

CHAPTER 168

ZONING CODE — GENERAL REGULATIONS

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168.01 VISION CLEARANCE.

1. Fences or Walls in Residential Zones. No fence, wall or planting more than thirty percent (30%) solid and more than three (3) feet high above the level of the public street may be located within forty (40) feet of a street intersection. Said forty (40) foot measurement shall be made from the curb line of and parallel to each of the intersecting streets. Fences, walls or hedges less than thirty percent (30%) solid and four (4) feet high or less may be located on any remaining part of the lot. Fences or walls six (6) feet high or less may be erected on those parts of a lot that are as far back or further back from a street than the main building. These fences may be solid. Higher fences or walls may be allowed only by approval by the Board of Adjustment.

2. Fences in Commercial and Industrial Zones. No fence, wall or planting more than ten (10) feet high may be located in commercial or industrial zones. There shall be no setback for fences in these zones. Higher fences may be allowed only by approval by the Board of Adjustment.

168.02 STREET CLOSURES. Whenever any street, alley, or other public way is vacated by official action of the City, the zoning district adjoining each side of the street, alley or public way shall be automatically extended to the center of such vacation, and all appropriate regulations of the extended districts.

168.03 AREAS UNDER WATER. All areas within the corporate limits of the City which are under water and not shown as included within any zone shall be subject to all of the regulations of the zone which immediately adjoins the water area. If the water area adjoins two or more zones, the boundaries of each zone shall be construed to extend into the water area in a straight line until they meet the other district at a half-way point.

168.04 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the City in any district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of the Zoning Code.

168.05 STRUCTURES TO HAVE ACCESS. Every building erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

168.06 SIGN REGULATIONS. All signs erected or maintained, except official, public traffic, and street signs, shall conform with the provisions of this section and other ordinances or regulations of the City.

1. General Provisions for all Districts. The following regulations shall apply to all signs permitted in all Districts:

A. Signs shall not be permitted within the public right-of-way or easements.

B. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district, and any signs not affixed to building or ground in any manner shall also not be permitted in any district.

C. No signs shall be permitted to obstruct any window, door, fire escape, stairway, or opening intending to provide light, air or access to any building or structure.

D. Upon notification by the Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair the same.

E. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

F. (Repealed by Ordinance No. 19-181 – Aug. 18 Supp.)

2. Signs in Residential Districts. No sign shall be erected in any Residential District except:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such sign shall not be illuminated.

- B. A sign pertaining to the lease or sale of the building or property, provided such sign does not exceed four (4) square feet in surface area. Such signs shall not be illuminated.
 - C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.
 - D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.
 - E. Directional unilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.
 - F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.
 - G. Business signs located in Residential zones as Nonconforming or Home Occupations shall not be located in the front yard. Signs shall be attached to the house or located wholly within three (3) feet of the structure, shall not be illuminated and shall not be larger than two (2) square feet.
3. Signs in Commercial Districts. Signs may be erected in Commercial Districts subject to the following provisions:
- A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten (10) percent of the building frontage area, or seventy-five (75) square feet, in area whichever is greater. Signs may be illuminated.
 - B. Advertising sign structures shall be limited to one for a lot of 100 foot frontage or less, to only one for each additional 100 feet of additional frontage, or one per individual business. Rear signs on businesses shall be governed by the same restrictions as those pertaining to frontage.

- C. Advertising structures may contain one sign per business per facing and shall not exceed 55 feet in total length. Free standing signs shall contain one sign per business but shall conform to the requirements of square footage as defined in the Zoning Code.
 - D. No advertising sign may be erected within one hundred (100) feet of an adjoining Residential District.
 - E. For corner lots, the “frontage” used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
 - F. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
 - G. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Council and/or Zoning Administrator, they are not so maintained.
 - H. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way, and such light shall be directed away from any Residential District.
 - I. No sign shall project more than one (1) foot perpendicular from the building face.
4. Signs in the I-1 Light Industrial District. Signs may be erected in the I-1 Light Industrial District subject to the following provisions:
- A. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a Residential District.
 - B. Sign lighting shall not be directed toward a public right-of-way or any Residential District.
 - C. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.

