61. Feasibility Study: An analysis of a specific project or program to determine if it can be successfully carried out.

62. Feedlot/Confinement: Any parcel of land or premises on which the principal use is the concentrated feeding and growth of livestock such as: cattle, hogs, sheep, or poultry within a confined area. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
63. Fence, Residential: A barrier and/or structure erected in an “R” District intended to provide security, mark a boundary, or as a means of landscaping. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain link, but shall not include corrugated sheet metal, barbed wire or salvage material.
64. Fence, Non-Residential: A barrier and/or structure erected in a district other than an “R” District intended to provide security, mark a boundary or a means of landscaping. No such fence is constructed of salvaged material or uses barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes.
65. Floor Area: In the case of merchandising or service types of uses, “floor area” shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons, or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
66. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
67. Frontage: That side of a lot abutting on a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting the street from which the building's address is derived.
68. Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
75. Garage Public: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
69. Garage Storage: A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
70. Gas Station: Any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing including EV charging as distinguished from automotive repairs.
71. Governing Body: The City Council of the City of Hudson, Iowa.

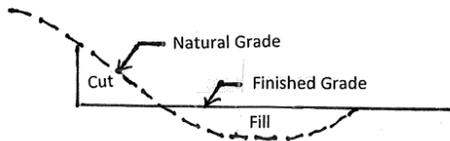
72. Grade: The degree of rise or descent of a sloping surface (see Figure 1).

Figure 1: Grade or Slope



73. Grade, Finished: The final elevation of the ground surface after development (see Figure 2).
74. Grade, Natural: The elevation of the ground surface in its natural state before human-made alterations (see Figure 2).

Figure 2: Grade or Shape; Cut and Fill Cross Section



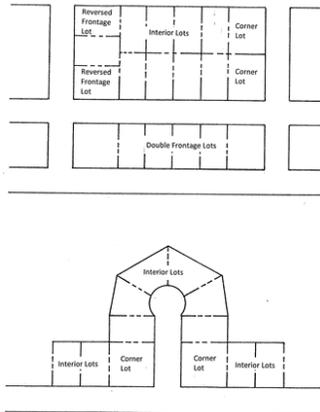
75. Group Care Facility: A facility which provides resident services to nine (9) or more individuals of whom one or more are unrelated. These individuals are aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.
76. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
77. Historic Preservation: The protection, rehabilitation, and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.
78. Historic Structure: Any structure that is:
- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
79. Home-Based Business: Any business for the manufacture, provision, or sale of goods of services that is owned and operated by the owner or tenant of the residential property on which the business operates.
80. Home-Based Business, No-Impact: A home-based business for which all of the following apply:
- (a) The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property.
 - (b) The business activities are characterized by all of the following:
 - i. The activities are limited to the sale of lawful goods and services.
 - ii. The activities do not generate on-street parking or a substantial increase in traffic through the residential area.
 - iii. The activities occur inside the residential dwelling or in the yard of the residential property.
 - iv. The activities are not visible from an adjacent property or street.
81. Home Occupation: An occupation or profession conducted entirely within an enclosed dwelling unit which is clearly incidental and secondary to residential occupancy and does not change the character thereof.
82. Home Industry: An occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
83. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.
84. Household: A group of persons living together in a single “dwelling unit”, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
85. Improvements: Changes to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.

86. Ingress: Access or entry.
87. Institution: A nonprofit or quasi-public use or institution such as church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
88. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
89. Junk or Salvage Yard: Any area where junk or salvage is bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled. This definition shall also include auto or other vehicle or machinery wrecking or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards. The presence on any lot, parcel, or tract of land of one (1) or more unlicensed, wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept completely enclosed within a building.
90. Kennel: Any parcel of land on which any number of dogs or cats are kept for the purpose of sale, breeding, grooming, boarding, or any other activities associated with the sale or care of dogs or cats for commercial purposes. All permitted kennels shall be regulated in accordance with all State and Federal Regulations.
91. Laundromat: An establishment providing washing, drying and/or dry-cleaning machines on the premises for rental use to the general public for family laundering and/or dry-cleaning purposes.
92. Loading Space: An off-street space or berth used for the loading or unloading of vehicles.
93. Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of:
- (a) A single lot of record;
 - (b) A portion of a lot of record;
 - (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and
 - (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
94. Lot, Residential Large Use: A low density residential zoning district designation that is intended to accommodate a single-family dwelling unit, as herein defined, on a lot that is not to be less than 3 acres in size.
95. Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.

96. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections (See Figure 3).
97. Lot Depth: The mean horizontal distance between the front and rear lot lines.
98. Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 3).
99. Lot, Flag: A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private, or public right-of-way.
100. Lot Frontage: The length of the front line measured at the street right-of-way line.
101. Lot, Interior: "Interior lot" means a lot other than a corner lot (See Figure 3).
102. Lot Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
103. Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
104. Lot Line, Side: Any lot line other than a front or rear lot line.
106. Lot, Minimum Area of: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
107. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which it is located.
108. Lot Width: Lot width is measured at the building line at right angles to its depth.
109. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
110. Massage Establishment: Any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by massage therapist's hands) is administered or used.
111. Manufactured Home: A single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling.

Figure 3: Examples of Lot Definitions



112. **Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
113. **Mobile Home:** See “Factory-Built/Mobile Home”.
114. **Motor Court or Motel:** A building or groups of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include a swimming pool, restaurant, meeting rooms, and other related accessory facilities.
115. **Non-combustible:** When applied to building construction material, means a material which, in the form it is used, is either of the following:
- (a) Material of which no part will ignite and burn when subject to fire, any material conforming to the Building Code. Specifically, UBC Standard Number 4-1 shall be considered non-combustible within the meaning of the section.
 - (b) Material having a structural base of non-combustible material as defined in A above, with a surfacing material not over 1/8 inch thick that has flame-spreading rating of 50 or less. Non-combustible does not apply to surface finish materials.
116. **Nonconforming, Use:** A use or activity which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is situated.
117. **Nursing, Rest, or Convalescent Home:** A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

118. Overhang: The part of a roof or wall which extends beyond the facade of a lower wall.
119. Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
120. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
121. Parcel: A part of a tract of land.
122. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
123. Parking Space: A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
124. Place: An open unoccupied space, or a public or private thoroughfare other than a street or alley, permanently reserved as the principal means of access to abutting property.
125. Planning and Zoning Commission: "Planning and Zoning Commission" shall mean the Planning and Zoning Commission of the City of Hudson, Iowa.
126. Plastic Material Approved: Those materials having a self-ignition temperature of 650 degrees Fahrenheit or greater and a smoke density rating not greater than 450 degrees when tested in accordance with U.B.C. Standard Number 55-2. Approved plastics shall be classified and shall meet the requirements for CC1 or CC2 plastic.
127. Plat: A map, drawing, or chart drawn by a registered surveyor in the State of Iowa on which a subdivider's plan for the subdivision of land is presented, which he/she submits for approval and intends, in final form, to record.
128. Principal Use: The main use of land or structures as distinguished from accessory use.
129. Principally Above Ground: At least fifty-one (51) percent of the fair market value of the structure is above ground.
130. Recreational Vehicle: A vehicle which is:
- (a) built on a single chassis;
 - (b) four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light duty truck, and
 - (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
131. Restaurant: An establishment that prepares and retails food for consumption on the premises or for carry-out.

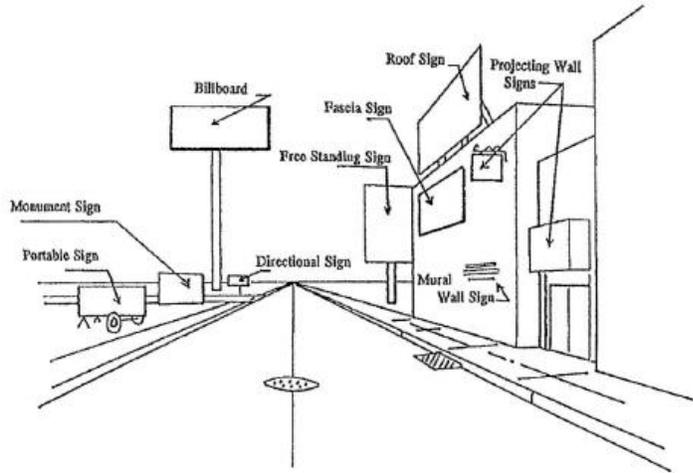
132. Rights-of-Way: The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes.
133. Satellite Dish Antenna: A satellite receiver, a satellite ground dish antenna, or a satellite rooftop antenna which may or may not be able to rotate to enable the “dish” to aim at different satellites for the purpose of television reception.
134. Screening: Either of the following:
- (a) a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high; or
 - (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.
- Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation, unless in accordance with this Ordinance.
135. Sidewalk: A paved, or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
136. Sign: An identification, description, illustration, or device that is affixed to, or represented on a building, structure, or parcel of land and that directs attention to a product, place, activity, person, profession, service, institution, or business.
137. Sign, Accessory: A sign relating only to uses of the premises on which the sign is located, or products are sold, or services offered on the premises on which the sign is located, or indicating the name or address of a building, or the occupants or management of a building of the premises where the sign is located. See “off-premises sign” definition.
138. Sign, Address: A sign posted in conjunction with doorbells or mailboxes showing only the numerical address and/or the occupants of the premises upon which the sign is located.
139. Sign, Area of: That area within a line including the outer extremities of all letters, figures, characteristics, or delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. When the irregular shape of a line warrants, such area shall include the extreme points or edges of the sign. The support for the sign background, whether it be columns, pylons, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in the computation of a sign.
140. Sign, Awning: Any retractable sign structure made of cloth, metal, or other material attached to a building; erected to permit raising or retracting to a position against the building when not in use.
141. Sign, Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by permanent frame at one or more edges.
142. Sign, Bench: A sign painted or attached to a seating bench.

143. Sign, Billboard: A sign structure designed for the posting of changeable graphics or reading matter advertising a product, place, activity, person, profession, service, institution, or business located on property other than the premises on which the sign is located. (See Figure 4)
144. Sign, Bulletin Board: A sign used for the temporary posting of meeting or event notices.
145. Sign, Canopy: A sign structure (other than an awning) designed to cover or shade windows, entries, or walkways made of cloth, plastic, vinyl, canvas, or other similar material with frames.
146. Sign, Combination: A sign incorporating any combination of the features of freestanding, projecting, and roof signs.
147. Sign, Directional: A sign designed for the purposes of assisting traffic control, that is located on private property and limited to no more than three (3) feet in height, or (6) six feet in area. (See Figure 4)
148. Sign, Electric (flashing): A sign containing electrical wiring and lighting where the light produces a flashing or strobe effect. This term excludes signs illuminated by an exterior light source.
149. Sign, Flag: Any, fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of government, political subdivision, or other entity.
150. Sign, Freestanding: A sign that is supported by one or more uprights, columns, poles, pylons, or braces in or upon the ground and not attached to any building or wall. This term also applies to those signs having their framework permanently embedded in the ground. (See Figure 4)
151. Sign, Home Occupation or Home Industry: A sign or nameplate limited to the display of the occupant and/or the name of the occupation. The sign shall not exceed three (3) square feet in area, shall not be illuminated, shall be affixed to the main structure, or shall be visible through a window, and shall be limited to one (1) per home.
152. Sign, Marquee: A sign that is a permanent roofed structure attached to and supported the building and projecting over public property.
153. Sign, Memorial: A sign dedicated to an historical event, figure, or person.
154. Sign, Monument: An identification device permanently embedded in the ground, upon which is affixed only the name and/or symbol of a particular neighborhood, subdivision, municipality, commercial, or industrial development. (See Figure 4)
155. Sign, Mural: see “Wall Sign” definition.
156. Sign, Non-Structural Trim and Materials: The molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways that are attached to the sign structure.
157. Sign, Off-premises: A sign displaying or drawing attention to a product, place, activity, person, profession, service institution, or business located on a property other than the premises on which the sign is located. With the exception of government, church, school, or temporary signs, off-premises signs are not permitted.

158. Sign, Pennant: Any lightweight plastic, fabric, or other material (whether containing a message of any kind) suspended from a rope, wire, or string, usually in series, designed to move in the wind.
159. Sign, Pole: see “Freestanding Sign” definition
160. Sign, Political: An outdoor sign of a temporary nature that is non-illuminated and not larger than 32 square feet in surface area, erected for the purposes of soliciting votes or support for, or in opposition to, any candidate or any political party under whose designation any candidate is seeking nomination or election or any public question or issue on the ballot in an election held under the laws of the state of Iowa.
161. Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business. Portable signs are not permitted unless specifically authorized for temporary use by the Building Official. Said sign shall be permitted for sixty (60) days in any consecutive 12-month period. (See Figure 5)
162. Sign, Projecting: A sign supported by a building or other structure which projects over any street, sidewalk, alley, or public way or public easement, or which projects more than twelve (12) inches from the face of the building, structure, or supporting wall, excluding canopies, awnings, and marquees. (See Figure 4)
163. Sign, Regulatory: Traffic and other municipal signs, legal notices, railroad crossings, danger, and other such necessary, temporary, emergency, or non-advertising signs.
164. Sign, Roof: A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building. (See Figure 4)
165. Sign Structure: Any structure that supports or is capable of supporting a sign as defined in this section. A sign structure may be one or more poles, beams, and/or frames, and may or may not be an integral part of the building.
166. Sign, Temporary: A sign or advertising device intended to be displayed for a limited time period typically identifying construction, community, or civic projects, show homes, or other special events on a temporary basis. Said sign shall not exceed thirty-two (32) square feet in area. Said sign shall be permitted for sixty (60) days in a twelve (12) month period.
167. Sign, Wall: A sign other than a roof sign that is supported by a building or wall. Such a sign shall not project, in height, beyond the peak of said building or wall more than one-third the sign’s longest dimension. Signs surpassing said peak projections shall be designated as roof signs. Wall signs shall not exceed twenty (20) percent of the surface area of any wall to which the sign is affixed.
- (a) Canopy Wall Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.
 - (b) Fascia Wall Sign: A single faced building or wall sign that is parallel to its supporting wall and not extending more than twelve (12) inches from a building or wall. (See Figure 5)

- (c) Mural Wall Signs: A graphic illustration or presentation that is painted or otherwise applied to a building, wall, or façade. (See Figure 4)
- (d) Projecting Wall Signs: A sign that is attached to and projects more than twelve (12) inches from the face or wall of a building.

Figure 4: Sign Examples



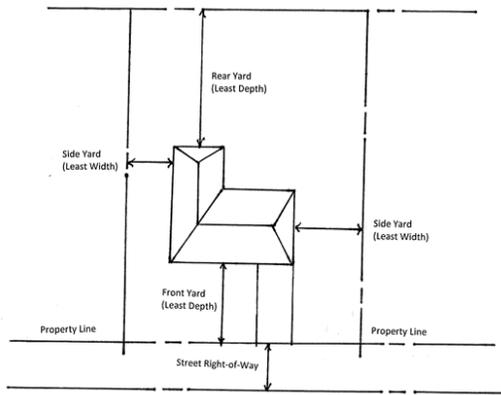
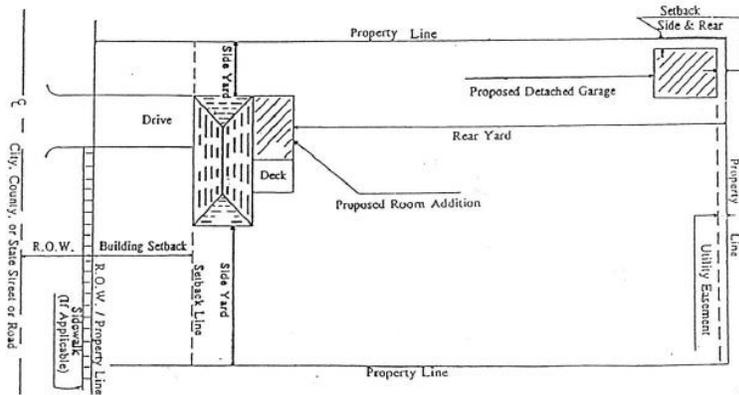
- 168. Significant Enhancement: Any new structure or any enhancement in which the cost equals or exceeds fifty (50) percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.
- 169. Stable, Private: A building, incidental to an existing residential, principal use, that shelters horses for the exclusive use of the occupants of the premises.
- 170. Stable, Public: An accessory building in which horses are kept for commercial use including boarding, hire, and sale.
- 171. Storage, including Mini-Storage: An area or building where property is stored for a fee.
- 172. Storm Water Drainage Facility: An element in a storm water drainage system which was approved by humans.
- 173. Storm Water Drainage System: All means, natural or human-made, used for conducting storm water to, through, or from a drainage area to the point of final outlet, including (but not limited to) any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.
- 174. Storm Water Runoff: The waters derived from precipitation within a tributary drainage area, flowing over the surface of the ground or collected in channels or conduits

175. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
176. Story, First: The lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade at any point.
177. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.
178. Street or Road: Any thoroughway having a public right-of-way which is designed to channel or circulate vehicular and pedestrian traffic. The term "street" may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.
179. Street, County: Any road or street owned, operated, and maintained by Black Hawk County.
180. Street, Local: A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.
181. Street, Private: Any privately-owned road, street, or driveway.
182. Structure: A structure shall be anything constructed or built with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings (principal and accessory) and signs.
183. Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
184. Structural Member: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight and functioning as an in-fill or nonstructural enclosure.
185. Surveyor: A licensed land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
186. Swimming Pool: A tank of water either above or below grade level that is designed and constructed for human occupancy.
187. Telecommunication Antenna or Towers: Any antenna, tower, or similar device or structure, whether freestanding or attached to another structure, a primary or ancillary purpose of which is for radio, television, telephone, short-wave, cellular telephone, or microwave or similar communications purposes.
188. Tiny Home: A single-family residential structure with a minimum of 576 square feet of habitable floor space. All tiny homes in the City of Hudson shall be secured to a permanent foundation and compliant with all other applicable city zoning district and

building code regulations, Black Hawk County Public Health, and Code of Iowa requirements.

189. Trailer Camp or Tourist Camp: An area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.
190. UBC Standards: The Uniform Building Code (UBC) standards promulgated by the International Conference of Building Officials.
191. Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone, and cablevision (see 'essential services').
192. Variance: A grant of relief to a person from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
193. Violation: The failure of a structure or other development to be fully compliant with the provisions of this Ordinance.
194. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used (see Figure 5).
195. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (see Figure 5). This area is to be considered a clear area and is not to be used for storage or obstruction.
196. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard (see Figure 5).
197. Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto (see Figure 5).
198. Zoning Administrator: The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

Figure 5: Yard Definitions



ARTICLE II

ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY
INTERPRETATIONS, ANNEXED TERRITORY

Section 2.00 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of Hudson is hereby organized into the following zoning districts:

Agricultural District

“A-1” Suburban Agricultural District

Residence Districts

“R-1” Single Family Residential District

“R-2” Low Density Residential District

“R-3” Multiple Residential District

“R-4” Mobile Home Park District

“R-5” Large Lot Residential District (Municipal Services Not Available)

“R-6” Large Lot Residential District (Municipal Services Available)

Commercial Districts

“C-1” Central Commercial District

“C-2” Commercial District

Manufacturing Districts

“M-1” Light Industrial and/or Manufacturing District

“M-2” Heavy Industrial and/or Manufacturing District

Mixed Use Districts

“P-D” Planned Development District

Section 2.01 ZONING MAP

The location and boundaries of the zoning districts established by this Ordinance are set forth on the map entitled “Zoning Map” which is located in the Hudson City Hall and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

Section 2.02 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys;
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;

4. Boundaries shown as following or approximately following the courses of streams, rivers, or other continuously flowing waters shall be construed as following either the channel center line or the mean high-water mark of such water courses;
5. Boundaries shown as following or closely following the City limits of Hudson shall be construed as following such city limit lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 2.02.01 through 2.02.06 shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries;
8. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

Section 2.03 ANNEXED TERRITORY

All territory which may hereafter be annexed to the City of Hudson shall be classed automatically as being in an "A-1" Suburban Agricultural District until such classification shall have been changed by amendment of this Ordinance as provided hereafter.

ARTICLE III
GENERAL PROVISIONS

Section 3.00 ZONING AFFECTS EVERY STRUCTURE

Except as hereinafter provided, no building, structure or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of District in which it is located.

Section 3.01 MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT, AND LOTS UNSERVED BY SEWER OR WATER

1. Minimum Street Frontage: No lot shall be created after the adoption of this Ordinance unless it abuts at least thirty (30) feet on a public street right-of-way or is accessible to a public street by an easement.
2. Lot of Record: In any Residence District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.
3. Lots Unserved by Sewer and Water: In any residential district where neither public water supply nor public sanitary sewer are reasonably available, one (1) single-dwelling may be constructed, provided the otherwise specified lot area and width requirements are met. In no case, shall the lot area be less than one and one half (1 ½) acres.
4. Easements: Constructing a building or structure on an easement is prohibited. Placing fences, trees, and landscaping on easements is discouraged.

Section 3.02 ACCESSORY BUILDINGS, STRUCTURES, AND USES

1. Time of Construction: No accessory building, or structure shall be constructed on any lot prior to the completion of the foundation of the principal building to which it is accessory.
2. Percentage of Rear Yard Occupied Within an "R" District: No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a rear yard.
3. Height of Accessory Buildings Within an "R" District: No detached accessory building or structure shall exceed eighteen (18) feet in height, and the side walls shall not exceed twelve (12) feet in height.
4. Location on Lot: No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than six (6) feet from any principal buildings.
5. Swimming Pools: No public or private swimming pool shall be erected or maintained unless:

- (a) It is entirely closed by buildings or fences or has walls not less than four (4) or more than eight (8) feet in height and of such construction that a person may not enter the property from the street or from any adjacent property without opening a door or gate or scaling a wall or fence; holes or openings in the fence shall be four (4) inches or less in least dimension; such fences or walls shall be equipped with self-latching gates or doors; or
- (b) It is equipped with ladders, covers, or other equipment that when so deployed would prohibit persons from entering the water within the pool; or
- (c) It is otherwise constructed or maintained such that no person who is not an occupant of the swimming pool may enter the water within the pool without the consent of the party in possession of the swimming pool.

Section 3.03 ONE PRINCIPAL STRUCTURE ON LOT

In any District, one principal structure, housing a principal permitted use, may be erected on a single lot provided that the area, yard, and other requirements are met for each structure as though it were on an individual lot.

Section 3.04 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

Section 3.05 CONVERSION OF DWELLINGS

The conversion of any principal building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

Section 3.06 YARD AND PARKING SPACE RESTRICTION

No part of yard, or other open space, or off-street parking or loading space required by this title, shall be included as part of yard, open space, off-street parking, or loading space similarly required for any other building.

Section 3.07 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In a Residential or Agricultural District on any corner lot, no fence, wall, hedge, or other planting will be allowed to obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets. Nor shall the above be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way line.

Section 3.08 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this Ordinance. Said buildings and telecommunication towers must be located in the appropriate Zoning District and must abide by the corresponding requirements thereof.

Section 3.09 VALIDITY OF EXISTING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses of any development, structure or part thereof, for which the official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Ordinance and the completion thereof carried on in a normal manner within the subsequent one (1) year period, and not discontinued until completion, except for reasons beyond the builder's control.

Section 3.10 HEIGHT EXCEPTIONS

The height limitations contained in Articles IV through XII do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level and not intended for human occupancy.

Section 3.11 PUBLIC RIGHT-OF-WAY USE

No portion of the public street or alley right-of-way shall be used or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

Section 3.12 FENCES

1. Fences in an "R" District: Residential fences or landscape features such as sculpture or walls may be erected or constructed no less than twenty four (24) inches from the centerline of said barrier to be located within the property with no portion of the fence extending onto adjacent property or right-of-way; provided no such fence in any front, side, or rear yard having street frontage exceeds four (4) feet in height and eight (8) feet in height in the case of side and rear yards not having street frontage. Fences in any front or side yard of a corner lot shall not exceed four (4) feet in height.
2. Fences in Other Districts: Nonresidential fences located in a district other than an "R" District shall not be less than four (4) feet nor exceed eight (8) feet in height. No portion of the fence shall extend onto adjacent property or right-of-way; however, it may be built on a property line provided the location of which is known. Fences in any side yard of a corner lot shall not exceed four (4) feet in height.

Section 3.13 PROPOSED USE NOT COVERED BY TITLE

Any proposed use not covered in this Ordinance as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper District in which such use should be permitted and the title amended as provided in Article XVI, Section 16.09, before a permit is issued for such proposed use.

Section 3.14 ACCESS REQUIRED

Every building hereinafter erected or structurally altered shall be accessible from a public right-of-way.

Section 3.15 APPLICATION OF REGULATIONS

The regulations set by this Ordinance within each district shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 3.16 PERMITTED USES

Use is permitted in all zoning districts for the purposes of the distribution of essential services. However, the design and placement of said equipment and devices shall be reviewed by the Planning and Zoning Commission and approved by the City Council.

All other uses are permitted only as listed under each specific Zoning District.

Section 3.17 TEMPORARY SPECIAL EXCEPTIONS

The following uses may be permitted by a Temporary Special Exception Permit valid for ten (10) days or less after review and approval of the application by the Board of Adjustment.

1. Carnival, circus.
2. Festivals.

In determining whether a Temporary Special Exception Permit shall be granted the Board of Adjustment shall give consideration to the health, safety, morals, and comfort of area residents any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

Section 3.18 BULK REQUIREMENTS

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

Minimum bulk requirements are listed in Table 1 on the following pages.

Table 1: Bulk Requirements.

District Use	Maximum Building Height ⁴	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
A-1							
SINGLE FAMILY	40 Ft. or 3 Stories	3 Acres	200 Ft.	30 Ft.	20 Ft.	30 Ft.	30 Ft.
OTHER PERMITTED USES	--	3 Acres	200 Ft.	50 Ft.	50 Ft.	50 Ft.	50 Ft.
R-1							
SINGLE FAMILY	40 Ft. or 3 Stories	10,000 Sq. Ft.	65 Ft.	30 Ft.	7 Ft.	30 Ft.	30 Ft.
OTHER PERMITTED USES	---	10,000 Sq. Ft.	80 Ft.	30 Ft.	7 Ft.	35 Ft.	35 Ft.
R-2							
SINGLE FAMILY	40 Ft. or 3 Stories	10,000 Sq. Ft.	65 Ft.	30 Ft.	7 Ft.	30 Ft.	30 Ft.
MULTI-FAMILY (UP TO 2 DWELLING UNITS)	40 Ft. or 3 Stories	7,000 Sq. Ft. plus 1,500 Sq. Ft. per unit	90 Ft.	30 Ft.	7 Ft.	30 Ft.	30 Ft.
OTHER PERMITTED USES	---	30,000 Sq. Ft.	90 Ft.	30 Ft.	7 Ft.	30 Ft.	30 Ft.
R-3							
SINGLE FAMILY	40 Ft. or 3 Stories	10,000 Sq. Ft.	65 Ft.	30 Ft.	7 Ft.	30 Ft.	30 Ft.
MULTI-FAMILY (UP TO 2 DWELLING UNITS)	40 Ft. or 3 Stories	7,000 Sq. Ft. plus 1,500 Sq. Ft. per unit	90 Ft.	30 Ft.	7 Ft.	30 Ft.	30 Ft.
MULTI-FAMILY (3 OR MORE DWELLING UNITS)	45 Ft. or 3 Stories	7,000 Sq. Ft. plus 1,500 Sq. Ft. per unit	90 Ft.	25 Ft.	7 Ft.	25 Ft.	30 Ft.
OTHER PERMITTED USES	---	1 Acre	180 Ft.	40 Ft.	16 Ft.	40 Ft.	40 Ft.
R-4							
MOBILE HOME PARK	25 Ft.	5 Acres	360 Ft.	40 Ft.	40 Ft.	40 Ft.	40 Ft.
MOBILE HOME SITE	25 Ft.	10,000 Sq. Ft.	65 Ft.	30 Ft.	30 Ft.	30 Ft.	30 Ft.
R-5							
SINGLE FAMILY	40 Ft. or 3 Stories	3 Acres	200 Ft.	150 Ft., 75 Ft. on private streets	50 feet	150 feet	50 feet
OTHER PERMITTED USES	40 Ft. or 3 Stories	3 Acres	200 Ft.	150 Ft.; 75 Ft. on private streets	50 feet	150 feet	50 feet

Table 1 (Cont.): Bulk Requirements.

District Use	Maximum Building Height ⁴	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
R-5 WITH CITY SEWER OR COMMON WATER SYSTEM							
SINGLE FAMILY	40 Ft. or 3 stories	45,000 Sq. Ft.	150 feet	75 feet	20 feet	75 feet	30 feet
OTHER PERMITTED USES	40 Ft. or 3 stories	45,000 Sq. Ft.	150 feet	75 feet	20 feet	75 feet	30 feet
R-6							
SINGLE FAMILY	40 Ft. or 3 Stories	1.5 Acres	150 Ft.	75 Ft.	20 Ft.	75 Ft.	30 Ft.
OTHER PERMITTED USES	40 Ft. or 3 Stories	1.5 Acres	150 Ft.	75 Ft.	20 Ft.	75 Ft.	30 Ft.
C-1	50 Ft. or 4 Stories	---	---	---	¹	---	¹
C-2	1,150 Ft. or 4 Stories	---	---	40 Ft.	¹	40 Ft.	25 Ft.
M-1	50 Ft. or 4 Stories	---	---	25 Ft.	10 Ft.	25 Ft.	15 Ft.
M-2	50 Ft. or 4 Stories	---	---	25 Ft.	15 Ft. ¹	25 Ft.	40 Ft.
ACCESSORY BUILDINGS FOR R-1, R-2, & R-3 DISTRICTS	18 Ft. or 1 story, whichever is lower	---	---	---	²	Same as permitted uses	^{2 & 3}

NOTES:

¹None required except adjoining any “R” District, in which case not less than (15) feet.

²Accessory buildings to be placed in the rear or side yards may reduce minimum side and rear yard requirements to four (4) feet.

³Maximum Coverage of Lot for Accessory Buildings shall be thirty (30) percent of rear yard.

⁴Maximum Height shall be measured by either the designated footage or by stories, whichever is lower.

Section 3.19 HOME OCCUPATION STANDARDS

The following standards and criteria shall apply to home occupations.

1. Clearly incidental and secondary to the use of the dwelling unit as a residence.
2. Conducted entirely within an existing dwelling unit.
3. Conducted by a member(s) of the family residing within the dwelling unit and no more than the number of nonresident employees that the city occupancy limit permits for residential property.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances, or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Engineer.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

Section 3.20 HOME INDUSTRY STANDARDS

The following standards and criteria shall apply to home industries.

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located up on the property.
2. Conducted entirely and confined within an accessory building(s) located upon the property.
3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than the number of nonresident employees that the city occupancy limit permits for residential property.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances, or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Engineer.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

Section 3.21 HOME OCCUPATION AND HOME INDUSTRY SIGN REGULATIONS

Only one (1) identification sign may be displayed upon the lot, subject to the following requirements.

1. Contains only the name of the occupant and the nature of the occupation.
2. Shall not contain more than three (3) square feet and shall be attached to the principal building.

3. Shall not be illuminated.
4. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

Section 3.22 HOME OCCUPATION AND HOME INDUSTRY PERMIT PROCESS

1. Only in such case when a home occupation or home industry has been determined by the City Zoning Administrator to exceed any or all of the criteria for a no-impact home-based business, as defined by this Ordinance and the Code of Iowa, shall an application for a home occupation or home industry permit be submitted to the Board of Adjustment, which shall then refer said application to the Planning and Zoning Commission. At its next regularly scheduled meeting, the Planning and Zoning Commission shall consider the application and shall issue a report to the Board of Adjustment for consideration. The report shall be returned to the Board of Adjustment within a forty-five (45) day period and failure to issue the report within said forty-five (45) day period shall be deemed a positive recommendation of the application on the part of the Planning and Zoning Commission. When considering the application, the Planning and Zoning Commission and the Board of Adjustment shall each consider the effect of the proposed home occupation or home industry upon the character of the neighborhood, traffic conditions, public utility infrastructure, and other matters pertaining to the general welfare of the City. At least seven (7) days, but not more than twenty (20) days, prior to its meeting wherein the application will be considered the Commission shall cause to be published a Notice of Application that sets forth the applicant's name, the address of where the proposed home occupation or home industry will occur and the nature of the home occupation or home industry, together with the time and place of the Planning and Zoning Commission's meeting. Further, the Board of Adjustment shall cause to be published a similar notice at least seven (7) days, but not more than twenty (20) days, prior to the date of said meeting for which consideration will be given to the application.
2. If approved by the Board of Adjustment, a home occupation or home industry permit will be valid until December 31 of the following year and shall thereafter be annually renewed and shall be valid for the period of January 1 to the following December 31.
3. Upon issuance of said permit, an initial fee, and subsequently thereafter, a renewal fee shall be charged

ARTICLE IV

“A-1” SUBURBAN AGRICULTURAL DISTRICT

Section 4.00 GENERAL DESCRIPTION

The “A-1” Suburban Agricultural District is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes, but which may be undergoing urban development in the near future. Many tracts in this District will be in close proximity to developing residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those that are compatible with both agricultural uses and the developing residential, commercial, or industrial use.

Section 4.01 PRINCIPAL PERMITTED USES

Property and buildings in an “A-1” Suburban Agricultural District shall be used only for the following purposes:

1. Agricultural crop activity, dairy farming, livestock farming, poultry farming, private stables, and other agricultural activities.
2. Single family dwellings.
3. Manufactured housing.
4. Churches and temples.
5. Public schools, elementary, junior high, and high schools.
6. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
7. Public buildings and facilities, including essential service buildings.
8. Public and semi-public parks and playgrounds.
9. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
10. Accessory uses and buildings which are customarily incidental to any of the above stated uses.

Section 4.02 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Hospitals; rest, nursing, convalescent, and family homes; homes for children and aged; off-street parking and yards comparable for other institutional uses to be provided under this Article.
2. Home occupations and home industries provided Sections 3.19-3.22 are met.
3. Cemetery or mausoleum.

4. Recreational development for seasonal or temporary use, excluding racetracks.
5. Roadside stand for sale of produce raised on the premises.
6. Extraction of sand, gravel, topsoil, or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district.
7. Commercial dog kennels.
8. Public riding stables, at least one hundred (100) feet from all property lines of the lot on which it is located.
9. Greenhouses and plant nurseries operated for commercial purposes.
10. Confinement feeding operations or feedlots provided that said activity occurs on a farm and is at least one thousand three hundred twenty (1,320) feet from any existing dwelling, not including the dwelling owned by the applicant.
11. Parking that is not on the premises or on property that is adjoining the premises.

Section 4.03 **BULK REQUIREMENTS**

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 4.04 **OFF STREET PARKING AND LOADING REQUIREMENTS**

Shall be those regulations as specified in Section 17.00.

Section 4.05 **SIGNAGE REGULATIONS**

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE V

“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT

Section 5.00 GENERAL DESCRIPTION

The “R-1” is the most restrictive Residential District. The principal use of land is for single family residential uses and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

Section 5.01 KENNELS

No kennel shall be permitted in the “R-1” Single-Family Residential District. On any lot within the “R-1” Single-Family District there may be permitted not to exceed three dogs and three cats, excluding puppies or kittens less than sixteen (16) weeks old, which are owned solely for personal or family purposes.

Section 5.02 PRINCIPAL PERMITTED USES

Property and buildings in an “R-1” Single Family Residential District shall be used only for the following purposes:

1. Single family dwellings.
2. Manufactured housing.
3. Religious Institutions.
4. Public schools, elementary, junior high and high schools.
5. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
6. Public, semi-public parks, and playgrounds.
7. Family Homes.
8. Accessory uses which are customarily incidental to any of the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses not operated for commercial purposes.

Section 5.03 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Hospitals, nursing homes, convalescent homes, public buildings, and/or community buildings with the same off-street parking and yards as those required for other institutional uses under this Ordinance.

2. Public buildings and facilities, including essential service buildings.
3. Home occupations and home industries provided Sections 3.19-3.22 are met.
4. Swimming pools, golf courses, cemeteries, and country clubs, except miniature courses or driving ranges operated for a profit.
5. The taking of boarders or the leasing of rooms by a resident family providing total number does not exceed two (2) per building.
6. Childcare centers, institutional or in-home.
7. Uses that are not essential services operated from public buildings and facilities, including essential services buildings.
8. Structures not owned or operated by the City and which are attached or placed upon public buildings and facilities, including essential services buildings.

Section 5.04 **BULK REQUIREMENTS**

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 5.05 **OFF STREET PARKING AND LOADING REQUIREMENTS**

Shall be those regulations as specified in Section 17.00.

Section 5.06 **SIGNAGE REGULATIONS**

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE VI

"R-2" LOW DENSITY RESIDENTIAL DISTRICT

Section 6.00 GENERAL DESCRIPTION

The "R-2" Low Density Residential District is to provide for single and two-family residential development. The principal use of land may range from single family to low density multiple-family dwelling units, which may permit up to a maximum of two (2) dwelling units. Certain uses are permitted which are more functionally compatible with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 6.01 KENNELS

No kennel shall be permitted in the "R-2" Low Density Residential District. On any lot within the "R-2" Low Density District there may be permitted not to exceed three dogs and three cats, excluding puppies or kittens less than sixteen (16) weeks old, which are owned solely for personal or family purposes.

Section 6.02 PRINCIPAL PERMITTED USES

Property and buildings in an "R-2" Low Density Residential District shall be used only for the following purposes:

1. Any use permitted in the "R-1" Single Family Residential District.
2. Dwellings with a maximum of Two (2) dwelling units.
3. Accessory uses and buildings which are customarily incidental to any of the above stated uses.

Section 6.03 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Any use exception allowed in a more restrictive Residential District, unless said use is specifically listed as a principally permitted use in this District.
2. Hospitals, nursing homes, convalescent homes, public buildings and/or community buildings with the same off-street parking and yards as those required for other institutional uses under this Ordinance.
3. Childcare centers, institutional or in-home.
4. Home occupations and home industries provided Sections 3.19-3.22 are met.
5. Medical and dental clinics.
6. Mortuary or funeral homes.

7. Public buildings and facilities, including essential service buildings.

Section 6.04 BULK REQUIREMENTS

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 6.05 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 17.00.

Section 6.06 SIGNAGE REGULATIONS

Shall be those regulations as specified in Section 17.03-178.16.

ARTICLE VII

“R-3” MULTIPLE RESIDENTIAL DISTRICT

Section 7.00 GENERAL DESCRIPTION

The “R-3” Multiple Residential District is to provide for dwelling structures containing three (3) dwelling units or more and high-density residential development. The principal use of land may range from triplexes to multiple-family dwelling units including condominiums and row housing. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 7.01 KENNELS

No kennel shall be permitted in the “R-3” Multiple Residential District. On any lot within the “R-3” Multiple Residential District there may be permitted not to exceed three dogs and three cats, excluding puppies or kittens less than sixteen (16) weeks old, which are owned solely for personal or family purposes.

Section 7.02 PRINCIPAL PERMITTED USES

Property and buildings in an “R-3” Multiple Residential District shall be used only for the following purposes:

1. Any use permitted in the “R-2” District, however, the Bulk Requirements for that District must be met.
2. Triplexes and larger dwelling structures.
3. Bed and Breakfast facilities.
4. Boarding and lodging houses.
5. Hospitals (except animal hospitals) day nurseries or care facilities, nursing and convalescent home and medical clinics.
6. Private clubs lodges and similar uses.
7. Funeral Homes and Mortuaries.
8. Accessory uses and buildings which are customarily incidental to any of the above uses.
9. Other uses similar to the foregoing designated uses after review and approval per Section 16.09 (I).

Section 7.03 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Any use exception allowed in a more restrictive Residential District, unless said use is specifically listed as a principally permitted use in this District.
2. Offices such as:

Accountants	Dental Offices
Architects	Insurance
Art Schools	Lawyers
Barber Shop	Medical Office with pharmacy
Beauty Shop	Nurses Registry
Church Offices	Psychologists
Civil Engineers	Public Stenographers
Collection Agency	Real Estate
Credit Bureau	
3. Home occupations and home industries provided Sections 3.19-3.22 are met.
4. Public building and facilities, including essential service buildings.
5. Any other uses deemed appropriate on review by the Board of Adjustment to be the same general character as the foregoing use exceptions.

Section 7.04 **BULK REQUIREMENTS**

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 7.05 **OFF STREET PARKING AND LOADING REQUIREMENTS**

Shall be those regulations as specified in Section 17.00.

Section 7.06 **SIGNAGE REGULATIONS**

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE VIII

“R-4” MOBILE HOME PARK DISTRICT

Section 8.00 GENERAL DESCRIPTION

The “R-4” Mobile Home District is intended and designed for mobile home development. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

No commercial business shall be carried out in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit from the Zoning Administrator.

Section 8.01 PRINCIPAL PERMITTED USES

Property and buildings in an “R-4” Mobile Home District shall be used only for the following purposes:

1. Mobile home parks.
2. Accessory uses and buildings which are customarily incidental to the above stated uses but not involving the conduct of business.

Section 8.02 USE EXCEPTIONS

Any other uses similar to the foregoing permitted uses after review and approval of the Board of Adjustment.

Section 8.03 BULK REQUIREMENTS

Height regulations, lot area, frontage, yard requirements as specified in Section 3.18.

Section 8.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 17.00.

Section 8.05 SIGNAGE REGULATIONS

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE IX

“R-5” LARGE LOT RESIDENTIAL DISTRICT

Section 9.00 GENERAL DESCRIPTION

The “R-5” Large Lot Residential District is intended to provide regulations for land that is being converted to large lot, single-family residential uses where municipal services may or may not be available. Tracts of land that are included in this district are equal to, or greater than three (3) acres. Because availability of water and sewer services for properties in this district are usually provided through the use of individual wells or rural water services and individual septic systems or municipal sewer systems provided they meet Board of Health standards. It is intended that this district shall provide residential areas that combine certain advantages of both urban and rural locations by limiting the concentration of development and by permitting a limited number of animals to be kept on the premises.

Section 9.01 KENNELS

No kennel shall be permitted in the “R-5” Large Lot Residential District. On any lot within the “R-5” Large Lot Residential District there may be permitted not to exceed three dogs and three cats, excluding puppies or kittens less than sixteen (16) weeks old, which are owned solely for personal or family purposes.

Section 9.02 SUBDIVIDING OF EXISTING 3 ACRE OR MORE LOTS

These lots can be subdivided if City sewer is available, and the property is zoned “R-5” Large Lot Residential District. A minor plat shall be required for review and approval by the Planning and Zoning Commission and City Council. All proposed lots and the existing lots shall access City water and sanitary sewer (where available) or a community well. All lots shall be a minimum of 45,000 square feet and meet all setback requirements of this Ordinance. Any driveway for a newly platted lot shall be hard surfaced. All other requirements shall remain the same.