168.07 PARKING AND LOADING REGULATIONS.

1. **Scope of Regulations.** All parking hereafter constructed or maintained shall conform to the provisions of this section and any other ordinances or regulations of the City. For any and all uses or structures not specifically provided for hereunder, such parking space shall be determined by the Commission.
2. **Minimum Size Regulations.** The required parking and loading spaces shall be provided on the premises of each use. Each parking space shall contain a minimum area of not less than two hundred (200) square feet, not including access drives, and a width of not less than ten (10) feet, and a depth of not less than twenty (20) feet.
3. **Reduction and Use of Parking and Loading Space.** Whenever, after the date of the Zoning Ordinance, there is a change in the lawful use of the premises or in any unit of measurement specified in this section and whenever such change creates a need for an increase or decrease of more than fifteen (15) percent of the number of required off-street parking spaces, the number of off-street parking facilities shall be provided, on the basis of adjusted needs, within six (6) months or as determined by the Board of Adjustment. Should an unusual hardship result due to the requirements of this subsection, an appeal may be made to said Board, in the manner provided by law. Such required parking or loading space shall not be used for storage of goods or vehicles that are inoperable or for sale or rent.
4. **Computing Requirements.** In computing the number of such parking spaces required, the following rules shall govern:
 - A. Floor space shall mean the gross floor area of the specified use.
 - B. Where fractional space results, the parking spaces required shall be construed to be the nearest whole number.
 - C. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Commission.
5. **Yards.** On-site parking at loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which the parking is located, except that:
 - A. In all Commercial Districts, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way or any Residential District.
 - B. In an I-1 Light Industrial District, no parking or loading space shall be located within ten (10) feet of any property line that

abuts a highway right-of-way line or any Residential District except for a railroad loading area.

6. Buffer Fences and Planting Screens. On-site parking and loading areas near or abutting Residential Districts shall be screened by a buffer fence of adequate design of a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as a part of initial construction.

7. Access.

A. Parking and loading spaces shall have proper access from a public right-of-way.

B. The number and width of access drives shall be located as to minimize traffic congestion and abnormal traffic hazards.

C. Vehicular access to business or industrial uses across property in any Residential District shall be prohibited.

8. Location of Parking Facilities and Combined Facilities.

A. Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one (1) or more buildings or uses in Commercial Districts and Industrial Districts, provided that the total number of space shall equal the sum of the requirements for each building or use.

B. Special purpose off-street automobile parking facilities, to the extent required in this section, may be provided on the same lot or premises with the parking generator on any lot or premises, a substantial portion of which is within eight hundred (800) feet of such parking generator.

9. Construction and Maintenance. No driveway or curb cut in a residential district shall exceed forty-five (45) feet in width. Driveways or curb cuts in areas zones as commercial or industrial shall not exceed one hundred (100) feet in width. For driveways associated with one or two family dwellings, the following requirements shall apply:

A. Within City right-of-way a driveway leading to no garage or to a single stall garage, the maximum width shall be 12 feet.

B. Within City right-of-way a driveway leading to a double stall garage, the maximum width shall be 24 feet.

C. Within City right-of-way a driveway leading to a three stall garage, the maximum width shall be 36 feet.

D. Approaches shall not project across projected property lines at the curb. Approaches may be six feet wider at the curb line than the maximum driveway width and then taper to the maximum width within ten feet of the curb.

E. Driveways and parking spaces on private property must be concrete, blacktop, asphalt, bricks or crushed rock, constructed and maintained in quality, quantity and size to prevent the creation of ruts or deterioration or damage to the driveway from vehicle use. If concrete, blacktop, asphalt or brick surfacing is not used, a minimum of 3 inches thickness of a minimum of $\frac{3}{4}$ inch crushed stone shall be placed. Any driveway or parking space shall extend onto private property a minimum of 24 feet perpendicular to the street or to the entrance to a garage. Said driveway or parking space shall be completed within 120 days of the curb opening.

F. Only one driveway shall be permitted for each 100 feet of street frontage.

(Ord. 05-89 – Feb. 06 Supp.)

10. Lighting. Lighting shall be reflected away from the public right-of-way and nearby or adjacent Residential Districts.

11. Required Site Plan. Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with the Zoning Code.

12. Required Number of On-Site Parking Spaces. Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. For all uses conducted within a C-1 zone, the following are recommended minimums only and shall not be construed as requirements. The minimum number of required on-site parking spaces for various uses shall be as follows:

A. One and Two Family Dwelling. Two (2) parking spaces per family. No garages shall be converted into living space unless other acceptable on-site parking spaces are provided.

B. Multiple. Two (2) parking spaces for each apartment, except housing for the elderly projects, which shall provide one (1) parking space for each dwelling unit.