Section 9.03 PRINCIPAL PERMITTED USES

Property and buildings in the “R-5” Large Lot Residential District shall be used only for the following purposes:

1. Single-family dwellings
2. Manufactured housing
3. Churches and temples
4. Cemeteries
5. Public golf courses
6. Public or semi-public parks
7. For properties that are three (3) acres or larger in size, specialized animal and/or livestock farms that are limited to the following maximum density requirements in Table 2.

TABLE 2: R-5 Maximum Animal Density Per Lot

Size and Type of Mature Animal	Maximum Density Per Lot
<i>Large Animals</i> (horses, cattle, elk, deer, swine, and other similar animals)	2 animals per lot
<i>Medium Animals</i> (sheep, goats, emu, ostriches, and other similar animals)	5 animals per lot
<i>Small Animals</i> (poultry, fowl, rabbits, mink, chinchilla, and other similar animals)	10 animals per lot

8. Accessory uses that are customarily incidental to the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses that are not used for commercial purposes.

Section 9.04 **USE EXCEPTIONS**

The following are use exceptions, as deemed appropriate after review of the Board of Adjustment in accordance with the provisions contained herein:

1. Public buildings and facilities, including essential service buildings.
2. Home occupations and home industries provided Sections 3.19-3.22 are met.

Section 9.05 **BULK REQUIREMENTS**

Height regulations, lot area, frontage, yard requirements and such regulations as specified in Section 3.18.

Section 9.06 **OFF STREET PARKING AND LOADING REQUIREMENTS**

Shall be those regulations as specified in Section 17.00.

Section 9.07 **SIGNAGE REGULATIONS**

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE X

“R-6” LARGE LOT RESIDENTIAL DISTRICT

Section 10.00 GENERAL DESCRIPTION

The “R-6” Large Lot Residential District is intended to provide regulations for land that is being converted to large lot, single-family residential uses where municipal services may or may not be available. Tracts of land that are included in this district are equal to, or greater than, one- and one-half acres. Typically, water or sewer services for these tracts of land are provided by individual wells or rural water service that meet Board of Health standards. Sewer service is usually provided because availability of water and sewer services for properties in this district are usually provided through the use of individual wells or rural water service and individual septic systems or municipal sewer systems provided they meet Board of Health standards. It is intended that this district shall provide residential areas that combine certain advantages of both urban and rural locations by limiting the concentration of development and permitting a limited number of animals to be kept on the premises.

Section 10.01 KENNELS

No kennel shall be permitted in the “R-6” Large Lot Residential District. On any lot within the “R-6” Large Lot Residential District there may be permitted not to exceed three dogs and three cats, excluding puppies or kittens less than sixteen (16) weeks old, which are used or owned solely for personal or family purposes.

Section 10.02 PRINCIPAL PERMITTED USES

Property and building in an “R-6” Large Lot Residential District shall be used only for the following purposes:

1. Single-family Dwelling
2. Manufactured housing
3. Churches and temples
4. Cemeteries
5. Public golf courses
6. Public or semi-public parks
7. Accessory uses that are customarily incidental to the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, and private greenhouses that are not used for commercial purposes.

Section 10.03 USE EXCEPTIONS

The following are use exceptions, when deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Public building and facilities, including essential service buildings.
2. Home occupations and home industries provided Sections 3.19-3.22 are met.

Section 10.04 BULK REQUIREMENTS

Height regulations, lot area, frontage, and yard requirements are specified in Section 3.18.

Section 10.05 OFF STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements are the same as those parking and loading requirements specified for the "R-1" Single-Family Residential District.

Section 10.06 SIGNAGE REGULATIONS

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE XI

“C-1” CENTRAL COMMERCIAL DISTRICT

Section 11.00 GENERAL DESCRIPTION

The “C-1” Central Commercial District is intended and designed for business professions and occupations which are located in the Central Business District.

Section 11.01 PRINCIPAL PERMITTED USES

Property and buildings in a “C-1” Central Commercial District shall be used only for the following purposes:

1. Any use permitted in the “R-3” Multiple Residential District, except that no occupancy permit shall be issued for a new single-family residential dwelling. This restriction shall apply to new single-family residential dwellings only, and shall not prohibit the rehabilitation, reconstruction, or rebuilding of existing residential dwellings in commercial districts that are legally built prior to adoption of this Ordinance. Furthermore, any such legally established residential dwelling may be rebuilt, if damaged or destroyed, on the same lot as legally established, provided that all other rules and regulations of this Ordinance are met. For the purposes of this Ordinance, any such legally established dwelling is not considered a nonconforming use, as defined herein, but is considered a legal use as described in this section.
2. Antique shops.
3. Apartments above first story level of a store or shop with off-street/onsite parking
4. Apparel shops.
5. Art shops.
6. Automobile accessory and parts stores including window tinting and after-market accessories.
7. Bakeries, bakery outlets, or catering businesses.
8. Banks, savings and loan associations, and similar financial institutions.
9. Barbershops and beauty parlors.
10. Bicycle shops sales and repair.
11. Bowling alleys.
12. Business offices, professional offices, and studios.
13. Camera stores.
14. Carpenter and cabinet making shops.
15. Car wash with truck bay.

16. Churches and temples.
17. Clothes cleaning and laundry pick-up stations, excluding dry-cleaning establishments.
18. Clothing stores.
19. Collection office of public utility.
20. Confectionery stores, including ice cream or snack bars.
21. Dairy stores retail only.
22. Dance studio.
23. Delicatessens.
24. Dental and medical clinics.
25. Department stores.
26. Drive-in restaurants.
27. Drug stores, including pharmacies.
28. Dry goods stores, including pharmacies.
29. Florist shops.
30. Furniture stores.
31. Gift shops.
32. Grocery stores, including supermarkets.
33. Hardware stores.
34. Hobby shops.
35. Hotels and motels.
36. Household appliances, sale and repair.
37. Jewelry stores and watch repair shops.
38. Launderette or coin-operated laundry establishments.
39. Lawn mower repair shops.
40. Locker plant for storage and retail sales only.
41. Leather goods store.
42. Music stores and music studios.
43. Office supply store or shop.

44. Paint and wallpaper stores.
45. Pet shops.
46. Photographic studios, printing and developing establishments.
47. Plumbing and heating shops.
48. Post offices.
49. Printing and lithographing shops.
50. Playgrounds and public parks.
51. Publishing and engraving establishments.
52. Radio and television sales and repair shops.
53. Restaurants, taverns, and cafes.
54. Shoe and hat repair shops.
55. Sorting goods stores, excluding external boat storage or display.
56. Tailor and dressmaking shops.
57. Theaters.
58. Toy stores.
59. Upholstering shops.
60. Variety stores.
61. Greenhouses and plant nurseries operated for commercial purposes
62. Accessory uses and buildings which are customarily incidental to the above stated uses.
63. Other uses similar to the foregoing designated uses after review and approval per Section 20.09(l).

Section 11.02 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Animal hospitals, veterinary clinics, pet shops, and commercial kennels.
2. Billiard parlors and pool halls.
3. Book stores.
4. Dance halls.
5. Funeral homes and mortuaries.

6. Liquor stores and lounges.
7. Private clubs and lodges.
8. Public buildings and facilities, including essential service buildings.
9. Roadside stands for the sale of fresh fruits, vegetables, nursery stock, and plant food.
10. Gas or service stations, including convenience stores, EV Charging Stations.
11. Nightclubs.
12. Video equipment rental and sales.
13. Wholesale display and sales rooms and offices.
14. Kennels.
15. Multi-family dwelling with off-street/on-site parking.
16. Light machine shops (all 5 of the following criteria shall be met):
 - (a) Machine tool physical size 8x8 feet footprint
 - (b) Machine tool weight – 5,500 pounds
 - (c) Finished work piece length – twelve (12) inches.
 - (d) Work piece weight – one hundred (100) pounds
 - (e) Power requirement for any one machine tool (0 – 20 amps @ 230 volts)

*Operation shall be out of public view, while maintaining commercial store front of the same character as the residing district and neighboring locations.
17. Any other exceptions deemed appropriate on review by the Board of Adjustment to be of the same general character as the foregoing special exceptions.

Section 11.03 **BULK REQUIREMENTS**

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 11.04 **OFF STREET PARKING AREAS AND LOADING REQUIREMENTS**

Shall be those regulations as specified in Section 17.00.

Section 11.05 **SIGNAGE REGULATIONS**

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE XII

“C-2” COMMERCIAL DISTRICT

Section 12.00 GENERAL DESCRIPTION

The “C-2” Commercial District is designed to accommodate the needs of areas other than the Central Business District, allowing a wide range of services and goods permitted for consumer daily and occasional shopping and service needs. Typically, uses classified under the “C-2” District require larger parking areas or accommodations.

Section 12.01 PRINCIPAL PERMITTED USES

Property and buildings in a “C-2” Commercial District shall be used only for the following purposes:

1. Any use permitted in the “C-1” District, however, the Bulk Requirements for that District shall be met.
2. Agricultural feed and seed sales, but excluding grinding, mixing, and blending.
3. Auto parts stores
4. Automobiles, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including new and used sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
5. Business and vocational schools.
6. Commercial parking lots and garages.
7. Dry-cleaning establishments
8. Lumber yards.
9. Accessory uses and buildings which are customarily incidental to the above stated uses and including temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.
10. Other uses similar to the foregoing designated uses after review and approval per Section 20.09 (1).

Section 12.02 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Any use exception allowed in a more restrictive Commercial District, unless said use is specifically listed as a principally permitted use in this District.
2. Apartments above the first story level of a store or shop with off-street, on-site parking.

3. Commercial amusements.
4. Multi-family dwelling with off-street/on-site parking.
5. Any other uses deemed appropriate on review by the Board of Adjustment to be of the same general character as the foregoing special exceptions, but not including any use that may become obnoxious or offensive in a "C-2" District.
6. Kennels.

Section 12.03 **BULK REQUIREMENTS**

Height regulations, lot area, frontage, yard requirements shall be those regulations as specified in Section 3.18.

Section 12.04 **OFF STREET PARKING AREAS AND LOADING REQUIREMENTS**

Shall be those regulations as specified in Section 17.00.

Section 12.05 **SIGNAGE REGULATIONS**

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE XIII

"M-1" LIGHT INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 13.00 GENERAL DESCRIPTION

The "M-1" Light Industrial and/or Manufacturing District is intended primarily for the conduct of manufacturing, assembling, and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this District make it most desirable that they be separated from residential uses.

Section 13.01 PRINCIPAL PERMITTED USES

Property and buildings in an "M-1" Light Industrial and/or Manufacturing District shall be used only for the following purposes:

1. Any use permitted in the "C-2" Commercial District, except that no occupancy permit shall be issued for any school, hospital, clinic, or other institution for human care, or new residential dwelling except where physically attached and a part of another permitted use. The restriction shall apply to new residential dwellings only, and shall not prohibit the rehabilitation, reconstruction, or rebuilding of residential dwellings in industrial districts that were legally built prior to adoption of this Ordinance. Furthermore, any such legally established residential dwelling may be rebuilt if damaged or destroyed, on the same lot as legally established, provided that all other rules and regulations of this Ordinance are met. For the purposes of this Ordinance, any such legally established dwelling is not considered nonconforming use as defined herein but is considered a legal use as described in this paragraph.
2. Animal pound or kennel
3. Automobile body repair and paint shop.
4. Automobile restoration and rebuilding shops.
5. Automobile, trailer, motorcycle, boat, and farm implement service, repair, display, hire, rental, and sale (including new and used sales lots).
6. Bottling works.
7. Building material sales and storage.
8. Clothing manufacture.
9. Consignment and auction sales operations having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.
10. Construction businesses, contractor's shops, and storage yards enclosed by an opaque, nonresidential fence eight (8) feet high.
11. Creamery and/or dairy processing plant.
12. Farm implement sales, service, repair, and assembly.
13. Freight terminal and grain elevator.

14. Light manufacturing and assembly plants.
15. Public buildings and facilities, including essential service buildings.
16. Rental storage buildings.
17. Truck or bus garage and repair shop.
18. Welding and machine shops.
19. Wholesaling and warehousing, but not including the bulk storage of hazardous chemicals.
20. Other uses similar to the foregoing designated uses after review and approval per Section 20.09(l).

Section 13.02 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Carnivals, circuses, fairs, and road shows.
2. Junk yards, including automobile wrecking and/or salvage enclosed by an opaque, nonresidential fence that is a minimum of eight (8) feet in height.
3. Telecommunication towers, stations, or associated buildings.
4. Sheet metal products manufacture.
5. Uses and buildings which are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.

Section 13.03 BULK REQUIREMENTS

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 13.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 17.00.

Section 13.05 SIGNAGE REGULATIONS

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE XIV

“M-2” HEAVY INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 14.00 GENERAL DESCRIPTION

The “M-2” Heavy Industrial and/or Manufacturing District is intended to provide for heavy manufacturing, industrial uses, and other uses not otherwise provided for in the Districts established by this Ordinance. The intensity of uses permitted in this District makes it most desirable that they be separated from residential and commercial uses.

Section 14.01 PRINCIPAL PERMITTED USES

Property and buildings in an “M-2” Heavy Industrial and/or Manufacturing District shall be used only for the following purposes:

1. Any use permitted in an “M-1” District.
2. Brick and clay products and central mixing and proportioning plant.
3. Cleaning and dyeing plants.
4. Concrete products and central mixing and proportioning plant.
5. Flour, feed, and grain milling and storage.
6. Machinery manufacture.
7. Steel and iron plants, including foundries.
8. PVC products manufacturing.
9. Sheet metal products manufacture.
10. Structural iron and steel fabrication.
11. Tool and die shops and machine shops.
12. Wholesaling and warehousing.
13. Uses and buildings which are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.
14. Other uses similar to the foregoing designated uses after review and approval per Section 20.09 (l).

Section 14.02 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Any exception allowed in a more restrictive Industrial and/or Manufacturing District, unless said use is specifically listed as a principally permitted use in this District.
2. Acid manufacture.
3. Bulk storage of petroleum products and liquid fertilizers.
4. Carnivals, circuses, fairs, and road shows
5. Explosive manufacture or storage.
6. Fertilizer manufacture.
7. Telecommunication towers, stations, or associated buildings.
8. Paint and varnish manufacture.
9. Stock yards, livestock transfer stations, slaughterhouses, and/or sale barns and yards.
10. Wholesaling and warehousing of hazardous chemicals.
11. Kennels.

Section 14.03 BULK REQUIREMENTS

Height regulations, lot area, frontage, and yard requirements shall be those regulations as specified in Section 3.18.

Section 14.04 OFF STREET PARKING AREAS AND LOADING REGULATIONS

Shall be those regulations as specified in Section 17.00.

Section 14.05 SIGNAGE REGULATIONS

Shall be those regulations as specified in Section 17.03-17.16.

ARTICLE XV

“PD” PLANNED DEVELOPMENT DISTRICT

Section 15.00 GENERAL DESCRIPTION

The purpose of the “PD” Development District is to permit the development of large tracts of residential, commercial, or industrial land or viable combinations thereof in an orderly and meaningful fashion. It is intended that such development should maximize the potential of the area and minimize any adverse effects upon adjacent properties.

Section 15.01 PROCEDURE

The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the City Council a plan for the use and development of the entire tract of land. Said development plan shall be referred to the Planning and Zoning Commission for study and for report after public hearing. The Commission shall review the conformity of the proposed development with standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Commission may approve the plan as submitted, or before approval may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may, after notice and public hearing, approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance.

Section 15.02 STANDARDS

The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements defined below, which shall prevail over conflicting requirements of this Ordinance.

1. The minimum yard and height requirements of the zoning district in which the development is located shall not apply except that the minimum yards specified in the adjacent district shall be provided around the boundaries of the area being developed.
2. Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Commission may require, in the absence of an appropriate physical barrier, that use of lease intensity or a buffer of open space or screening be arranged along the borders of the project.
3. Plats of the development shall be submitted, showing building lines, building locations, common land, streets, easements, and other applicable items required by the Subdivision Regulations outlined in the Subdivision Ordinance.
4. No building permits shall be issued until the final or minor plat of the development is approved and recorded.

Section 15.03 DEED RESTRICTIONS

In its review of the plan, the Planning and Zoning Commission or City Council may consider deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space. Common land as herein contained shall refer to land dedicated to public use and land retained in private ownership but intended for the use of the residents of the development unit or the general public.

Section 15.04 CHANGES AND MODIFICATIONS

No changes or modifications of the plat of any such Planned Development as to land use, density, and street location or size shall be permitted except by the procedure providing for amendments to this Ordinance, per Section 20.09. Other changes or modifications, including (but not limited to) locations of buildings, parking lots, and common areas except streets, may be made upon application to and the approval of the City Council after a report by the Planning and Zoning Commission.

ARTICLE XVI
BACKYARD POULTRY

Section 16.00 GENERAL PROVISIONS

Poultry may be kept in the rear yard area of a dwelling located on a residential block in the city if the owner of such residence complies with the following:

1. The poultry shall always be kept in a poultry coop and poultry run on the premises. The poultry coop and poultry run shall be maintained in a reasonably clean, sound, safe, and sanitary condition.
2. No part of the poultry coop or poultry run shall be located within twenty (20) feet of a dwelling located on an adjoining property and no part of a poultry coop or poultry run shall be located closer to any side street side lot line than the principal dwelling on the lot. In addition, the poultry coop must be located at least four (4) feet from any side or rear property line.
3. The owner of the poultry shall reside on the premises where the poultry is located.

Section 16.01 POULTRY LICENSE

In addition to a land use permit, a poultry license must be obtained and maintained for poultry to be kept. All outstanding fees, assessments, and fines related to poultry must be paid in full before the issuance or renewal of a poultry license.

Section 16.02 FEMALE POULTRY ONLY; MAXIMUM NUMBER

Only poultry of the female sex are allowed to be kept. No more than four (4) total poultry in any combination of species may be kept at a single residence, at any time.

Section 16.03 POULTRY COOP

Poultry shall be kept in a poultry coop located on the poultry owner's property. The size of the poultry coop shall comply with generally accepted animal husbandry standards for every individual poultry kept there. The poultry coop shall be of sufficient structural soundness to keep the poultry safe and secure. A detached garage or shed located on the premises may be used as a poultry coop provided that the poultry is confined to a specific area of such structure. The poultry coop shall be sized appropriately to accommodate the number of poultry kept at any time. The poultry coop shall be constructed to allow access for feeding and watering of poultry, cleaning, maintenance, and repairs, and inspection by authorized city personnel.

Section 16.04 POULTRY RUN

A poultry run is required for the keeping of poultry. The poultry run shall be attached to the poultry coop so that poultry may always have free access. The poultry run shall be completely enclosed to prevent the escape of the poultry. The size of the poultry run shall comply with generally accepted animal husbandry standards for every individual poultry kept. Materials for the poultry run shall be sturdy and self-supporting. The poultry run shall be sized appropriately to accommodate the total number of poultry kept at any time. The poultry run shall be constructed to allow access for feeding and watering of poultry, cleaning, maintenance, repairs, and inspection by authorized city personnel.

Section 16.05 POULTRY COOP AND POULTRY RUN LAND USE PERMIT

Before keeping any poultry, a poultry owner must obtain a land use permit for the poultry coop and poultry run from the zoning administrator or designee. The granting and continuation of such land use permit shall be conditioned upon compliance with the requirements of this Ordinance. A dimensional site plan of the poultry coop and poultry run shall be required as part of the application for said permit, including distances from neighboring dwellings. Construction of a poultry coop larger than one hundred twenty (120) square feet in size shall require a building permit. If the poultry coop or run is to be moved, the site plan shall also show the entire area where the coop and run may be located. Any substantial modification of the poultry coop or poultry run shall require a new land use permit.

Section 16.06 REVOCATION OF PERMIT; ENFORCEMENT; NUISANCE

Failure to maintain a poultry coop or poultry run in a reasonably clean, safe, sound, and sanitary condition or in compliance with the requirements of this Ordinance may result in suspension or revocation by the zoning administrator of the land use permit after notice to the owner and after a reasonable opportunity for a hearing. Code enforcement officers of the city are authorized to enforce the requirements of this Ordinance.

Section 16.07 POULTRY FEES

1. Poultry four (4) months old or older is required to be licensed annually by January 1
2. Annual permit- \$25 annually (Limit four- female poultry only)
3. A Land Use Permit is required before licensing. Land Use Property Sketch for poultry permits shall include dimensions to adjacent dwelling units and the side and rear yards of subject property.

ARTICLE XVII
SPECIAL PROVISIONS

Section 17.00 OFF-STREET PARKING AREAS AND LOADING SPACES

1. Off-Street Loading Spaces: In all Districts in connection with every building or part thereof hereafter erected which is to be occupied by uses requiring receipt or distribution by vehicles of materials or merchandise there shall be provided and maintained on the same premises with such building the following off-street loading spaces:

<u>Gross Floor Areas (Square Feet)</u>	<u>Spaces Required</u>
0 to 19,999	1
20,000 to 29,999	2
30,000 to 39,999	3
40,000 to 49,999	4

For each additional ten thousand (10,000) square feet in excess of fifty thousand (50,000) square feet one additional off-street loading space shall be required.

Such spaces may occupy all or any part of a required rear yard or with authorization of the Board of Adjustment part of any other yard or court space on the same premises.

2. Provisions of Off-Street Parking: In all Districts, off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth hereinafter, and to the extent indicated therewith, in addition to the above required loading and unloading spaces.
- (a) In "A" and "R" Districts, parking areas may be on the premises intended to be served or on adjoining property within one hundred (100) feet of any part of said premises. Off premise parking shall be in the same or less restricted district, as per Table 3.
- (b) In "C-2" and "M" Districts, parking areas shall be on the premises intended to be served, as per Table 3.
3. Number of Parking Spaces Required: Table 3 indicates the required number of spaces by use. In "C-2" District employee parking shall be provided at the rate of one (1) space per employee plus the customer spaces as listed in Table 3 on the following page.

TABLE 3: Parking Requirements

USE	PARKING REQUIREMENT
Animal Hospital and Veterinary Clinic	1 space for each 500 sq. ft. of floor area.
Automobile or Farm Implement Sales and Service Garages	1 space for each 2 employees.
Barber Shops and Beauty Parlors	1 space for each chair plus one.
Bowling Alleys	3 spaces for each lane.
Church or Temple	1 space for every 6 seats.
Clothing Stores, Grocery Stores, Hardware Stores, Jewelry Stores, Pharmacies	1 space for every 300 sq. ft. of floor area.
Community Center, Library, and Museum	11 spaces plus one for every 500 sq. ft. in excess of 2,000 sq. ft. of floor area.
Dental and Medical Clinics	1 space for every 500 sq. ft. of floor area.
Drive-In Restaurant	3 spaces for each employee on maximum shift.
Dwelling (Including multiple family and mobile homes)	2 spaces for each dwelling unit.
Financial Institutions, Business Offices, Professional Offices, and Studios	1 space for every 500 sq. ft. of floor area.
Frozen Food Lockers, Laundries, and Dry-Cleaning	1 space for every 500 sq. ft. of floor area.
Furniture and Household Appliance Sale and Service Establishments	1 space for every 500 sq. ft. of floor area.
Hospitals	1 space for each 4 beds.
Indoor Theaters	1 space for each 4 seats.
Mortuary or Funeral Home	1 space for each 5 seats.
Motel and Hotel	1 space for each unit or suite plus 1 space for every 100 sq. ft. of commercial floor area.
Printing, Publishing, and Engraving Establishments	1 space for every 500 sq. ft. of floor area.
Private Club or Lodge	1 space for every 200 sq. ft. of floor area.
Restaurants, Cafes, Nightclubs	1 space for every 100 sq. ft. of floor area.
Sanitarium, Nursing, Rest, or Convalescent Home	1 space for every 6 beds.
Schools and Public Buildings	1 space for each classroom or office room plus 1 space for each 6 seats in main auditorium, stadium, or place of public assembly.
Sports Arena or Auditorium, other than in a School	1 space for each 3 seats.
Warehouse, Storage, and Manufacturing Operations	1 space for each 2 employees plus 1 for each vehicle used by the industry
Wholesale Display and Sales Rooms and Offices	1 space for every 300 sq. ft. of floor area
<i>* In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply or see Section 17.00.5.</i>	

4. Definition and Interpretation.

- (a) Parking Space: Each parking space rectangular in shape shall be not less than nine (9) feet wide and twenty (20) feet long or not less than one hundred and eighty (180) square feet in area exclusive of access drives or aisles.
- (b) Loading Space: Each loading space shall not be less than ten (10) feet wide, sixty-five (65) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.
- (c) Floor Area: In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons, or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
- (d) Benches in Place of Public Assembly: In stadiums, sports arenas, churches, and places of other public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, every twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this development ordinance.

5. Development Standards: Off-street accessory parking areas shall be of usable shape and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area.

- (a) Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case of a one (1) or two (2) family dwelling, and not less than sixteen (16) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required herein.
- (b) No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) from the "R" District boundary and shall be effectively screen-planted.
- (c) Any off-street parking area, including any commercial parking lot for more than five (5) vehicles, shall be surfaced with an asphaltic portland cement binder pavement or such other surfaces in order to provide a durable and dustless surface. The parking area shall be so graded and drained to dispose of surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of self-propelled vehicles.
- (d) Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in any "R" District.

Section 17.01 TRUCKS, BUSES, FACTORY-BUILT/MOBILE HOMES, AND RECREATIONAL VEHICLES, & RACETRACKS

Trucks, buses, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following provisions:

1. Factory-built/Mobile Home: A “factory-built/mobile home” shall be parked or stored only in a mobile home park or mobile home sales area. A factory-built/mobile home shall not be occupied, whether temporarily or permanently, unless it is parked or stored in a mobile home park, as authorized under the ordinances of the City of Hudson.
2. No truck or bus exceeding three (3) tons shall be parked or stored on any residential street for longer than forty-eight (48) consecutive hours in a seventy-two (72) hour period of time.
3. Recreational Vehicle: A “recreational vehicle” shall only be used as living quarters for a maximum of two (2) weeks.
4. Racetracks: Racetracks, including (but not limited to) those for motorcycles, automobiles, and animals are prohibited within the City.

Section 17.02 TINY HOMES

1. Tiny Homes, as defined in Section 1.05 of this ordinance, are of such substantially different character from other residential housing that specific and additional standards and exceptions are hereby set out to govern the approval of the Board of the Adjustment.
 - (a) Developer and occupant requirements: The following requirements must be met and/or agreed to prior to approval by the Board of Adjustment.
 - i. A developer requesting to construct Tiny Homes must be registered with the state of Iowa as a non-profit entity (501(c)(3) or equivalent).
 - ii. The developer must retain ownership for a minimum period of five (5) years.
 - iii. The developer shall provide an accessory structure of at least eighty (80) square feet on each property developed. Said structure shall be fully enclosed, securable, and protected from the elements. Said structure must comply with lot and yard requirements as defined in the code for that zoning district.
 - iv. Signs: The erection, construction, alteration and location of signs, other advertising structures, marquees and awnings shall be in conformity with the provisions of chapter 18 of this title.
2. Bulk Regulations: The following regulations shall supersede the regulations of the zoning district for the proposed structure.
 - (a) Lot size shall be a minimum of three thousand five hundred (3,500) square feet.
 - (b) Lot width shall be a minimum of twenty-five (25) feet.
 - (c) Lot coverage shall not exceed thirty-five percent (35%).
 - (d) Dwelling width shall be a minimum of sixteen (16) feet.
 - (e) Dwelling size shall be a minimum of five hundred and seventy-six (576) square feet.

- (f) Setbacks shall be at least:
 - (g) Front: twenty-five (25) feet.
 - (h) Rear yard: thirty (30) feet.
3. Side yard: Side yards between tiny homes and non-tiny homes are required to meet district regulations for side yard setbacks. Side yards between multiple tiny homes shall be not less than five (5) feet for each side yard, totaling not less than ten (10) feet between structures.
 4. Location: Special Use Permits for Tiny Homes, if approved by Board of Adjustment and Appeals, shall be approved by resolution of City Council for location prior to becoming effective.

Section 17.03 SIGN REGULATIONS

The regulations in this Ordinance establish comprehensive minimum requirements for the control of signs in order to preserve, protect, and promote public health, safety, morals and general welfare. More specifically, this Ordinance is intended to assist in achieving the following objectives:

1. To authorize the use of signs which are:
 - (a) Compatible with their surroundings and the zoning district.
 - (b) Appropriate to the type of activity.
 - (c) Expressive of the identity of the proprietors.
 - (d) Legible in the circumstances.
2. To foster high quality commercial development and to enhance the economic vitality of existing businesses by promoting the reasonable, orderly, and effective display of signs, and to encourage better communication with the public.
3. To encourage sound and proper display practices and to mitigate the objectionable effects of competition in respect to the size and placement of signs.
4. To enhance the physical appearance of the City by protecting the man-made and natural beauty of the area.
5. To protect pedestrians and motorists from damage or injury that might result from the improper construction, placement, or use of signs.
6. To protect the public by reducing the obstructions and distractions which might cause traffic accidents.
7. To preserve the value of private property by assuring the compatibility of signs with nearby land uses.
8. To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.
9. To preserve and enhance the natural beauty and unique character of the City.
10. To promote convenience, enjoyment, and free flow of traffic within the City.
11. To protect the public's ability to identify uses and premises without confusion.

Section 17.04 GENERAL PROVISIONS – SIGNS

1. All signs permitted herein shall be contained entirely upon private property; set back from existing and proposed public right-of-way.
2. No sign shall be permitted within the line of sight triangles formed at the intersection of a public right-of-way with an access, driveway, or alley, nor shall any sign be permitted within the line of sight triangles formed at the intersection of two rights-of-way, with two sides of the respective triangles being measured in length along the street boundaries measured from their point of intersection, and the third side being a line connecting the ends of the two sides already established. (See Figures 7, 8, and 9). Along primary highways, signs facing the same direction shall be required to maintain a 300-foot separation distance, measured along the centerline of said primary highway, regardless of the side of the road. No advertising device shall be erected or maintained in the triangular area shown in the following Figures unless said triangular area is occupied by an existing building or structure. In that event, no advertising device shall be erected or maintained closer to the intersection than the building or structure itself. A wall sign that does not protrude more than twelve (12) inches may be attached to said building or structure.

Figure 6: Intersection of Driveways and Rights-of-Way

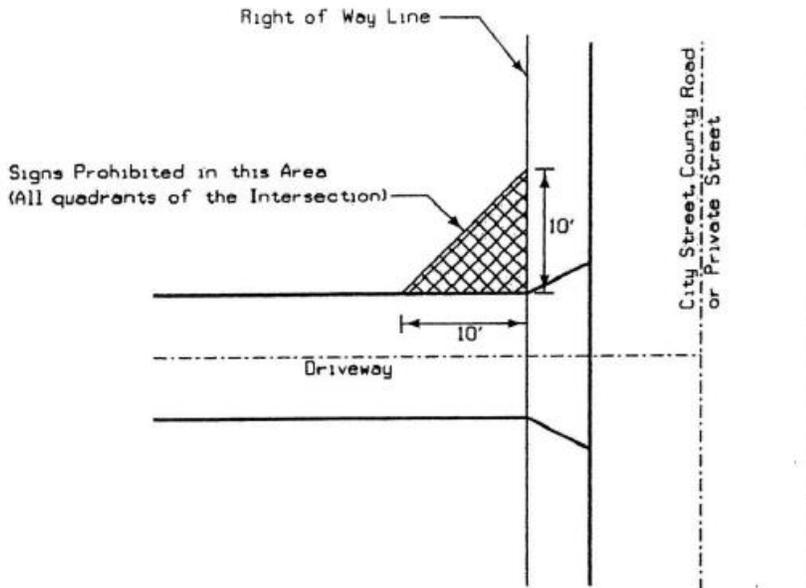


Figure 7: Intersection of Rights-of-Way (excluding Primary Highways)

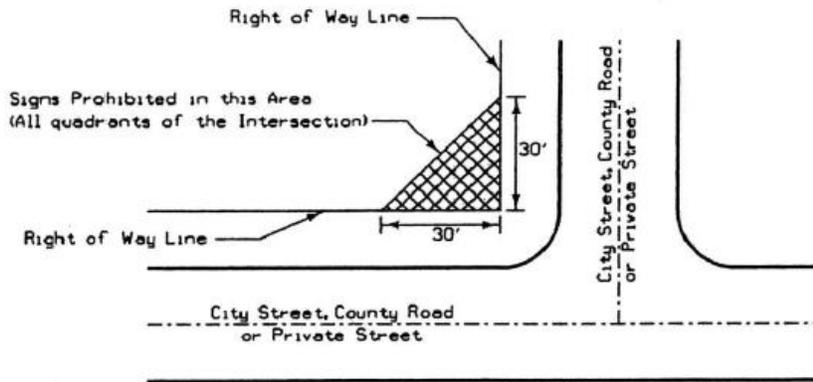
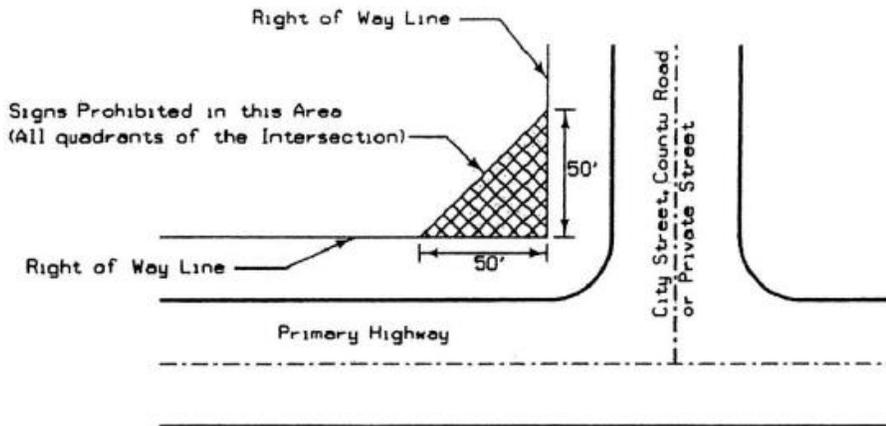


Figure 8: Intersection of Rights-of-Way and Primary Highways



3. No freestanding or roof sign shall be permitted that faces the front or side lot line of any lot in any Residential "R" District within 100 feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or similar institution, within 300 feet thereof.
4. Any light, exclusive of the sign area itself, used to illuminate any sign shall be situated and arranged as to shine or reflect the light away from adjoining premises, including public right-of-way.
5. Lawful signs, other than portable signs as herein defined, existing on the effective date of this Ordinance and which do not conform to the terms of this Ordinance shall be

classified as legal, nonconforming signs and may be maintained as such, yet shall not (except when required by law) be enlarged, extended, reconstructed, substituted, or structurally altered, unless altered in a nature so as to conform with the written terms of this Ordinance. Any sign in existence at the adoption of the Ordinance and which was not an authorized nonconforming sign under previous ordinances shall not be authorized to continue as a nonconforming sign pursuant to this Ordinance, or amendments thereto. In the event that the nonconforming sign is either removed, replaced, or destroyed, new signs shall thereafter conform to the terms of this Ordinance.

Section 17.05 CALCULATION OF SIGN AREA

1. If a sign is enclosed by a rectangle or an outline, the total area will be the sign area; or if a sign consists of individual letters or figures, the imaginary square or rectangle which would enclose all letters or figures shall be the sign area.
2. Only one side of a double-faced sign shall be counted.
3. The area of signs of unusual shapes, such as globes, cylinders, pyramids, shall be computed as one-half the total of the exposed surfaces.
4. In all cases, the total allowable sign area for any signs, other than wall signs, shall be forty (40) square feet unless herein defined otherwise.
5. In all cases, the total allowable sign area for signs attached to buildings shall not exceed twenty (20) percent of the total square footage of the front of any building.
6. In all cases, the total allowable sign area for rear entrances shall not exceed twenty (20) percent of the total square footage of the rear façade of any building.

Section 17.06 SIGN HEIGHT REQUIREMENTS

Maximum sign heights, per each zoning district, are shown in the following table:

TABLE 4: Maximum Sign Heights

Zoning District	Maximum Sign Height
A-1	20 feet
R-1	10 feet
R-2	10 feet
R-3	10 feet
R-4	10 feet
R-5	10 feet
R-6	10 feet
C-1	40 feet
C-2	40 feet
M-1	50 feet
M-2	50 feet

(Height is shown in feet and is measured from the base of the sign to highest point of the sign.)

Section 17.07 STRUCTURAL AND MAINTENANCE REQUIREMENTS

1. The wiring of all signs shall be contained and enclosed and shall conform to the provisions of the National Electrical Code.
2. Every sign shall be maintained in a safe, neat, and attractive condition by its owner. The sign supports shall be kept painted/treated to prevent rust, deterioration, rotting, or corrosion.
3. No sign shall be erected, placed, or mounted in such a manner as to interfere with any exit, fire escape, or window in any building.
4. If a sign is illuminated, the source of such illumination shall be kept in a state of working order at all times.
5. All signs shall be designed to withstand a wind pressure of not less than eighty (80) miles per hour and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City.
6. No signs or sign structures shall have any nails, tacks, wires, or sharp metal edges protruding from them.
7. Any glass forming a part of a sign shall be heavy safety glass and a minimum of one-fourth inch in thickness. Where any single piece or pane of glass has an area exceeding three square feet, it shall be wired glass.
8. No sign shall be erected, placed, or mounted in such a manner as to interfere with snow removal or utility maintenance.
9. No sign shall be erected, placed, or mounted closer than ten (10) feet to any existing overhead electrical service wire or closer than five (5) feet from any existing overhead telephone or communication cable.
10. All letters, figures, characters, or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
11. Every marquee, freestanding, wall, or projecting sign (including frame, braces, and support thereof) shall be securely built, as may be required by the Building Official.
12. All signs shall be mounted in one of the following manners:
 - (a) Flat against a building or wall.
 - (b) Back-to-back in pairs so that the backs of signs will be screened from public view.
 - (c) Otherwise mounted so that the back of all signs or sign structures showing to the public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.
13. All signs shall be constructed to not hold water, snow, or ice.
14. When any sign is found to be hazardous to a person or property, or if any sign shall be unlawfully installed, erected, or maintained in violation of the provisions of this Ordinance, the owner thereof, or the person or firm maintaining the same, shall upon written notice of the Building Official forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this Ordinance or remove it.
15. Any business that ceases operation or changes location shall remove all signs and sign structures within thirty (30) days. Failure to do so will result in the property owner receiving notification from the City. All associated costs of this provision shall be the responsibility of the owner of the property.
16. Signs constructed or maintained in violation of the provisions of this Ordinance are hereby deemed to constitute a nuisance and are subject to actions and any civil or criminal nuisance violation procedures under the Code of Iowa as well as under this Code of Ordinances.

Section 17.08 APPLICATIONS, INSTALLATION, AND LICENSURE

Any person desiring to engage in the business of erecting or installing signs shall make an application for a license to do so, to the City Clerk. Said application shall set forth the name and business address of the applicant; and if the applicant is a firm or partnership, the names of the partners, and in the case of a corporation, the names of the President and Secretary, and the name of the person who will have charge of sign installation within the City.

Section 17.09 SIGN PERMIT

A sign permit shall be obtained from the City Clerk prior to installing or erecting a sign. A one-time fee will be charged for each sign when a sign permit is issued. The City Council shall determine the fee, and it shall be defined in Section 21.05 of this Ordinance.

Section 17.10 BONDS AND INSURANCE REQUIRED

No license shall be issued until a bond has been filed with the City Clerk with sureties approved by said City Clerk indemnifying the City against any loss, expense, judgment, or damages which the City may incur or suffer by reason of the granting of a permit to erect or install signs, such bond to be in the amount of \$5,000.00 or in such amount as may be determined by the Council. In addition to said bond, the applicant shall file with the City evidence of liability insurance in the amount of \$50,000.00 to the City that will be in full force and effect during the period the license is issued.

Section 17.11 SIGNS PERMITTED IN ALL ZONES WITHOUT PRIOR APPROVAL

The following signs shall be permitted in all zoning districts without prior Building Department approval. A sign permit is not required.

1. Signs advertising the sale, rental, or lease of the premises, or part of the premises, on which the sign is displayed. One (1) non-illuminated sign, not to exceed six (6) square feet in area, shall be permitted on each premises.
2. Signs advertising architects, engineers, contractors, occupants, or other individuals involved in the construction, reconstruction, or remodeling of a building and/or development project and such signs announcing the character and/or purpose of the site. Total non-illuminated signage, not to exceed forty (40) square feet in area, shall be permitted on each premises. Said signs shall not be erected sooner than thirty (30) days prior to site development or continue being displayed longer than thirty (30) days following project completion. Said signs shall be placed in accordance with the regulations in this section.
3. Signs announcing candidates seeking public political office or pertinent political issues. Said signs shall be confined to private property and shall be subject to applicable federal and State regulations. It is unlawful to place political signs on public property or private property without the permission of the owner or person in charge of the property. Political signs shall be allowed for a period beginning forty-five (45) days before the date of the election to which the signs pertain, and the exemptions afforded to political signs shall expire seven (7) days following the date of the election to which the signs pertain.
4. Address signs posted in conjunction with doorbells or mailboxes showing only the numerical address and/or occupants of the premises upon which the sign is situated.
5. In any "A" or "R" District, home occupation or home industry signs that are not illuminated and do not exceed three (3) square feet in area are allowed. Said sign shall be attached to the front of the principal building. For the purposes of this subsection, "front" shall be determined by the street from where the address is derived.
6. Accessory signs identifying hospitals, civic, philanthropic, educational, or religious organizations. All signs must comply with the general regulations found in subsection 2 of this section. All freestanding, monumental and roof signs exceeding forty (40) square feet in area must be approved by the Board of Adjustment.

7. Signs that primarily consist of balloons, ribbons, streamers, spinners, or other similarly moving devices shall be permitted for sixty (60) days in any consecutive twelve (12) month period.
8. Flag Signs All flag signs exceeding 40 square feet in an area must be approved by Board of Adjustment.
9. Traffic and Other Regulatory Signs

Section 17.12 SIGNS PERMITTED IN ALL ZONES SUBJECT TO PRIOR APPROVAL

The following signs shall be permitted in all zoning districts subject to prior Building Department approval. A sign permit is not required.

1. Municipal signs, legal notices, danger, and other such necessary, temporary, emergency, or non-advertising signs.
2. Signs required to be posted and maintained by law or governmental order, rule, or regulation, unless specifically prohibited in this section.
3. Portable signs, banners, pennants, and other temporary advertising devices identifying public events, special promotions, holidays, and similar events, providing that specific approval is granted under regulations established by the Board of Adjustment. Portable signs shall only be located in Commercial “C” and Industrial “M” Districts and must be removed and stored out of sight after business hours.
4. Memorial plaques, cornerstones, historical markers, and similar representations.
5. Monumental signs intended to identify residential, commercial and/or industrial developments, in accordance with this section.
6. Mural wall signs, company logo signs, hand-painted art, or any similar sign that is intended to be painted directly on the existing building façade or wall.