C. Lodging, Rooming and Boarding Houses, Tourist Homes, Cabins or Motels. One (1) parking space for each guest or

sleeping room or suite; plus three (3) spaces for the owner or manager if resident on the premises.

D. Hotels. One (1) parking space for each room or suite; plus, two (2) spaces for each five (5) employees.

E. Mobile Home Parks. Two (2) off-street parking spaces for each mobile home berth.

F. Travel Trailer Courts or Camps. One and one-half (1½) parking spaces for each trailer space.

G. Private Clubs or Lodges. Parking space equal in number to not less than twenty (20) percent of the active membership thereof; plus one (1) space for each employee of the club or lodge.

H. Hospitals, Sanitariums, Convalescent Homes. One (1) parking space for each four (4) beds (excluding bassinets); plus one (1) for each staff or visiting doctor; plus one (1) for each three (3) employees including nurses. Loading and unloading space for all emergency vehicles is not included in the spaces herein.

I. Mortuaries or Funeral Parlors. One (1) parking space for all “official” vehicles plus one (1) parking space for each family in residence on the premises; plus one (1) space for each thirty-five (35) square feet of seating area.

J. Community Centers, Libraries, Museums, Post Offices, Civic Clubs and Similar Uses. One (1) space for each two (2) employees; plus one (1) parking space for each five hundred (500) square feet of floor area.

K. Dance Hall. One (1) space for each thirty-five (35) square feet of dance floor area; plus one (1) space for each two (2) employees.

L. Bowling Alleys. Five (5) parking spaces for each bowling lane, plus one (1) parking space for each two (2) employees.

M. Miniature Golf Course, Archery or Golf Driving Range. Ten (10) parking spaces or one (1) parking space for each practice area, whichever is greater.

N. Convention Hall, Auditoriums, Theaters, Stadiums, Sports Arenas or Similar Uses. One (1) parking space for each four (4) seats based upon design capacity plus one (1) parking space for each two (2) employees.

O. Churches. One (1) parking space for each four (4) seats based on the design capacity of the main seating area.

P. Medical and Dental Clinics and Similar Professional Offices. Four (4) parking spaces, plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

Q. Golf Courses, Golf Clubhouse, Country Club, Swimming Club, Tennis Club, Public Swimming Pool. Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.

R. Auto Sales, Trailer Sales, Marine And Boat Sales, Implement Sales, Garden Supply Store, Building Material Sales, Auto Repair. Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

S. Retail Sales And Service Establishments. One (1) parking space for each one hundred (100) square feet of retail floor area.

T. Restaurants, Night Clubs, Tearooms, Lunch Counters. One (1) parking space for each one hundred (100) square feet of gross floor space, or one (1) parking space per table and stool and one (1) space per average number of employees, whichever is greater.

U. Schools.

(1) Elementary. One and one-half (1½) parking spaces for each classroom.

(2) Junior High. One (1) parking space for each classroom plus one (1) space for each five (5) students based on design capacity.

(3) Senior High. One (1) parking space for each classroom plus one (1) space for each five (5) students based on design capacity.

V. Office, Professional or Public Building. One (1) parking space for each two hundred fifty (250) square feet of gross floor area.

W. Automobile Service Station. Four (4) parking spaces plus two (2) parking paces for each service stall. Such parking spaces shall be in addition to the gas pump service area.

X. Drive-in Restaurants. Twenty (20) parking spaces or one (1) parking space per each three (3) seats, whichever is greater.

Y. Shopping Center. Where several business uses are grouped together according to a general development plan, five (5) parking spaces shall be provided on site for each one thousand (1,000) square feet of gross floor area; separate on-site space shall be provided for loading and unloading.

Z. Industrial or Manufacturing Establishments and Storage, Wholesale or Warehouse Establishments. One (1) off-street parking space for each two (2) employees on the major shift or one (1) space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater; plus one (1) space for each company motor vehicle when customarily kept on the premises.

13. Parking Lots in Residential Districts. The Commission may permit, temporarily or permanently, when in its opinion the best interest of the community will be served, the use of land in a Residential District for a parking lot where the land abuts or is across the street from a District other than a Residential District provided that:

A. The lot is used for only the parking of passenger vehicles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.

B. There shall be no charge for parking on the lot.

C. The lot shall not be used for sales, repair work or other servicing of any kind.

D. Ingress and egress for the lot shall be located in such a way as to do no harm to a Residential District.

E. There shall be no advertising signs or material located on the lot.

F. All parking shall be kept back of the setback building line by barrier unless otherwise specifically authorized by the Board of Adjustment.