Section 17.13 SIGNS PERMITTED WITHIN ZONING DISTRICTS

In order to implement the provisions of this section, the following signs are hereby permitted in the previously defined zoning districts as follows:

1. “A-1” Agricultural District
 - (a) Signs permitted in and limited as per subsection 9 of this section.
 - (b) Fascia and mural wall signs used to identify the given name, symbol, and/or occupants of a farmstead located upon the premises. Sign area shall not exceed twenty (20) percent of the surface area of the single wall to which the sign is affixed. Signs exceeding forty (40) square feet in area must be approved by the Board of Adjustment.
 - (c) Accessory signs, subject to approval of the Building Official, pertaining to any material that is mined, grown, or treated upon the premises; provided, however, such signs shall be located upon or immediately adjacent to the buildings or in the area in which such materials are treated, grown, processed, or stored. Said sign shall not exceed forty (40) square feet in area.
 - (d) Home occupation or home industry signs.. For the purposes of this subsection, the front shall be determined by the street from where the address is derived.
2. “R-1” Single-Family Residential District
 - (a) Signs permitted in and limited as per subsection 9 of this section.

- (b) Residential developments of four (4) or more dwelling units shall be permitted one (1) development complex sign for each public street frontage within the project (or for each entrance in the case of a subdivision project). Said signs may be placed in any location on private property provided the sign complies with the height limitations in this chapter. The maximum sign area for each sign shall be two (2) square feet, plus one (1) square foot for each dwelling unit or lot, not to exceed twenty-five (25) square feet in area per face of the sign.
 - (c) Accessory signs, not to exceed two (2) square feet in area, identifying principal permitted and accessory uses in “R-1” zones other than dwellings and churches. Not more than one (1) sign shall be issued per parcel. All permitted signs shall be of the fascia or mural wall type, unless the product, place, activity, person, service, institution, or business being advertised is located within a structure surpassing setback requirement from the lot line being utilized for access. If said setback exceeds Code requirements, one (1) directional sign may be permitted.
 - (d) One (1) bulletin board or sign, not exceeding forty (40) square feet in area pertaining to construction, lease, hire, or sale of a building or premises, or sale of land or lots shall be permitted. The board or sign shall be removed as soon as the premises are leased, hired, or sold, or construction is completed.
 - (e) Church bulletin boards.
 - (f) Home occupation or home industry signs. For the purposes of this subsection, the front shall be determined by the street from where the address is derived.
3. “R-2” Low Density Residential District
Any sign permitted in the “R-1” Single-Family Residential District, including a non-illuminated sign that does not exceed forty (40) square feet in area shall be permitted.
4. “R-3” Multiple/Mixed Residential District
Any sign permitted in the “R-2” Low Density Residential District shall be permitted.
5. “R-4” Mobile Home Park District
With exception of home occupation or home industry signs, the requirements shall be the same as those outlined for the “R-3” Multiple Residential District.
6. “C-1” Central Commercial District
- (a) Signs permitted in and limited as per subsection 10 of this section.
 - (b) Accessory wall signs not to exceed twenty (20) percent of the surface area of any store wall to which the sign is affixed.
 - (c) Directional signs, limited to one (1) sign per curb cut.
 - (d) Accessory freestanding signs shall be permitted as follows:
 - i. Said sign shall not be larger than forty (40) square feet in area.
 - ii. Said sign shall be limited to one (1) sign per separate principal permitted business.
 - (e) Roof signs shall not be permitted.
7. “C-2” Commercial District
- (a) Signs permitted in and limited as per subsection 10 of this section.

- (b) Wall signs not to exceed twenty (20) percent of the surface area of any wall to which the sign is affixed.
- (c) Directional signs, limited to one (1) sign per curb cut.
- (d) Freestanding signs shall be permitted as follows: the combined total area of said signs shall not exceed one hundred-sixty (160) square feet.
- (e) Roof signs shall not be permitted.

8. “M-1” Light Industrial District

- (a) Any sign permitted in the “C-2” Commercial District.
- (b) Roof signs are allowed.

9. “M-2” Heavy Industrial District

- (a) Any sign permitted in the “C-2” Commercial District.
- (b) Roof signs are allowed.

Section 17.14 SIGNS PROHIBITED IN ALL ZONING DISTRICTS

The following signs shall be prohibited in all zoning districts.

1. Signs that advertise a product, place, activity, person, service, institution, or business no longer conducted on the premises on which the sign is located. Said signs and any supporting sign structures shall be removed in accordance with the provisions of this Code of Ordinances.
2. Signs and poles that contain or consist of reflectors or lights that flash, strobe, chase one another, or appear to display these characteristics. This prohibition does not preclude all electronic message signs.
3. Signs that are larger than twenty (20) percent of the surface area of a wall or forty (40) square feet in area, unless otherwise allowed under this Ordinance.
4. Signs erected in a manner as to obstruct free and clear vision of streets, alleys, or driveways or erected, designed, or positioned to interfere with, obstruct, or be confused with any authorized traffic sign, signal, or device that may mislead or confuse traffic.
5. Signs posted on public property, including utility poles, lighting fixtures, street signs, benches, and similar fixtures.
6. Billboards.
7. Signs that imitate or resemble official traffic control signs, signals, regulatory signs, or devices.
8. Off-premises signs, with the exception of those used by governments, churches, schools, or other special events signs.

Section 17.15 NONCONFORMING SIGNS

Signs existing at the time of the enactment of this Ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations and ordinances shall be regarded as nonconforming signs.

Nonconforming signs shall not be:

1. Changed to another nonconforming sign.

2. Structurally altered so as to prolong life of the sign, excluding repairs.
3. Expanded.
4. Re-established after discontinuance of the sign use for a period of thirty (30) days.
5. Moved in whole or in part to another location unless said sign, and the use thereof, is made to conform to all regulations of this Ordinance.
6. Re-established after damage or destruction by any means, including an act of God, exceeding fifty (50) percent of the estimated initial value of the sign, as determined by the Building Official.

Section 17.16 **VARIANCE PROCEDURE**

A sign owner may request a variance from the terms of this Ordinance which will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A sign owner requesting a variance from this section shall follow the procedure defined in Section 20.04.

TABLE 5: Signs by Type and Zoning District

<i>Sign Types</i>	<i>A-1</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>	<i>R-6</i>	<i>C-1</i>	<i>C-2</i>	<i>M-1</i>	<i>M-2</i>
Address	A	A	A	A	A	A	A	A	A	A	A
Awning	N	N	N	N	N	N	N	S	S	S	S
Banner	P	P	P	P	P	P	P	P	P	P	P
Billboard	N	N	N	N	N	N	N	N	N	N	N
Canopy	N	N	N	N	N	N	N	S	S	S	S
Combination	N	N	N	N	N	N	N	S	S	S	S
Directional	P	P	P	P	P	P	P	P	P	P	P
Electric (Flashing)	N	N	N	N	N	N	N	N	N	N	N
Flag	A	A	A	A	A	A	A	A	A	A	A
Freestanding	N	N	N	N	N	N	N	S	S	S	S
Home Occupation	A	A	A	A	A	A	A	A	A	A	A
Home Industry	A	A	A	A	A	A	A	A	A	A	A
Marquee	N	N	N	N	N	N	N	S	S	S	S
Memorial	P	P	P	P	P	P	P	P	P	P	P
Monument	P	P	P	P	P	P	P	P	P	P	P
Mural	N	N	N	N	N	N	N	P	P	P	P
Off-Premises	S	N	N	N	N	N	N	S	S	S	S
(See Sec 1.05(157))											
Pennant	P	P	P	P	P	P	P	P	P	P	P
Political	A	A	A	A	A	A	A	A	A	A	A
Portable	P	P	P	P	P	P	P	P	P	P	P
Projecting	N	N	N	N	N	N	N	S	S	S	S
Regulatory	P	P	P	P	P	P	P	P	P	P	P
Roof	N	N	N	N	N	N	N	N	N	S	S
Temporary	P	P	P	P	P	P	P	P	P	P	P
Wall	N	N	N	N	N	N	N	S	S	S	S

Table Key:

- A Sign permitted without Building Department approval. No sign permit required.
- P Sign permitted subject to Building Department approval. No sign permit required.
- S Sign permitted subject to Building Department approval. A sign permit is required.
- N Sign not allowed.

Commented [LB1]: Section # is incorrect? Need clarification

Commented [NF2R1]: I changed this to reference the definition in section 1.05

Section 17.17 SOLAR ENERGY STANDARDS

1. PURPOSE: The purpose of this Section is to provide a regulatory means for the construction and operation of solar energy installations that are small (50 kW or less) or large (50 kW or greater) in Any City, subject to reasonable restrictions, which will preserve the public health, safety, and welfare. Any City adopts these provisions to promote the efficient use of the City's solar energy resources.
2. Regulatory Framework: Large solar energy facilities (50 kW or greater) may only be constructed in areas that are zoned "A-1" Agricultural District, upon approval of a use exception by the Board of Adjustment.

Small solar energy facilities (50 kW or less) may be constructed in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permitted use, and meet the setback, height, and power output requirements of this section shall not require special exception approval and shall only require a building permit. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special Exception Approval.

Solar Energy Installations: are permitted accessory use in all zoning classifications subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below will require approval of a Special exception permit.

3. Definitions
 - A. Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
 - B. Building-Integrated Solar Energy Systems: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - C. Concentrating Solar Power (also called concentrated solar power, concentrated solar thermal, and CSP) are systems that: generate power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. Electricity is generated when the concentrated light is converted to heat, which drives a heat engine (usually a steam turbine) connected to an electrical power generator or powers a thermochemical reaction.
 - D. Grid-intertie Solar Energy System: A solar energy system that is connected to an electric circuit served by an electric utility company.
 - E. Ground-Mount: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.
 - F. Off-grid Solar Energy System: A solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
 - G. Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

- H. Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.
- I. Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
- J. Renewable Energy System: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
- K. Roof-Mount: a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the structure they are mounted to.
- L. Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
- M. Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
- N. Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
- O. Solar Daylighting: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
- P. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- Q. Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.
- R. Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.
- S. Solar Hot Air System: (also referred to as Solar Air Heat or Solar Furnace) An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.
- T. Solar Hot Water System: (also referred to as Solar Thermal) A system that includes a solar collector and heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
- U. Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

- V. Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

4. Procedure

- (a) Large Solar Energy Facilities (50 kW or greater)
 - i. Initial project meeting with Zoning Administrator, City Engineer, and City Attorney to identify the proposed scope of work.
 - a. An unredacted Health and Safety Instruction Manual for make, model, and type of array proposed shall be provided to the Any City Zoning Administrator to be kept on file and available for public review.
- (b) Public Information Meeting sponsored by the developer/applicant.
 - i. A half page, full color notice shall be published for two (2) consecutive weeks, not less than fourteen (14) days and not more than twenty (20) days prior to the meeting in a newspaper of general circulation that has been published at least once a week for at least fifty (50) weeks per year within Any City.
 - ii. Mailers stating location, intent, and purpose of the Public Information Meeting shall be delivered to all residents located within a two (2) mile radius of the proposed project zone.
 - iii. Shall provide a general scope of the location, number and size of arrays, and impact of the proposed construction.
 - iv. Shall take place prior to any easement negotiations with landowners.
 - a. Any engagement of easement negotiations by or on behalf of the developer/applicant prior to a required Public Information Meeting shall result in immediate denial of permit application proceedings.
 - v. Shall be held at an accessible location in any and all districts within Any City for which the proposed scope of work would impact.
- (c) Rezoning or map amendment shall be applied for and reviewed under the procedures established in Section 20.09., except where noted below.
- (d) No Large Solar Energy Facilities shall be constructed, erected, converted, installed, reconstructed, enlarged, located, relocated, structurally altered, or otherwise developed including the placement of additional buildings and appurtenances without obtaining approval of a Special Exception by the Any City Board of Adjustment and being in full compliance with the terms of this section and other applicable codes, regulations, and policies adopted by the County, State, or Federal Government.
 - i. Applications for a Special Exception shall be made on a permit application to Any City for any Large Solar Energy Facilities proposed in incorporated Any City. The application for all Large Solar Energy Facilities shall include the following information:
 - a. The name(s) and address of the project applicant.
 - b. The name of the project owner.

- c. The legal description of the site where development is planned.
 - d. A preliminary description of the project including: Number, size, type, generating capacity, and means of interconnecting with the electrical grid. Preliminary site layout, including the location of property lines, solar panels, solar mounting devices, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - e. Documentation of land ownership, land ownership agreements, easements, and legal control of the property.
 - f. Applicants shall provide proof of consultation with State Fish and Wildlife Agencies and DNR Environmental Review Program. Any reports, agreements, and review documentation shall be submitted with the application.
- (e) The Zoning Certificate Application (after zoning approval and Special Exception) for the Large Solar Energy Facilities shall also include:
- i. Final site plan.
 - ii. Final legal description.
 - iii. Engineer's certification.
 - iv. A USGS topographical map, or map with similar data, of the property and surrounding area.
 - v. Decommissioning Plan.
- (f) In addition to the rezoning fee, the applicant must also file a bond in an amount determined by the Any City Council and approved by the Any City Engineer. Said bond shall be from a surety company authorized to do business in the State of Iowa and Any City. The bond shall be conditioned that the applicant under this section will pay to the city any and all damages caused to the streets, highways, and bridges, by applicant. This shall include all ongoing maintenance, repair, and dust mitigation deemed necessary by the Any City Engineer throughout the construction phase.
- (g) Aggregated Project Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.

5. Regulatory Requirements

- (a) Height. Active solar energy systems must meet the following height requirements:
- i. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district and shall not exceed ten (10) feet above roof height.
 - ii. Ground or pole mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

- (b) Set Back. Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except that it may be located in a required front yard when meeting a minimum 10-foot setback from all property lines.
 - i. Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which they system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - ii. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the required setback when oriented at minimum design tilt.
- (c) Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to ensure maximum sunlight upon which the panels are mounted.
- (d) Historic Buildings. Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require a special exception permit.
- (e) Approved Solar Components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
- (f) Plan Approval Required. All solar energy systems shall require administrative plan approval by the zoning official. Plans shall be presented when a zoning compliance permit is requested.
- (g) Compliance with Building Code. All active solar energy systems shall be consistent with the State of Iowa Building Code and solar thermal systems shall comply with HVAC related requirements of the Electric Code.
- (h) Compliance with State Electric Code. All photovoltaic systems shall comply with the Iowa State Electric Code.
- (i) Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
- (j) Utility Notification. All grid-connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- (k) Solar Access. Any City allows for solar resources.
- (l) Solar Easements Allowed. Any City allows solar easements to be filed, consistent with Iowa State Code 564A7. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access.
- (m) Solar Farm/Gardens or Utility scale solar installations.

- i. Concentrating solar power (CSP) systems or plants that use mirrors to concentrate the energy from the sun to drive traditional steam turbines or engines to create electricity shall be prohibited.
 - ii. A site plan shall be submitted and reviewed prior to the approval of a solar farm/garden or utility scale solar installations larger than 50 kW, and shall require approval of a Special exception permit.
- (n) The application for a solar garden or utility scale solar installation larger than 50 kW shall include the following information on the site plan or in narrative form, supplied by the solar farm/garden or utility scale solar installation owner, operator or contractor installing the structure(s):
- i. Number, location and spacing of solar panels/arrays.
 - ii. Planned location of underground or overheated electric lines.
 - iii. Project development timeline which indicates how the applicant will inform adjacent property owners and interested stakeholders in the community.
 - iv. Interconnection agreement.
 - v. Decommissioning plan.

6. Site and Structure Requirements

- (a) Screening. A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
- (b) Utility Connections. Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
- (c) Grading plan. A grading plan shall be submitted for solar farm/garden or projects over 50 kW and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, drainage, tree removal, etc.).
- (d) Glare minimization. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.
- (e) Aviation Protection. For solar farms located within 1,000 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- (f) Compliance with local, state and federal regulations. Solar Farm/Garden and Utility scale solar installations and smaller solar installations shall comply with applicable local, state and federal regulations.

- (g) Appurtenant structures. All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
 - (h) Special Flood Hazard Area (SFHA) Regulations. Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of SFHA regulations.
 - (i) Signage. Warning signs, or manufacturer's, operator's or installer's identification signage, may be displayed.
 - (j) Fencing/security. A non-scalable security fence must be installed along all exterior sides of the solar energy installations larger than 50 kW and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.
7. Discontinuation and Decommissioning: A Large Solar Energy Facility shall be considered a discontinued use after a six (6) consecutive month period without operation OR following a one (1) year period in which the Solar Energy Facility has generated less than two thousand (2,000) kilowatt-hours (kWh), unless a plan is developed and approved by the Any City Council outlining the steps and schedule for returning the facility to service; or upon revocation of the Large Solar Energy Facility permit. Once declared to be discontinued use by the Any City Council, the component(s) shall be subject to removal pursuant to this section.
- (a) All Large Solar Energy Facilities shall be removed to a depth of six (6) feet below finished grade, including but not limited to concrete footing and foundations, steel cables, conduit, and or any other components of the WECS that have been determined to cause potential damage to equipment used to work the ground following decommissioning, within one-hundred-eighty (180) days of the discontinuation of use.
 - (b) Each project shall have a decommissioning plan, developed by the applicant and approved by the Any City Council. Such plan shall contain the following:
 - i. A description of the project components and a sequence and description of the activities required to remove the same in compliance with this section, including restoration of the land to its original state, prior to construction, to be completed within one hundred-eighty (180) days of decommissioning.
 - ii. A report prepared by a qualified third-party (to be approved by the Any City Council in advance) setting forth the procedures and estimated net costs associated with the removal of the components (other than feeder lines) to a depth of six (6) feet from the original grade and the accompanying restoration of the surface.
 - iii. Cash, an irrevocable letter of credit, or performance bond running in favor of Any City in an amount no less than the total estimated net removal/restoration costs as determined by said report. Said security shall be in place at the time the project is completed and shall remain in effect until decommissioning is completed. No such security shall be cancelled without notice to the Zoning Administrator and approval by the Any City Council. Each year, the permit holder shall provide proof that such security is in effect at the same time as the annual report is due to the County Assessor for purposes of the real estate tax assessment.
 - iv. The report prepared under section b). above shall be updated and provided to the City at least every three (3) years, and upon any proposed transfer of the Large

Solar Energy Facility permit. Should any update indicate a change in the decommissioning costs, the security required under section 3). above shall be adjusted accordingly.

- v. No transfer/assignment of any Solar Energy Facility permit shall be effective without corresponding transfer/assignment of the obligations and financial security required under the decommissioning plan, as approved by the Any City Council.
 - (c) Upon completion of decommissioning activities, the City Engineer and permit holder will verify that all planned activities have been completed per the decommissioning plan, or notes made with regard to items not completed. Records of the completed activities will be retained by the City Engineer's office for five (5) years. Items left in place contrary to the decommissioning plan will be recorded in the form of an easement with the County Recorder's office. Any concrete turbine base with a greater than two (2) cubic feet in the soil, regardless of depth shall be recorded in the abstract for the land so as to ensure that any future property owners or perspective buyers are aware of the presence of such structures.
8. Ancillary Agreement/Procedures: In addition to the Review and Approval Process, issuance of a Large Solar Energy Facility permit is strictly conditioned in the applicant executing the following agreements. The Zoning Administrator shall verify that all such agreements/plans are on file with the County Recorder's office prior to transmission of approved permits to the applicant.
- (a) Any City Road Use and Repair agreement signed by the applicant and approved by the Any City Council.
 - (b) Any City Public Drainage System Protection Agreement signed by the applicant and approved by the Any City Council.
 - (c) Abandonment/ Decommissioning Plan signed by the applicant and approved by the Any City Council.
 - (d) An Emergency Response Plan provided by the applicant and approved by the Any City Council. Said plan shall contain response procedures to be followed in the event of fire, liquid leakage, collapse, personal injury, or other emergency at a project site. The plan shall include 24-hour emergency contact information for the project or organization. The permit holder shall be responsible for and required to ensure that the Zoning Administrator and Emergency Management Coordinator are provided with any updates as me issued from time to time.
 - (e) Notices and manuals specified and provided shall be retained by the Zoning Administrator for awareness and use of City agencies and local emergency management responders.
 - (f) The permit holder shall ensure that the Zoning Administrator is provided a copy of updates to the items provided that may be issued from time to time by the manufacturers.
9. Transferability of the Large Solar Energy Facility Permit
- (a) Only the holder of the Large Solar Energy Facility Permit (Permit Holder) shall own the project, and such holder shall be the entity responsible for compliance with all requirements of this Ordinance. The permit holder shall be responsible for maintaining all components of the Large Solar Energy Facility in good repair, and in compliance with this Ordinance and the Ancillary Agreements listed in part 8). of this section, above.

- (b) No Large Solar Energy Facility Permit shall be transferred or assigned, voluntarily or involuntarily, without the prior written approval of the Any City Council, of which consent may be withheld unless and until the Council is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the permit holder under this Ordinance and Ancillary Agreements. Requests for approval of a Large Solar Energy Facility Permit transfer shall be directed to the Zoning Administrator.
- (c) Recipients of any such permit transfer shall affirm their responsibilities as Permit Holder in a signed letter to the Any City Council and sign new agreements that are materially the same or provide a notarized letter stipulating their acknowledgement of their acceptance of the responsibilities in the original Agreements, which shall be specifically referenced, as a component of transfer.

10. Miscellaneous

- (a) Condemnation Waiver: Issue of a Large Solar Energy Facility Permit shall be conditioned upon the Permit Holder's enforceable promise, supported by consideration of the issuance of Large Solar Energy Facility Permit, that the Permit Holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project.
- (b) City Recovery of Legal Fees: In any action brought by the City against any Permit Holder of a Large Solar Energy Facility Permit to enforce the provisions of this Ordinance, the City shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.
- (c) Severability Clause: If any of the provisions of this Ordinance are for any reason found to be illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions, shall be and remain in full force and affect, the same as if the Ordinance contained no illegal or void provisions.
- (d) Repealer: This Ordinance takes precedence over and precludes any previous copy or draft specified for Large Solar Energy Facilities in the Any City Zoning Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 17.18 Wind Energy Conversion System Regulations

1. Purpose

This subsection establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Any City. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on-site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

2. Definitions

- A. WECS: Wind Energy Conversion System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and metrological towers that operate by converting the

kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

- B. Aggregated Project: Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
- C. Commercial WECS: A WECS of equal to or greater than one hundred (100) kilowatts in total name plate generating capacity.
- D. Non-Commercial WECS: A WECS of less than one hundred (100) kilowatts in total name plate generating Capacity.
- E. Fall Zone: The area defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
- F. Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
- G. Meteorological Tower: For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to site WECS. Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other similar applications to monitor weather conditions.
- H. Micro-WECS: A WECS of one (1) kilowatt nameplate generating capacity or less and utilizing supporting towers of forty (40) feet or less.
- I. Nacelle: Contains the key components of the wind turbine, including the gearbox, yaw system, and electrical generator.
- J. Property line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
- K. Rotor diameter: The diameter of the circle described by the moving rotor blades.
- L. Substations: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than thirty-five thousand (35,000) volts (35 kilovolts) for interconnection with high voltage transmission lines shall be located outside of the road right of way.
- M. Total height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
- N. Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

- O. Tower height: The total height of the WECS exclusive of the rotor blades.
- P. Transmission Line: Those electrical power lines that carry voltages of at least sixty-nine thousand (69,000) volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- Q. Public conservation lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
- R. Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

3. Applicability

It shall be unlawful to construct, erect, install, alter, or locate any Commercial WECS within incorporated Any City, without rezoning the area of the proposed site to “A-1 2” Agricultural District and being authorized by the City council(“Council”) in a public hearing as well as approval of a Special Exception as granted by the Any City Board of Adjustment.

4. Procedures

(a) Commercial WECS

- i. Initial project meeting with Zoning Administrator, City Engineer, and City Attorney to identify the proposed scope of work.
 - a. An unredacted Health and Safety Instruction Manual for make, model, and type of turbines proposed shall be provided to the Any City Zoning Administrator to be kept on file and available for public review.
 - (i) Manuals shall include the Evacuation and Danger Zone measurements for the proposed turbines.

(b) Public Information Meeting sponsored by the developer/applicant.

- i. A half page, full color notice Shall be published for two (2) consecutive weeks, not less than fourteen (14) days and not more than twenty (20) days prior to the meeting in a newspaper of general circulation that has been published at least once a week for at least fifty (50) weeks per year within Any City.
- ii. Mailers stating location, intent, and purpose of the Public Information Meeting shall be delivered to all residents located within a two (2) mile radius of the proposed project zone.
- iii. Shall provide a general scope of the location, number and size of turbines, and impact of the proposed construction.

- iv. Shall take place prior to any easement negotiations with landowners.
 - a. Any engagement of easement negotiations by or on behalf of the developer/applicant prior to a required Public Information Meeting shall result in immediate denial of permit application proceedings.
- v. Shall be held at an accessible location in any and all districts within Any City for which the proposed scope of work would impact.
- (c) Rezoning or map amendment shall be applied for and reviewed under the procedures established in Section 20.09 of this Ordinance, except where noted below.
- (d) No Commercial WECS or wind turbine shall be constructed, erected, converted, installed, reconstructed, enlarged, located, relocated, structurally altered, or otherwise developed including the placement of additional buildings and appurtenances without obtaining approval of a Special Exception by the Any City Board of Adjustment and being in full compliance with the terms of this section and other applicable codes, regulations, and policies adopted by the County, State, or Federal Government.
 - i. Applications for a Special Exception shall be made on a permit application to Any City for any WECS proposed in incorporated Any City. The application for all WECS shall include the following information:
 - a. The name(s) and address of the project applicant.
 - b. The name of the project owner.
 - c. The legal description of the site where development is planned.
 - d. A preliminary description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid. Preliminary site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - e. Documentation of land ownership, land ownership agreements, easements, and legal control of the property.
 - f. Applicants shall provide proof of consultation with State Fish and Wildlife Agencies and DNR Environmental Review Program. Any reports, agreements, and review documentation shall be submitted with the application.
- (e) The building permit applications (after zoning approval and Special Exception) for the Commercial WECS shall also include:
 - i. Final site plan.
 - ii. Final legal description.
 - iii. Engineer's certification.
 - iv. The latitude and longitude of individual wind turbines.

- v. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS.
 - vi. Location of wetlands, scenic, and natural areas [including bluffs] within one thousand three hundred twenty (1,320) feet of the proposed WECS and shall comply with all other applicable Department of Natural Resources standards.
 - vii. An acoustical analysis.
 - viii. Federal Aviation Administration (FAA) Permit Application.
 - ix. Location of all known Communications Towers within two (2) miles of the proposed WECS.
 - x. Decommissioning Plan.
 - xi. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
- (f) In addition to the rezoning fee, the applicant must also file a bond in an amount determined by the City council and approved by the Any City Engineer. Said bond shall be from a surety company authorized to do business in the State of Iowa and Any City. The bond shall be conditioned that the applicant under this section will pay to the city any and all damages caused to the streets, highways, and bridges, by applicant. This shall include all ongoing maintenance, repair, and dust mitigation deemed necessary by the Any City Engineer throughout the construction phase.
- (g) Aggregated Project Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.

5. Non-Commercial and Micro WECS

- (a) No Non-Commercial WECS or wind turbine shall be constructed, erected, converted, installed, reconstructed, enlarged, located, relocated, structurally altered, or otherwise developed including the placement of additional buildings and appurtenances without obtaining approval of a building permit by the Any City Zoning Administrator and being in full compliance with the terms of this section and other applicable codes, regulations, and policies adopted by the County, State, or Federal Government.
- (b) All building permit applications for Non-commercial and Micro WECS shall include detailed plans for the structure, a sketch, drawing, or plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and a vicinity map of the lot to be built upon or used.

6. District Regulations

- (a) Commercial WECS may be permitted as a Special Exception in the “A-1 2” Agricultural District, as set forth in Section X of this Ordinance, so long as bulk requirements and setback requirements are addressed. Said setback requirements are shown in Table 6 below.

- (b) Setbacks: Substations and Accessory Facilities:
- i. The minimum setback standards for substations and feeder lines shall be consistent with the standards for essential services outlined in the Any City Zoning Ordinance.
 - ii. Substation setbacks:
 - a. Fifty (50) feet; structure setback from road ROW; located wholly outside the right-of-way.
 - b. Property lines; structure setback from property lines; twenty-five (25) side and fifty (50) rear property line.

TABLE 6. WECS Setback Requirements: Wind Turbines and Meteorological Towers

	Non-Commercial & Micro WECS	Commercial WECS	Meteorological Towers
Property Line of Participating Landowner	1.1 times the total height of the tower or the distance of the fall zone plus 10 feet	1,640 feet	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total tower height
Property Line of Non-participating Landowner	1.1 times the total height of the tower or the distance of the fall zone plus 10 feet	1,800 feet	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total tower height
Natural Resource Protection & Preservation	N/A	Shall not be permitted on highly productive soils where 25% or more of the parcel of land has been rated at 70 CSR or above.	Shall not be permitted on highly productive soils where 25% or more of the parcel of land has been rated at 70 CSR or above.
Public conservation lands managed as grasslands	600 feet	Shall follow State Fish and Wildlife Agency and DNR Environmental Review recommendations but shall at a minimum maintain a 2,640 ft (1/2 mile) setback.	Shall follow State Fish and Wildlife Agency and DNR Environmental Review recommendations but shall at a minimum maintain a 2,640 ft (1/2 mile) setback.
Total Height	65' feet	262 feet total height as defined above Y(2)(13)	262 feet total height as defined above Y(2)(13)
Noise	N/A	40 dBa	N/A

*Setbacks may be reduced with a waiver among adjoining property owners who agree to said setback reduction, but in no case shall it be reduced to 4x the total height of the tower.

7. Requirements and Standards
 - a. Safety Design Standards
 - i. Engineering Certification: For all WECS, the manufacture’s engineer or another qualified engineer shall certify that the turbine, foundation, and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
 - ii. Clearance: Rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and the ground.
 - iii. Warnings: For all Commercial WECS, a sign or signs shall be posted on the tower, transformer, and substation warning of high voltage.
 - b. Height Standard
 - i. Total height – Non-Commercial and micro WECS shall have a total height of less than sixty-five (65) feet.
 - ii. Total Height must also be in compliance with all municipal airport ordinances within Any City or adjoining counties and shall in no case exceed two hundred sixty-two (262) feet in height, measured from final finished grade.
 - iii. Commercial WECS shall be in compliance with Section X(D), above, as well as all setback requirements as outlined in Table 3
 - c. Meteorological towers may be guyed.
8. Color and Finish: All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.
9. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.
10. Other Signage: All signage on site shall comply with Section VII (Y)(F)(1)(c) (Requirements and Standards), Section XIX (Outdoor Advertising Signs and Billboards) of this Ordinance. The manufacturer’s or owner’s company name and/or logo may be placed upon the nacelle of the WECS.
11. Feeder Lines: All communications and feeder lines, equal to or less than thirty-four and one-half (34.5) kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Any City Ordinances.
12. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.

13. Impacts on Public Infrastructure: Reimbursement of all costs related to excessive wear and tear to any public infrastructure such as but not limited to city roads and bridges, and to any highway system, storm water management related improvements and/or public utilities that are caused by the construction, maintenance, or removal of any WECS shall be reimbursed to the affected local government. A determination shall be made by the City Engineer or applicable official to establish if excessive wear and tear or damage has occurred and to estimate the costs of repair for said work. Any damages to any haul routes, as determined by the City Engineer, shall be reimbursed to the local government affected and shall be billed to the corporation or company owning said WECS to be paid within forty-five (45) days of issuance and may be subject to late charges, interest or penalties as allowed by law.

Also, all haul routes shall be reviewed and approved by the City Engineer on use of any city roads prior to construction, maintenance or removal of any WECS. In order to review proposed haul routes and/or work locations, WECS owner(s) and/or their contractors shall contact the City Engineer a minimum of one (1) month prior to starting any work in the city.

14. Discontinuation and Decommissioning: A WECS shall be considered a discontinued use after a six (6) consecutive month period without operation OR following a one-year period in which the WEC has generated less than two thousand (2,000) kilowatt-hours (kWh), unless a plan is developed and approved by the city council outlining the steps and schedule for returning the WECS to service; or upon revocation of the WECS permit. Once declared to be discontinued use by the city council, the component(s) shall be subject to removal pursuant to this section.

- (a) All WECS and accessory facilities shall be removed to a depth of six (6) feet below finished grade, including but not limited to concrete footings and foundations, steel cables, guy wires, conduit, and/or any other components of the WECS that have been determined to cause potential damage to equipment used to work the ground following decommissioning, within one hundred eighty (180) days of the discontinuation of use.
- (b) Each project shall have a decommissioning plan, developed by the applicant and approved by the any city council. Such plan shall contain the following:
- i. A description of the project components and a sequence and description of the activities required to remove the same in compliance with this section, including restoration of the land to its original state, prior to construction, to be completed within one hundred-eighty (180) days of decommissioning.
 - ii. A report prepared by a qualified third-party (to be approved by city council in advance) setting forth the procedures and estimated net costs associated with the removal of the components (other than feeder lines) to a depth of six (6) feet from the original grade and the accompanying restoration of the surface.
 - iii. Cash, an irrevocable letter of credit, or performance bond running in favor of the City in an amount no less than the total estimated net removal/restoration costs as determined by said report. Said security shall be in place at the time the project is completed and shall remain in effect until decommissioning is completed. No such security shall be cancellable without notice to the Zoning Administrator and approval by the city council. Each year, the permit holder shall provide proof that such security is in effect at the same time as the annual report is due to the County Assessor for purposes of the real estate tax assessment.
 - iv. The report prepared under section b). above shall be updated and provided to the City at least every three (3) years, and upon any proposed transfer of the WECS permit. Should any update indicate a change in the decommissioning costs, the security required under section 3). above shall be adjusted accordingly.

- v. No transfer/assignment of any WECS permit shall be effective without corresponding transfer/assignment of the obligations and financial security required under the decommissioning plan, as approved by the city council.
 - (c) Upon completion of decommissioning activities, the City Engineer and permit holder will verify that all planned activities have been completed per the decommissioning plan, or notes made with regard to items not completed. Records of the completed activities will be retained by the City Engineer's office for five (5) years. Items left in place contrary to the decommissioning plan will be recorded in the form of an easement with the County Recorder's office. Any concrete turbine base with a greater than two (2) cubic feet in the soil, regardless of depth shall be recorded in the abstract for the land so as to ensure that any future property owners or prospective buyers are aware of the presence of such structures.
15. Ancillary Agreement/Procedures: In addition to the Review and Approval Process, issuance of a Commercial WECS permit is strictly conditioned in the applicant executing the following agreements. The Zoning Administrator shall verify that all such agreements/plans are on file with the County Recorder's office prior to transmission of approved permits to the applicant.
- (a) Any City Road Use and Repair agreement signed by the applicant and approved by the City council.
 - (b) Any City Public Drainage System Protection Agreement signed by the applicant and approved by the City council.
 - (c) Abandonment/ Decommissioning Plan signed by the applicant and approved by the City council.
 - (d) An Emergency Response Plan provided by the applicant and approved by the City council. Said plan shall contain response procedures to be followed in the event of fire, liquid leakage, blade fracture, collapse, personal injury, or other emergency at a project site. The plan shall include 24-hour emergency contact information for the project or organization. The permit holder shall be responsible for and required to ensure that the Zoning Administrator and Emergency Management Coordinator are provided any updates as me issued from time to time.
 - (e) Notices and manuals specified and provided shall be retained by the Zoning Administrator for awareness and use of City agencies and local emergency management responders.
 - (f) Permit holder shall ensure that the Zoning Administrator is provided a copy of updates to the items provided that may be issued from time to time by the manufacturers.
16. Transferability of the Commercial WECS Permit
- (a) Only the holder of the Commercial WECS Permit (Permit Holder) shall own the project, and such holder shall be the entity responsible for compliance with all requirements of this Ordinance. The permit holder shall be responsible to maintain all components of the Commercial WECS in good repair, and in compliance with this Ordinance and the Ancillary Agreements listed in pat 11). of this section, above.
 - (b) No Commercial WECS Permit shall be transferred or assigned, voluntarily or involuntarily, without the prior written approval of the Any City City council, of which consent may be withheld unless and until the Board is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the

permit holder under this Ordinance and Ancillary Agreements. Requests for approval of Commercial WECS Permit transfer shall be directed to the Zoning Administrator.

- (c) Recipients of any such permit transfer shall affirm their responsibilities as Permit Holder in a signed letter to the City council and sign new agreements that are materially the same or provide a notarized letter stipulating their acknowledgement of their acceptance of the responsibilities in the original Agreements, which shall be specifically referenced, as a component of transfer.

17. Miscellaneous

- (a) Condemnation Waiver: Issue of a Commercial WECS Permit shall be conditioned upon the Permit Holder's enforceable promise, supported by consideration of the issuance of Commercial WECS Permit, that the Permit Holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project.
- (b) City Recovery of Legal Fees: In any action brought by the City against any Permit Holder of a WECS Permit to enforce the provisions of this Ordinance, the City shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.
- (c) Severability Clause: If any of the provisions of this Ordinance are for any reason found to be illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions, shall be and remain in full force and affect, the same as if the Ordinance contained no illegal or void provisions.
- (d) Repealer: This Ordinance takes precedence over and precludes any previous copy or draft specified for Commercial WECS in the Any City Zoning Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

18. Other Applicable Standards

- (a) Noise: Noise shall not exceed forty (40) decibels (dBA) as measured from adjacent property lines.
- (b) Electrical codes and standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- (c) Federal Aviation Administration: All WECS shall comply with FAA standards and permits.
- (d) Uniform Building Code: All WECS shall comply with the State Building Code adopted by the State of Iowa.
- (e) Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the city for permits. No WECS shall be constructed so as to interfere with City or Iowa Department of Transportation microwave transmissions.
- (f) A Commercial WECS Permit may be revoked any time the WECS does not comply with the rules and regulations set forth in this ordinance or WECS Permit. The revocation of the WECS Permit requires the WECS to be physically removed within one-hundred eighty (180) days.

- (g) Commercial WECS Permit Process. All Commercial WECS Permit applications shall be approved by the Any City Zoning Administrator following the standards and procedures as set forth in the Any City Zoning Ordinance
- (h) Release of Liability. Any City shall be fully released of any liability associated with any WECS built in incorporated Any City.

Section 17.19 COMMUNICATION TOWERS

1. Purpose

The provisions of this section are intended to regulate and guide the location of new communication towers, antennas, and related accessory structures. The goals of this section are to:

- (a) Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- (b) Encourage the location of towers in nonresidential areas.
- (c) Minimize the total number of towers throughout the community.
- (d) Strongly encourage the joint use or co-location of new and existing tower sites as a primary option rather than construction of additional single-use towers.
- (e) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- (f) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- (h) Consider the public health and safety of communication towers.
- (i) Avoid potential damage to adjacent properties from towers failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City shall give due consideration to the City's future land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. Definitions

The following terms are defined as used in this section:

- (a) Antenna: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications and which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (b) Backhaul Network: The lines that connect a provider's towers or cell sites to one or more cellular telephone switching offices, and/or long-distance providers, switched telephone network.
- (c) Camouflage Design: A term describing a communication tower or communications facility which takes on the appearance of a piece of art or some natural feature, or of an architectural structural component or other similar

element and which blends in naturally and aesthetically with the surrounding building environment. Examples of camouflage design include, but are not limited to, flagpoles, trees, vegetation, clock towers, monuments, and church steeples, but only if situated in an appropriate location or setting. Camouflage design also applies in the architectural integration of communication facilities (i.e., antennas) onto existing buildings, sports fields lights, highway signs, water towers, or other existing structures.

- (d) Co-location of Communication Equipment: Utilizing, to the greatest extent practicable, existing communication towers and other structures for mounting or locating communication antennas or related communication equipment in order to reduce the proliferation of multiple communication towers throughout the City.
- (e) Communication Tower Structure: Any tower or any other elevated structure that supports antennas, as defined herein.
- (f) Communication Tower Structure Site: A tract or parcel of land that contains the wireless communication tower structure, accessory support buildings, and on-site parking, and which may include other uses associated with the normal operations of wireless communications and transmissions.
- (g) Monopole Construction: A tower consisting of a single vertical structure not supported by radiating guy wires or support structure. A monopole tower shall be distinctive from a two-legged or multi-legged, lattice constructed tower structure.
- (h) Private Radio Operator of Communication Towers: Refers to personal, amateur, or hobby radio operators and communication equipment, including towers and antennas necessary to conduct personal, amateur, or hobby radio operations.
- (i) Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.
- (j) Tower Height Measurement: The distance between the base of the tower (ground level) and the top of the tower or the top of the highest appurtenance mounted on the tower, whichever measurement is greater.
- (k) The following documents and agencies referenced in this paragraph are applicable to the extent specified:
 - i. EIA-222: Electronics Industries Association, Standard 222 Structural Standards for steel antenna towers and antenna support structures.
 - ii. FAA: Federal Aviation Administration.
 - iii. FCC: Federal Communications Commission.
 - iv. ANSI-95.1: The most recently adopted standard of the American National Standards Institute, which establishes guidelines for human exposure to non-ionizing electromagnetic radiation.

3. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses, but in any event shall comply with all of the requirements of this section and of this Ordinance

relating to principal and/or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

4. Lot Size

For purposes of determining whether the installation of a tower or antenna complies with zoning district development regulations, including (but not limited to) setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

5. Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City, or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for a special exception permit under this section or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

6. Exemption for Certain Towers of Governmental Bodies

Communications towers and/or antennas erected by city, county, or state governmental bodies for public safety or other essential public purposes shall be exempt from the provisions of this section.

7. State or Federal Requirements

All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or federal agency. Failure to bring all towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the City to require the removal of the tower or antenna at the owner's expense.

8. NIER

The NIER (non-ionizing electromagnetic radiation) emitted from a communications tower or associated equipment shall not exceed the most recently adopted standard of the American National Standards Institute (ANSI-95.1).

9. Height

Towers (including top mounted appurtenances) shall not exceed the overall height recommended by the FAA or the FCC or as limited herein.

10. Precedence

Where regulations and requirements of this section conflict with those of the FAA or FCC, the federal requirements shall take precedence.

11. Advertising

Advertising on communication towers shall be prohibited. Commercial signage or other type of sign messaging on towers, other than specific tower site signage such as safety messaging, ownership signs, or no trespassing signs shall be prohibited.