G. The parking lot and that portion of the driveway back of the building line is to be adequately screened from adjoining property in a Residential District by a hedge or other fence as approved by Board of Adjustment not less than six (6) feet in height and not more than ten (10) feet in height located back of the setback building line.

H. All lighting shall be arranged so that there will be no glare therefrom annoying to the occupants of adjoining property in a Residential District.

I. The parking lot shall be asphalt, rock or concrete and be adequately drained.

J. Such other conditions as may be deemed necessary by the Board of Adjustment to protect the character of the Residential District.

14. **Parking Lots and Driveways Abutting Residential Districts.** Whenever a parking lot or a driveway to a parking lot is hereinafter established in other than a Residential District so as to abut the side or rear lines of a lot in a Residential District, a solid masonry wall or other fence as approved by Board of Adjustment not less than six (6) feet and not more than ten (10) feet in height shall be constructed and maintained at least five (5) feet from side or rear lot line up to, but not beyond, the front building setback line. Appropriate shrubbery of equal height may be used in place of masonry wall. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or districts or streets.

15. **Off-Street Loading Design and Maintenance.**

A. **Location.** All required loading or unloading into or out of trucks in excess of three-quarter (3/4) ton capacity, or railroad cars, shall be conducted at facilities specifically designated for that purpose. These facilities shall be located upon the zoning lot of principal uses requiring them. All berths beyond one (1) shall be separate from areas used for off-street parking.

B. **Access.** Each required off-street loading berth shall be so designed as to avoid undue interference with other vehicular or rail access or use of public streets, alleys, or other public transport systems.

C. **Surfacing.** All off-street loading berths and maneuvering areas, shall be surfaced with a hard, all weather, dust free durable surfacing material and shall be well drained and landscaped and shall be maintained in a sightly and well kept condition.

D. **Landscaping and Screening.** All berths shall be screened from view from the property street frontage and from the zoning district boundary when the adjacent property or across the street or side street frontage is zoned or used for residential purposes. Said screening shall be accomplished by a solid wall not less than

six (6) feet in height and shall be so designed as to be architecturally harmonious with the principal structure. Screen plantings may be substituted for the prescribed wall, however, such plantings must not be less than two and one-half (2½) inches in diameter and of such type as to permit a minimum of ninety (90) percent capacity.

E. Design. All of the required number of truck berths shall be a minimum of sixty (60) feet in length, twelve (12) feet in width and fifteen (15) feet in height. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any portion of the site containing parking stalls. Maneuvering areas shall be of such size as to permit the backing of truck tractors and coupled trailers into a berth, without blocking the use of other berths or drives or maneuvering areas.

F. Required Loading Areas. Space for loading and unloading of goods, supplies and services shall be provided in addition to required off-street parking spaces and shall be sufficient to meet the requirements of each use as indicated in this subsection.

(1) Motels, Hotels, Lodging and Rooming Houses, Private Lodges and Clubs. One (1) space for each structure over 20,000 square feet of gross floor area.

(2) Retail and Wholesale Commercial Uses, except where otherwise specified. One (1) space for the first 10,000 square feet of gross floor area; plus one (1) space for each additional 5,000 square feet of gross floor area.

(3) Auditorium, Stadium, Gymnasium, Community Centers, Religious Institutions and Schools (public and private). One (1) space for each structure over 10,000 square feet of gross floor area.

(4) Office Buildings and Professional Offices (other than doctor and dentist) and Banks. One (1) space for buildings between 30,000 and 100,000 square feet of gross floor area; plus one (1) space for each additional 100,000 square feet of gross floor area.

(5) Restaurants and other Food Dispensing Establishments except Drive-in Restaurants. One (1) space for each structure with over 10,000 square feet of gross floor area.

- (6) Furniture, Automobile and Boat Sales and Appliance Sales. One (1) space; plus one (1) space for each 25,000 square feet of gross floor area.
- (7) Hospitals, Nursing Homes, Rest Homes, etc.. One (1) space; plus one (1) space for each 10,000 square feet of gross floor area.
- (8) Bowling Alleys. One (1) space for each 20,000 square feet of gross floor area.
- (9) Manufacturing and Research, Experimental or Testing Stations. One (1) space for each 50,000 square feet of gross floor area.