12. Building Codes: Safety Standards

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have a period of thirty (30) days to bring such tower into compliance with such codes and standards. Failure to bring such tower into compliance within said thirty (30) day period shall constitute grounds for the City to require the removal of the tower or antenna at the owner's expense.

13. Nonessential Services

Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

14. Tower Removal

The tower owner and/ or operator shall notify the Zoning Administrator when a tower is removed, no longer in use, or is knocked down, or blown down or damaged to such an extent that major structural repairs are required. If a tower is removed, knocked down, blown down, or damaged to such an extent that major structural repairs are required, said tower shall not be reconstructed or replaced without prior review and approval by the Planning and Zoning Commission and Council. If said damaged tower is abandoned or inoperable with no intention by the owner to replace said tower, the tower shall be removed in a timely fashion at the expense of the tower owner or the property owner where the tower is located, as directed by the Zoning Administrator. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying both the tower owner and the owner of the property on which the tower is located, of such abandonment. Failure of the tower owner or property owner to remove an abandoned antenna or tower within said ninety (90) days shall be grounds for the City to require removal of the tower or antenna at the expense of the tower owner or property owner. If there are two (2) or more users of a

single tower, then this provision shall not become effective until all users cease using the tower. If the City is required to remove a tower at the expense of the tower owner or property owner, the costs of removal, if not paid by the tower owner, or by the owner of the property on which the tower is located, within thirty (30) days of the City's written demand for payment, shall be reported to the City Clerk, who shall levy the cost thereof as an assessment, which shall be a lien on the real estate on which the tower is located. The City Clerk shall certify such assessments to the County Treasurer to be paid by the owner of the property on which the tower is located, in installments in the same manner as property taxes, as provided by law.

15. Interference

Any signal interference complaints associated with communication towers or related equipment shall be addressed in accordance with FCC rules and procedures.

16. Lighting

No towers shall be artificially lighted unless required by the FAA or other federal or State authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and/or the surrounding or abutting properties.

17. Coloration

Towers, accessory structures, and other related components shall use paint or coloration which blends in, to the maximum extent possible, with the surrounding environment and surrounding buildings.

18. Aesthetics

Towers and antennas shall meet the following requirements:

- (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness to the maximum extent possible.
- (b) At the tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

19. Property Owner Information

It shall be the responsibility of the tower owner to furnish to the City any change in name or address of the owner of the property upon which the tower is situated.

20. Tower Separation Requirements

If any tower is removed from a site within the City for any reason, including, without limitation, a tower that is knocked down, blown down, or damaged to such an extent that major structural repairs are required, or if the tower is removed for any other reason, and if a new or replacement tower is proposed on the same property and at the same location, such new or replacement tower may be considered for erection at the same location on the same property, subject to compliance with the review process and standard contained in this section. Any such application shall be subject to review and approval by the Planning and Zoning Commission and City Council. The tower separation requirements of this section shall not, in and of themselves, necessarily serve as a basis for denial of such an application. The Commission and Council may waive the tower separation requirements with respect to said application if, after considering all relevant circumstances, including whether the applicant has clearly demonstrated to the satisfaction of the Commission and the Council that all practical and feasible co-location alternatives have been investigated, considered, and appropriately rejected, and, based upon all other relevant factors and circumstances, the Commission and Council determine that approval of the application shall serve the interests of the community.

21. Tower Design

In furtherance of the goal set forth in subsection 1(D) of this section—to strongly encourage co-location of communication antennas on existing towers or other existing structures—each applicant proposing to construct a new communications tower shall be required to design the proposed new tower so as to accommodate the co-location of the antenna arrays of at least three (3) additional telecommunications carriers or providers, in addition to the antenna requirements of the applicant proposing to construct the new tower.

22. Tower Application

Prior to the installation of any communications tower within the City, the owner/operator shall submit to the Zoning Administrator an application for a special exception permit. Said application shall include at a minimum the following:

- (a) Detailed, scaled site plan illustrating property location and address, including a location map, property dimensions, tower location, tower height, and adjacent land uses and zoning districts within three hundred (300) feet of the tower site, on-site land uses and zoning classification of the property under consideration, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and any other information the Zoning Administrator deems to be necessary to determine compliance with this section. Names and addresses of property owners within three hundred (300) feet of the property on which the tower is proposed to be located shall be shown on the site plan.
- (b) Description of tower usage and ownership including name of tower company and principal company contact person, including telephone number and address.
- (c) Name and address of owner of the property where the tower facility is proposed to be located together with a description of the terms of the proposed lease

between the tower owner and property owner, including (but not limited to) duration of lease, renewal provisions, liability provisions and tower removal arrangements in the event of tower failure, lease expiration, or antenna or tower abandonment. The application shall be accompanied by a written consent of the property owner that provides that if the application is granted, the property owner acknowledges the provisions regarding tower removal contained in this section and agrees to be responsible for removal of the tower, or payment of the costs of removal, on the terms and conditions set forth in subsection 14 of this section.

- (d) Landscaping plan, with a description of exterior fencing, and finished color and, if applicable, the method of camouflage and illumination, and a description of on-site landscaping along with the description of related communication tower facilities that may be established in adjacent structures on the communication tower site.
- (e) Copies of FAA and/or FCC permits.
- (f) Structural specifications as verified by a professional engineer, licensed in the State of Iowa, relating to: structural materials, soils information, method of installation and erection, list of types of antennas, cables and other appurtenances, a statement that the structure is designed in accordance with current EIA 222 structural standards, and wind load/ice load specifications.
- (g) Description of camouflage design options and opportunities for the proposed facility. The applicant must give a description, including photographs or illustrations, of the proposed tower design and general appearance, including coloration details, and comment upon whether or not camouflage options have been considered or are practical to apply.
- (h) Description of co-location efforts in accordance with the requirements of subsection 27 of this section, including list of companies and tower sites within the City which were investigated, and the reasons why co-location is not possible. Technical data shall be submitted to support this explanation. Information shall be submitted to City staff in order to verify that co-location inquiries have been made with other existing tower facility owners. Furthermore, a description of future co-location opportunities on the proposed tower shall also be presented in conjunction with the proposed tower structure, as provided for in said subsection 27 of this section.
- (i) Safety narrative. Submittal of a written description of tower structural components, including basic construction methods, weight or load capacity, durability in terms of wind and ice loads, structural failure probability and predicted fall zones, and other relevant data requested by the Zoning Administrator, all certified by the applicant's engineer.
- (j) A non-refundable fee as established by resolution of the City Council to reimburse the City for the cost of reviewing the application.
- (k) All information of an engineering nature that the applicant submits to the City in connection with the application, whether civil, mechanical, electrical, shall be

certified as true, correct, and complete by a licensed professional engineer who is qualified to make such certification with respect to that field of engineering.

- (l) Legal description and street address of the tract of land and of the leased parcel, if applicable, on which the tower will be located.
- (m) A notarized statement by the applicant's engineer as to whether construction of the tower will accommodate co-location of additional antennas for future users, and if so, how many, and what size and type of such antennas.
- (n) Identification of the entities providing the backhaul network for the tower described in the application, and for other tower sites owned or operated by the applicant in the City.
- (o) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures, including co-location on an existing tower or other structure, to provide the services to be provided through the use of the proposed tower, accompanied by a certification thereof from the applicant's engineer.
- (p) The distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
- (q) The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 5 of this section shall be shown on an updated site plan map. The applicant shall also identify the type of construction of the existing towers and the owner/operator of the existing towers, if known.
- (r) The separation distance between the location of the proposed new tower and all other existing communication towers located within five thousand (5,000) feet of the proposed tower, together with the specific location, type of construction, and name of owner/operator of each such existing tower, and whether such existing tower is structurally and technologically capable of accommodating any additional antennas on such tower, and if so, how many and what type of antennas may be accommodated on each such other existing tower.
- (s) A description of the feasible locations of future towers or antennas within the City based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
- (t) A description of any artificial lighting proposed with respect to the applicant's tower, including a description of impact on the surrounding views and the surrounding or abutting properties.
- (u) Information and documentation which demonstrates that the applicant complies with all of the provisions of this section, and all applicable federal, State or other local laws.
- (v) The inventory of existing sites as required in subsection 5 of this section.

- (w) Description of vehicular access route to the proposed tower site, including proposed curb cuts, subject to review and approval by the City Engineer.
- (x) Such other information and documentation may be requested by the Zoning Administrator to evaluate the application and to determine whether it satisfies the requirements of this section.

23. Request for Tower Construction

Following receipt of all completed materials and documentation the Zoning Administrator shall, if appropriate, refer the request for tower construction to the Planning and Zoning Commission and the City Council for further review.

24. Applications for Tower Installation

The Commission and Council shall review such applications for tower installation to assure that the structure meets all safety requirements, is properly engineered, is compatible with surrounding land uses, will have no adverse impact upon nearby properties, and complies with the requirements of this section.

25. Antenna Application

Prior to the installation of any antenna on an existing communication tower, building, or other structure of any kind, the owner/operator of the antenna shall submit to the Zoning Administrator an application for a special exception permit. Said application shall include at a minimum the following information and/or documentation.

- (a) A description of the number, size, and type of antenna proposed to be installed.
- (b) A description of the structure to which the proposed antennas will be affixed, whether communication tower, building, or other structure, including the street address, legal description, location map, and other information that will assist the Zoning Administrator in determining where the antennas will be installed, together with the name, including principal contact person, telephone number, and address of the owner of the tower, building or other structure upon which the antennas will be installed, and the written consent of such owner to the installation of the antennas.
- (c) Structural specifications as verified by a licensed professional engineer, that the installation of the antennas on the tower or other structure will meet the structural specifications contained in this section.
- (d) Any other information and documentation as may be requested by the Zoning Administrator to evaluate the application and to determine whether it satisfies the requirements of this section and of applicable federal, State and other local laws.
- (e) A non-refundable fee, if any, as established by resolution of the City Council to reimburse the City for the costs of reviewing the antenna application.
- (f) A description of the accessory cabinet, structure, or building that will serve the proposed antennas, together with documentation demonstrating that such accessory structure complies with the requirements of all applicable City ordinances, including applicable local building codes and ordinances.

Following receipt of all completed materials and documentation, the Zoning Administrator shall either approve the application, if the Zoning Administrator

determines that the application complies with all requirements of this section or, in the discretion of the Zoning Administrator, the application may be referred to the Planning and Zoning Commission and City Council for further review. The Commission and Council shall review any antenna applications referred by the Zoning Administrator to assure that the proposed antennas meet all safety requirements, are properly engineered, and otherwise comply with the requirements of this section and all applicable federal, State and other local laws.

26. Factors Considered in Granting Special Exception Permits for Towers

The Commission and Council shall consider the following factors in determining whether to issue a special exception permit, although the Commission and Council may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Commission and Council conclude that the goals of this Development Ordinance are better served thereby:

- (a) Height of the proposed tower.
- (b) Proximity of the tower to residential structures and residential district boundaries.
- (c) Nature of uses on adjacent and nearby properties.
- (d) Surrounding topography.
- (e) Surrounding tree coverage and foliage.
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness. This consideration shall involve evaluation of any proposed camouflage design options and whether any such camouflage options are in character with the surrounding area and that the proposed design achieves the desired camouflage effect.
- (g) Proposed ingress and egress.
- (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

27. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Commission and Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed tower structure and/or antennas. An applicant shall submit information requested by the Zoning Administrator related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area which meet applicant's reasonable and technologically sound engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's reasonable and technologically sound engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment, and still meet applicable structural requirements described in this section.

- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna such that the applicant's antenna would not be technologically feasible.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable, based on reasonable technological and/or engineering criteria.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable, based on reasonable technological and/or engineering criteria.
- (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable, based on reasonable technological and/or engineering criteria. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

28. Setbacks

The following setback requirements shall apply to all towers for which a special exception permit is required:

- (a) Towers must satisfy the minimum zoning district setback requirements that are applicable to principal uses on the property where the proposed tower will be situated.
- (b) Guy wire and other structural support elements and accessory buildings must satisfy the minimum zoning district setback requirements that are applicable to principal uses on the property where the proposed tower will be situated.
- (c) If towers are established on properties located adjacent to a freeway, State highway, a major or minor arterial street/roadway or collector street, the tower structure shall be located at least the height of said tower in distance from the adjacent said public right-of-way.

29. Location and Installation

- (a) Residential Districts: Communication towers intended to serve personal and amateur radio operators, including hobby radio operators (i.e. private radio operators) shall be permitted within any residential zoning district as an accessory use to a principal permitted residential use, subject to the following requirements:
 - i. Said private radio communication towers in residential districts shall not be located in front of any residence and not within any required side or rear yard areas. If the tower is supported with guy anchors or other radiating support structure, said anchors or support structure shall not be allowed within five (5) feet of a rear or side property line. Said anchors or support structure shall not be allowed within a required front yard.
 - ii. The maximum allowable height of a fixed tower including antennas and appurtenances serving private radio operators and also including roof mounted communication antennas within a residential zoning district serving private radio communication towers shall be eighty (80) feet. Said maximum height shall be measured from the average natural grade of the property immediately adjacent to the tower.

- iii. Prior to the installation of any private radio communication tower in a residential zoning district, the owner/operator shall submit to the Zoning Administrator an application for a special exception permit as outlined in this section. For those proposed towers or roof mounted antennas that have an overall height of less than forty (40) feet as measured from the natural grade, the Zoning Administrator may issue a special exception permit without any further review by the Commission or the Council.
 - iv. If the overall height of the proposed private radio communication tower or antenna exceeds forty (40) feet above the natural grade, the request shall be reviewed by the Commission and the Council. The owner /applicant shall submit evidence that the tower and if roof mounted, the tower and building to which it is attached, are constructed to specifications of tower industry standards. The owner/applicant shall be responsible for providing a statement from an independent structural engineer that the proposed tower or antenna structural specifications satisfy basic industry safety standards as described in this section.
- (b) Communication tower structures intended for use for commercial purposes or by any entity other than a private radio operator shall be strongly discouraged within the City in any zoning district that allows residential uses as a principal permitted use. However, in those instances where an applicant demonstrates to the satisfaction of the Commission and the Council that the interests of the community will be served by the installation of a tower in any such residential zoning district, such application may be granted, provided that said proposed tower shall be of an acceptable camouflage design and shall not exceed eighty (80) feet in overall height. The Commission and Council shall determine whether the proposal to place the tower in any such residential zoning district is in conformity with the purposes set forth in subsection 1 of this section, and otherwise meets all of the applicable requirements of this section. No two-legged or multi-legged lattice structure or guy wire supported towers shall be permitted in any residential zoning district under any circumstances. Commercial and private communication equipment, including antennas and accessory support facilities (i.e. small detached structures) may be permitted within any such residential zoning district only when all of the following are met:
- i. It is proposed to affix communication antennas to a camouflaged tower, existing structure such as a church steeple, water tower, telephone or electric pole, or other acceptable camouflage design.
 - ii. The antenna and accessory communication equipment shall be camouflaged or heavily screened so as to be as unobtrusive and unnoticeable within the neighborhood as possible.
 - iii. The applicant demonstrates compliance with all of the applicable requirements of this section.
 - iv. Subject to review and approval by the Commission and the Council, if applicable.
- (c) Commercial Districts: Communication towers intended for use for commercial purposes or by any entity other than a private hobby radio operator shall be permitted as a principal permitted use in the following zoning districts: A-1, except as limited herein, C-1, C-2, M-1, M-2, or PD, upon site plan review and approval by the Commission and the Council.

30. Towers as Principal Permitted or Accessory Uses

Towers that are proposed as principal permitted uses or accessory uses shall be subject to the following standards:

- (a) Towers proposed to be established as principal permitted or accessory uses in the "A-1" Agriculture Zoning District shall be guided by the City's land use map. There are many "A-1" Districts within the City which are located adjacent to "R" Residential zoning districts, and which have not yet been rezoned for development purposes. Therefore, in order to discourage the establishment of commercial communication towers immediately adjacent to or within existing residential neighborhoods, the land use map shall be utilized as a guide in evaluating which properties are designated as future residential development areas. It is the intent of this section that towers proposed to be established in the "A-1" District must be located in those areas intended for commercial or industrial development areas and shall not be permitted in those areas designated for future residential development as indicated on the City's land use map, except as otherwise expressly provided in subsection 29(b) of this section. Said towers shall be governed by the following standards outlined herein.
- (b) Towers proposed to be established as principal permitted or accessory uses in "A-1", "M-1", "M-2" or "PD" Districts shall be limited to an overall height, as measured from natural grade, of two hundred-fifty (250) feet. All such towers that are one hundred-fifty (150) feet or less in overall tower height must be of monopole construction.
- (c) Towers proposed to be established as principal permitted or accessory uses in "C-1", "C-2", or "PD" zoning districts shall be limited in overall height to one hundred-twenty (120) feet. All such towers must be of monopole construction.
- (d) All towers proposed to be established as principal permitted or accessory uses shall be located on the lot so that the distance from the base of the tower to any adjoining property line, or leased property boundary, meets the minimum building setback requirement for the zoning district in which the tower is located.
- (e) Guy wires or radiating tower support structures, if utilized in conjunction with a tower, shall maintain a setback from the property line equal to the building setback requirement in the zoning district in which it is located.
- (f) All towers proposed to be established as principal permitted or accessory uses shall be certified by a registered engineer stating that the tower structure will withstand wind pressures of eighty (80) miles per hour with one-half inch ice load. If said tower is roof-mounted the same engineering certification shall be provided for both the tower and the building to which it is attached.
- (g) Camouflage design options for the tower structure and related facilities shall be evaluated based upon the requirements of this section. It is the intent of this regulation to seek out and pursue camouflage design options to the maximum extent possible.
- (h) Security fencing, measuring at least six (6) feet in height, shall be required around the base of the tower and also around guy anchors of any tower, and shall also be equipped with an appropriate anti-climbing device, unless waived by the Council, as it deems appropriate.
- (i) The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided, however, the Council may waive such requirements if the goals of this Ordinance would be better served thereby.
 - i. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used

- for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide and six (6) feet high at the time of planting, located outside the perimeter of the compound.
- ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Commission and Council.
 - iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer.
- (j) Upon completion of tower site construction, a placard containing the name, address, and telephone number of the principal owner or operator of the tower shall be affixed in a location so that it is clearly visible at the perimeter of the site. Said placard shall not exceed three (3) square feet in area. The pertinent ownership information on the placard shall be kept current and updated as needed.
 - (k) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed tower base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 7.

TABLE 7: Existing Towers – Types

	Lattice	Guyed	Monopole 80 Feet or Greater	Monopole Less Than 80 Feet
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 80 Feet or Greater in Height	1,500	1,500	1,500	750
Monopole 80 Feet or Less in Height	750	750	750	750

Other zoning districts where tower structures are generally prohibited may be considered for the installation of towers and related communication equipment, including antennas and accessory support facilities under the same guidelines as outlined in subsection 29(B), residential districts, provided that said consideration does not conflict with any other requirements of this chapter.

Roof-mounted towers shall be permitted in any allowable commercial or industrial zoning district as specified herein subject to the following standard: maximum height of the tower shall be forty (40) feet above the roof upon which the tower is established, but not more than one hundred-twenty (120) feet above ground level.

- (l) Every application for a special exception permit to install a communication tower or antenna in the City shall comply with all provisions of this section, all provisions of this chapter, including but not limited to, compliance with all on-site parking requirements including driveway/aisle access requirements of this chapter applicable to the site on which the communication tower or antenna will be installed, and all other provisions of this code which are applicable to the site, the installation of the tower or antenna, and all other provisions of this code which are in any way applicable to said application.

- (m) In granting a special exception permit under this section, the Planning and Zoning Commission and City Council may impose reasonable conditions to the extent such conditions are deemed necessary to satisfy the purposes of this section and in order to minimize any adverse effect or impact of the proposed tower on adjoining properties.

Section 17.20 MAINTENANCE OF LANDSCAPE AND/OR OPEN SPACE BUFFERS AND EASEMENTS

1. Maintenance

Maintenance of landscape and/or open space buffers and easements shall be the responsibility of the property owner. "Landscape buffer" or "open space buffer" means an area which acts as a buffer between two (2) land uses of different intensity that visibly separates one (1) use from another or shields or blocks noise, lights or other nuisances and is required to include trees and shrubs and may include fences and/or berms and consists of a type of screening required under subsection 2. A site plan for all required landscape buffers or open space buffers or screening required under subsection 2 shall be submitted to the Planning and Zoning Commission and Hudson City Council for approval.

2. Screening

The intent of screening regulations is to lessen the transmission from one (1) lot to another of noise, dust, glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one (1) land use from another; and/or establishing a sense of privacy from visual or physical intrusion. The provisions of this section are necessary to safeguard the public health, safety, and welfare.

- (a) General Screening Standard: Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets.
- (b) Compliance with General Standard: The following Table 8, in conjunction with the explanations set forth in paragraph C concerning types of screens, establishes screening requirements that presumptively satisfy the general standard established in paragraph A of this subsection.

TABLE 8: Screen Requirements

<i>A-1</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>	<i>C-1</i>	<i>C-2</i>	<i>M-1</i>	<i>M-2</i>	<i>PD</i>	
A-1	--	--	--	--	B	--	C	C	C	C	*
R-1	--	--	--	A	C	--	B	B	C	C	*
R-2	--	--	--	A	C	--	B	B	C	C	*
R-3	--	A	A	--	B	A	B	B	C	C	*
R-4	B	C	C	B	--	C	B	B	A	A	*
R-5	--	--	--	A	C	--	B	B	C	C	*
C-1	C	B	B	B	B	B	--	A	B	C	*
C-2	C	B	B	B	B	B	A	--	B	C	*
M-1	C	C	C	C	A	C	B	B	--	B	*
M-2	C	C	C	C	A	C	C	C	B	--	*
PD	*	*	*	*	*	*	*	*	*	*	--

* Landscaping plan approved by Commission and Council as part of overall site plan approval. See Section 17.20.2.(c) for screen type descriptions.

The zoning classifications contained in Table 7 are keyed to those classifications described in Chapter 166 of this Ordinance. The letter designations within Table 7 refer to the types of screening described in paragraph C of this subsection. The table indicates the type of screening that is presumptively required between two (2) uses. Where such screening is required the applicant or burdened use is responsible for installation prior to receiving an occupancy permit for the use in question.

- (c) **Descriptions of Screens:** The following three (3) basic types of screens are established and are used as the basis for the table of screening requirements set forth in paragraph B of this subsection.
 - i. **Broken Screen, Type A:** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty (20) feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.
 - ii. **Semi-Opaque Screen, Type B:** A screen that is opaque from the ground to a height of three (3) feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty (20) feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions shall not contain any completely unobstructed openings more than ten (10) feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

- iii. Opaque Screen, Type C: A screen that is opaque from the ground to a height of at least six (6) feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions shall not contain any completely unobstructed openings more than ten (10) feet wide. The zone of intermittent visual obstruction may contain deciduous plants.
- (d) Storage Areas: The outdoor storage of materials, equipment, or supplies, when permitted in any commercial or industrial district, shall be so located or screened, fenced, or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage area by persons traveling on public rights-of-way or standing at grade level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type C as described in paragraph C(3) of this subsection.

ARTICLE XVIII

NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND

Section 18.00 NONCONFORMING BUILDINGS AND STRUCTURES

1. General: A lawful, or authorized, nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said building or structure may not conform with the regulations of this Ordinance for the District in which it is located. A nonconforming building or structure in existence at the adoption hereof that was not a lawful, or authorized, building or structure under previous zoning ordinances shall not be authorized to continue as a nonconforming building or structure pursuant to this Ordinance, or amendments thereto. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
2. Alteration or Enlargement of Building and Structures: A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure including additions and enlargements, is made to conform to all the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.
3. Building Vacancy: A building or structure or portion thereof, that is nonconforming which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied by a use which conforms to the use regulations of the District in which it is located.
4. Destruction of Nonconforming Building or Structure: If any nonconforming building or structure is destroyed by any means, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, in which case reconstruction shall be in accordance with the provisions of this Ordinance. If the damage is less than stated above, it may be restored, reconstructed or used as before provided that it be completed within one (1) year of such happening, and be built of like or similar material.
5. Change of Uses: A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. If such a nonconforming use, or a portion thereof, is changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a nonconforming use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

6. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the “R-1” District shall be considered the most restrictive and the “M-2” District the least restrictive District.

Section 18.01 NONCONFORMING USES OF LAND

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said use may not conform with the regulations of this Ordinance for the District in which it is located. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized, use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.
2. Extension or Expansion of Use: Said nonconforming use may not be extended or expanded, nor shall it occupy more lot area than was in use on the effective date of this Ordinance.
3. Discontinuance of Use: If said nonconforming use or any portion thereof is discontinued for a period of one (1) year, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

ARTICLE XIX

ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS

Section 19.00 GENERAL

The requirements and regulations specified elsewhere in this Ordinance shall be subject to Additional Requirements, Exceptions, Modifications, and Interpretations contained in this Section.

Section 19.01 HEIGHT AND SIZE LIMITS

Height limitations stipulated elsewhere in this Ordinance shall not apply in the following situations:

1. Barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
2. Bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the Board of Adjustment.
3. Telecommunication towers, the base of which shall be at least the height of the tower from all adjoining property lines, including public right-of-way.

Section 19.02 FRONT YARD EXCEPTIONS AND MODIFICATIONS

1. Front yard requirements do not apply to bay windows or balconies that do not project more than two (2) feet into the front yard.
2. In any District where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any "R" District shall be at least ten (10) feet and need not exceed sixty (60) feet.
3. For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.

Section 19.03 SIDE YARD EXCEPTIONS AND MODIFICATIONS

1. Along any district boundary line, any abutting side yard on a lot in the less restricted District shall have a least width equal to that required in the more restricted district. Where a lot in an "M" District abuts a lot in an "R" District, the side yard shall be increased by three (3) feet for each foot that the building proposed on such lot exceeds the height limit of the said "R" District.

2. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.
3. The following projections or structures may be permitted in side yards:
 - (a) Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
 - (b) Fences or walls not over eight (8) feet above the average natural grade except as noted in Section 3.12.
 - (c) Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall. The sum of the lengths of such projection shall not exceed one-third ($\frac{1}{3}$) of the length of the wall of the main building
 - (d) Chimneys, flues, sills, overhangs, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half ($1\frac{1}{2}$) feet.
 - (e) Terraces, steps, uncovered porches (not including decks), stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from the side lot line.

Section 19.04 REAR YARD EXCEPTIONS AND MODIFICATIONS

The following projections or structures may be permitted in rear yards:

1. In any "C" or "R" District, a building which is non-conforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building, all other Bulk Requirements must be met.
2. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
3. Fences or walls, not over eight (8) feet in height.
4. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half ($1\frac{1}{2}$) feet.
5. Terraces, steps, decks, uncovered porches, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line.
6. Swimming pools.

Section 19.05 DECKS

1. A deck that was in existence at the time of adoption of this Ordinance may be remodeled or rebuilt to an enclosed non-habitable vestibule entrance way (which may include closet space) when projecting not more than one-fourth the distance of the front yard setback and extending in width not more than one-fourth the width of the residence.

2. Steps or unenclosed decks that project not more than one-fourth the distance of the front yard setback provided, however, no such deck may be constructed, remodeled, or rebuilt such that the same would not be a deck or be eligible for enclosure as authorized in subsection 1 of this section.

ARTICLE XX

ADMINISTRATION AND ENFORCEMENT

Section 20.00 ORGANIZATION

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of Hudson: City Council, Planning and Zoning Commission, Board of Adjustment, and Zoning Administrator.

Section 20.01 BASIS OF REGULATIONS

Regulations are made in accordance with the Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

Section 20.02 MAYOR AND CITY COUNCIL

1. Jurisdiction: The Mayor and City Council of the City of Hudson, Iowa, shall discharge the following duties under this Ordinance:
 - (a) Appoint a Zoning Administrator whose responsibility will be to enforce the provisions of this Ordinance.
 - (b) Appoint members of the Board of Adjustment as provided for in this Ordinance.
 - (c) Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
 - (d) Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - (e) Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
 - (f) To decide all matters upon which it is required to pass under this Ordinance.

Section 20.03 BOARD OF ADJUSTMENT

1. Creation: The Board of Adjustment, as established under applicable provisions of the Code of Iowa, is the Board referred to in this Ordinance.
2. Appointment-Terms-Removal: The Board shall consist of five (5) members, who are residents, to be appointed by the City Council for a term of five (5) years excepting that when the Board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the Board shall be persons representing the public at large. The Board of Adjustment shall not be the Planning and Zoning Commission, and members shall not hold an elective office in municipal government, nor shall a majority of the members be

involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the members affected.

3. Powers and Duties: The Board of Adjustment is hereby vested with the following powers and duties:
 - (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 - (b) To hear and decide all applications for special exceptions in the manner prescribed in this Ordinance.
 - (c) To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
4. Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in their absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Zoning Administrator and City Clerk.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to affect any variation in application of this title.
5. Finality of Decisions of the Board of Adjustment: All decisions and findings of the Board of Adjustment on appeals, applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as is stated in the Code of Iowa.

Section 20.04 VARIANCES

1. Purpose and Findings of Fact: The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Application for Variance: An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.
3. Standards for Variance: The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:

- (a) Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- (b) Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
- (c) Special conditions and circumstances do not result from the actions of the applicant.
- (d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

4. Further Requirements:

- (a) The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (b) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the Hudson Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (c) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Article XVII.
- (d) Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
- (e) If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.

Section 20.05 SPECIAL EXCEPTION AND OTHER POWERS OF THE BOARD OF ADJUSTMENT

1. Special Exception

- (a) Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such special exceptions fall into two categories:

- i. Uses publicly operated or traditionally affected with a public interest, and
 - ii. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (b) Initiation of Special Exceptions: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
- (c) Application for Special Exception: An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- (d) Hearing on Application: Upon receipt of the proper form of the application and statement referred to the Board of Adjustment, they shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Hudson. Property owners within three hundred (300) feet of the property for which the change is being requested shall be notified. Before an appeal is filed with the Board of Adjustment, the appellant shall pay the City of Hudson to cover the publishing and administration costs of said appeal, per the adopted fee schedule.
- (e) Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment finding and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- (f) Standards: No special exception shall be granted by the Board of Adjustment unless such Board shall find:
- i. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - ii. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - iii. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - iv. Those adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

- v. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - vi. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment;
 - vii. That the special exception shall conform to the Hudson Comprehensive Plan and the Code of Ordinances.
- (g) Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (h) Denial and Revocation of Special Exception:
- i. Denial: No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
 - ii. Revocation: In any case where a special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

2. Other Powers of the Board of Adjustment

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

- (a) Interpretation of District Map: Where the application of the rules for interpretation of district boundaries contained in Section 2.02 leaves a reasonable doubt to the boundary between two (2) Zoning Districts, the Board of Adjustment, after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.
- (b) Temporary Uses and Permits: The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

Section 20.06 APPEALS

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

Section 20.07 PLANNING AND ZONING COMMISSION

1. Creation: The Planning and Zoning Commission of the City, as established under the applicable provisions of the Code of Iowa, is the Planning and Zoning Commission referred to in this Development Ordinance.
2. Membership: Said Commission shall consist of seven members who are qualified by knowledge or experience to act in matters pertaining to the development of a city plan and who shall not hold any elective office in the municipal government, shall be appointed by the Council for staggered terms of five years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the Council. Immediately following their appointment, the members of the Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with this Code of Ordinances and State laws. The Commission shall keep written records of its proceedings which shall be filed with the Zoning Administrator and City Clerk and open at all times to public inspection.
3. Powers and Duties: The Commission shall hold the following powers and discharge the following duties under this Development Ordinance:
 - (a) Make such surveys, studies, maps, plans, or charts of the whole of the City or any land outside thereof, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Council and may publish its studies and recommendations.
 - (b) Review all public improvement plans. No such improvements shall be made, site obtained, nor permit issued until the design and proposed location of any such improvement has been submitted to the Planning and Zoning Commission and its recommendations obtained. Should the Commission fail to make recommendations within thirty (30) days' written notice, these requirements shall not act as a stay upon action for any improvement.
 - (c) Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the City.
 - (d) Make careful and comprehensive studies of present conditions and future growth of the City with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development—to the approval of the Council—of the City and its environment, which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
 - (e) Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Commission disapproves the proposed change, it may be adopted by the Council only after the affirmative vote of at least three-fourths of the Council members.
 - (f) Recommend to the Council changes in the zoning regulations or districts.

- (g) File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the City Council.
- (h) Expend all sums of money appropriated, and expend all gifts, donations or payments received by the City for City plan purposes.
- (i) Contract debts within the limits of income for the present year.

Section 20.08 ZONING ADMINISTRATOR

1. Designation of Zoning Administrator: The Zoning Administrator shall be designated by the Mayor and the Council.
2. Powers and Duties of the Zoning Administrator: The Zoning Administrator shall enforce this Ordinance and in addition shall:
 - (a) Issue all zoning permits and collect any fees.
 - (b) Process all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.
 - (c) Respond to complaints of alleged violations to the Ordinance.
 - (d) Provide and maintain a public information service relative to all matters arising out of this Ordinance.
 - (e) Provide proper forms to the public for the zoning process.
 - (f) Review site plans for conformance with this Ordinance.
 - (g) Carry out the administrative duties for both the Commission and the Board of Adjustment.
 - (h) Assist the building inspector in performing inspections and Code enforcement. Be the Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment.
 - i. The Secretary of the Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.
 - ii. The Secretary of the Board of Adjustment shall attend all meetings of the Board, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Board, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board.

Section 20.09 AMENDMENTS TO THIS ORDINANCE

1. Procedure: The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council, but no such amendments shall be made without public hearings before the Planning and Zoning Commission and City Council and after a report has been made upon the amendment by the Planning and Zoning Commission. However, the regulation, restriction, or boundary shall not become effective until after public hearings at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven (7) days nor more than twenty (20) days before either of the public hearings.

In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Planning and Zoning Commission hearing

In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the City Council against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the area thereof extending the depth of one (1) lot or not to exceed three hundred (300) feet therefrom, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed three hundred (300) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council. As part of an amendment to this Ordinance changing land from one zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

2. Rezoning Applications: An application for rezoning shall contain the following items:
 - (a) The legal description and local address, if applicable, of the property to be rezoned.
 - (b) The present zoning classification and the zoning classification requested for the property.
 - (c) The existing use and proposed use of the property.
 - (d) The names and addresses of the owners of all property within three hundred (300) feet of the property for which the change is requested.
 - (e) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - (f) A plat showing the locations, dimensions, and use of the applicant's property and all property within three hundred (300) feet thereof, including streets, alleys, railroads, and other physical features.
 - (g) The property owner's signature.
3. Fee: Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable sum, as established by resolution of the City Council, to cover the approximate cost of the procedure and the applicant shall forthwith pay over this fee to the credit of the general revenue fund of the City. The failure to approve the change shall not be construed as any reason for refunding the fee to the applicant.

ARTICLE XXI

BUILDING CONSTRUCTION, CERTIFICATES, FEES

Section 21.00 BUILDING CONSTRUCTION

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Ordinance. Any construction started without a permit shall be stopped immediately and shall be subject to the remedies of Article XXII. No permit shall be issued on construction begun without a permit until the applicant pays a penalty of double the initial permit fee.

Section 21.01 COMMENCEMENT AND COMPLETION OF CONSTRUCTION

An applicant who is issued a building permit under the provisions of this chapter is bound, by acceptance of the permit, to commence the construction for which the permit is issued within six (6) months from and after the date of issue of said permit and is bound to finish said construction within twelve (12) months from and after said date of issue. Failure to commence construction within six (6) months shall cause the permit to expire. A building permit issued under the provisions of this chapter shall be valid for a period of twelve (12) months from and after the date of issue of said permit. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this chapter and shall otherwise go through the same procedure as required for issuance of the original building permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council.

Section 21.02 STRUCTURES IN STREET, ALLEY, AND EASEMENT PROHIBITED

No structure except a box for the receipt of the United States Mail with a post to support same shall be erected in a "street" as that word is defined in Section 384.37(4) of the Code of Iowa. No structure shall be erected in any City alley or on any easement in favor of the City.

Section 21.03 STRUCTURE STANDARDS

The following standards shall apply to all structures and all construction for which building permits are issued on or after the effective date of the ordinance codified by this chapter:

1. All dwellings shall be affixed to a permanent foundation system in accordance with the Building Code standards.
2. All structures shall comply with all requirements of this Chapter, including all requirements contained in the definitions of Section 1.05 including, without limitation the definitions of Dwelling, Fence, and Screening; all bulk requirements; and all other provisions of this Ordinance.

Section 21.04 CERTIFICATE OF OCCUPANCY

No certificate of occupancy upon property that has previously been the subject of a LOMR or CLOMR shall be issued unless:

1. A verified written statement from the applicant for the building permit has been delivered to the Zoning Administrator which affirms that the construction and improvements on the premises were completed per the terms of the building permit.
2. A registered professional engineer or architect shall have certified that all or any new construction or all or any improvements to any existing structures have the lowest portion or part (excluding only footings) of the lowest floor, including basement, elevated to or above one foot above the base flood elevation. Such certification shall be delivered to the Zoning Administrator.

No change in the use or occupancy of land, nor any change in use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose or use until a certificate of occupancy has been issued by the Zoning Administrator. Every certificate of occupancy shall state that the new occupancy complies with the provisions of this Ordinance. No Certificate of Occupancy shall be issued prior to the completion and inspection of all required structural and aesthetic elements in accordance with City of Hudson's Building Code Standards. No Certificate of Occupancy shall be issued without the completion of any required sidewalk.

Section 21.05 APPLICATIONS AND FEES

The Zoning Administrator is instructed to issue permits and receive applications, under this Ordinance, as well as charge a non-refundable fee as determined by the City Council in this section. Applicable fees include, but are not limited to, the following:

1. Rezoning: A \$200.00 minimum fee shall be charged. If publication costs exceed \$200.00, additional costs will be billed to the applicant, not to exceed a maximum total charge of \$400.00 per rezoning request.
2. Variance: A flat fee of \$100.00 shall be charged to the applicant.
3. Use/Special Exception: A flat fee of \$100.00 shall be charged to the applicant.
4. Subdivision: A fee of \$200.00 plus \$10.00 per lot shall be charged to the applicant for consideration of minor or preliminary plats. A flat fee of \$100.00 shall be charged to the applicant for consideration of a final plat.
5. Home Occupation and Home Industry (Initial and Renewal Fees): A flat fee of \$25.00 shall be charged to the applicant.
6. Sign Fees: A flat fee of \$35.00 shall be charged to the applicant.
7. Dedication or Vacation Fees: A flat fee of \$100.00 shall be charged to the applicant.
8. Site Plan Reviews: A flat fee of \$100.00 shall be charged to the applicant.

ARTICLE XXII

VIOLATIONS AND LEGAL STATUS PROVISIONS

Section 22.00 NOTICE TO VIOLATORS

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or by the City Code to ensure compliance with or to prevent violation of its provisions.

Section 22.01 RESPONSIBILITY

The owners, or tenant, of any building, structure, land, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this Ordinance may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

Section 22.02 CITY REMEDIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this Ordinance shall be deemed a city infraction under Section [redacted] of the City Code and a violation of the City of Hudson's Nuisance Ordinance. Any construction started without a permit, or which does not comply with the requirements of the Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for abatement of such nuisance, pursue civil action in court, or prosecute such violation, such action to be prosecuted in the name of the City, or may pursue any combination of remedies. The violation of this chapter shall be a simple misdemeanor, punishable by a fine not to exceed seven hundred-fifty dollars (\$750) per day or imprisonment not to exceed thirty (30) days. Each day that said violation is continued shall constitute a separate violation. Nothing in this section shall limit the remedies and enforcement powers of the City, which shall include injunctive relief.

Section 22.03 REPEALER

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

Section 22.04 SEVERABILITY

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

Section 22.05 EFFECTIVE DATE

Ordinance Number 887, "The City of Hudson, Iowa Zoning Ordinance", as adopted, shall be in full force and effect from and after this _____ day of _____.

This Ordinance repeals Chapter 166, Restricted Residential District of the City Code of Hudson and all of the amendments thereto. Ordinance Number 887 is an Ordinance creating zoning regulations for the purpose of protecting health, welfare, and public safety within the City of Hudson, Iowa.

This Zoning Ordinance is enacted in lieu thereof as new Ordinance Number 887, the City of Hudson, Iowa Zoning Ordinance, as Chapter 166 of the City Code.

City of Hudson, Iowa City Council

Mayor

Date

Attest:

City Clerk

Date

Published in:

The (newspaper) on _____

RESOLUTION 3101

A RESOLUTION SETTING PUBLIC HEARING TO AMEND THE HUDSON CITY CODE, 2017,
CHAPTER 166 DEVELOPMENT ORDINANCE ESTABLISHMENT OF ZONING DISTRICTS

WHEREAS, the Planning & Zoning Commission and City Council has identified a need for an ordinance update in Chapter 166; and,

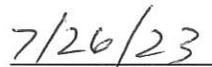
WHEREAS, the Hudson City Council agreed to set a formal public hearing to begin the ordinance process to determine the ordinance update for the City of Hudson regarding Chapter 166 of the Hudson City Code, 2017; and,

WHEREAS, the determination requires the City Council to hold a public hearing and notice to be published; and

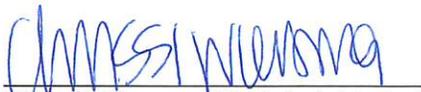
THEREFORE, BE IT RESOLVED by the City Council of the City of Hudson, Iowa, that a Public Hearing shall be held Monday, August 14, 2023, at 6:00 PM by the Hudson City Council to gather public comments regarding the proposed update to the Code of Ordinances.

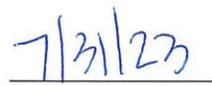
Passed and approved this 24th day of July 2023.


George Wessel, Mayor


date of signature

ATTEST:


Chrissi Wiersma, City Administrator/City Clerk, MPA/CMC


date of signature

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be held by the Hudson City Council on the 14th day of August 2023 at 6:00 P.M. in the Council Chambers at City Hall, 525 Jefferson Street, Hudson, Iowa.

The Public Hearing will be to consider and gather public input regarding a proposed ordinance:

ORDINANCE 887

AN ORDINANCE REPEALING: CHAPTER 166 OF THE CITY OF HUDSON AND ALL OF THE AMENDMENTS THERETO. ORDINANCE 887 IS AN ORDINANCE CREATING ZONING REGULATIONS FOR THE PURPOSE OF PROTECTION HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CIYT OF HUDSON, IOWA.

Copies of the proposed ordinances are available at City Hall.

Under the provisions of the Hudson City Code, any interested person may appear and be heard for or against the said proposal. Written comments must be received by the city clerk's office by 4:00 p.m. on the date of the public hearing.

Submitted by:
Chrissi Wiersma, City Administrator/City Clerk