168.08 REQUIREMENTS FOR VEHICULAR CIRCULATION. All commercial building or structures and their accessory uses shall be accessible to and from nearby public streets and sidewalks by driveways and walkways surfaced with a hard, all weather, durable, dust free material and properly drained. Vehicular traffic generated by a commercial use shall be channeled and controlled in a manner that will avoid congestion on the public streets, traffic hazards, excessive traffic through residential areas, particularly truck traffic. The adequacy of any proposed traffic circulation system to accomplish these objectives shall be determined by the Commission who may require such additional measures for traffic control as may be deemed necessary, including but not limited to the following: directional signalization, channelization, standby turn lanes, illumination, and storage area and distribution facilities within the commercial site to prevent backup of vehicles on public streets. No area used by motor vehicles other than driveways serving as ingress and egress to the commercial site shall be located within the public street right-of-way.

- 1. Driveway Widths: (Measurements between roadway edges)

<u>Type</u>	<u>Maximum Feet</u>	<u>Minimum Feet</u>
One-way	25	12
Two-way	30	24

- 2. Minimum Driveway Angle to Street: Thirty (30) degrees when street is one-way or divided, otherwise sixty (60) degrees.
- 3. Minimum Distance between Driveways: Twenty (20) feet, between roadway edges measured along street curb line.
- 4. Minimum Distance of Driveway from Street Intersections (Measured along street curb line between nearest driveway edge and intersecting street curb line):

If the driveway enters a street classified as a:	And the intersecting street is classified as a:	and the Driveway enters land approach or leaving intersection	
		Approach	Leaving
Minor Street	Minor Street, Collector Street or Minor Arterial	25 feet	25 feet
	Major Arterial	25 feet	25 feet
Collector Street	Minor Street	25 feet	25 feet
	Collector Street or Minor Arterial	25 feet	25 feet
	Major Arterial	35 feet	25 feet
Major Arterial	Minor Street	25 feet	25 feet
	Collector Street or Minor Arterial	25 feet	25 feet
	Major Arterial	40 feet	25 feet

NOTE: Minimum distance to be the same as that specified for approaching lane if left turn is permitted into or out of driveway.

168.09 REGULATIONS ON SCREENING, LANDSCAPING, LIGHTING, STORAGE AND OUTDOOR DISPLAYS.

1. Screening. All principal and accessory uses, except business signs, which are situated within fifty (50) feet of a Residential District, shall be screened from such district by a wall or fence of not less than ninety (90) percent capacity and not less than five (5) nor more than seven (7) feet in height above the level of the residential district in property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the City Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required by the Zoning Code would interfere with the provisions of adequate amounts of light and air to same said properties. Loading docks in the Commercial or Industrial District shall be screened so as not to be visible from any public street right-of-way within a Residential District. All required screening devices shall be so designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

2. Landscaping. All exposed ground areas surrounding or within a principal or accessory use including street boulevards, which are not devoted to drives, sidewalks, patios, or other such uses shall be landscaped with grass, shrubs, trees, or other ornamental landscaped materials. All landscaped areas shall be kept neat, clean, and uncluttered. No landscaped area shall be used for the parking of vehicles or the storage or display of materials, supplies, or merchandise.

3. Lighting. All sources of artificial light situated in a Commercial or Industrial District site shall be so fixed, directed, designed or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential district by more than 0.1 foot candle in or within twenty-five (25) feet of a dwelling nor more than 0.5 foot candle on any other part of the property. "Glare," whether direct or reflected, as differentiated from general illumination, shall not be visible from beyond the limit of the immediate site from which it originates. Lighting on sport complexes where said lighting is used periodically shall be exempt from this section.

4. Storage; Displays. All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the Commercial or Industrial District, or within the confines of a one hundred (100) percent opaque wall or fence not less than five (5) feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the Commercial or Industrial District, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten (10) percent of the ground floor area of the building housing the principal use, unless such merchandise is of a type customarily displayed outdoors such as garden supplies. No storage of any type shall be permitted within the one-half of the required front or side street set-back nearest the street.

168.10 MANUFACTURED DWELLINGS. Nothing in this section shall be construed to allow a manufactured dwelling or mobile home to be located in other than an approved manufactured dwelling park, except if the dwelling is in compliance with the following provisions:

1. Such dwelling shall comply with the minimum floor-area and width requirements of the one- and two-family dwelling district.
2. Such dwelling shall be certified by the Federal Department of Housing and Urban Development, hereinafter referred to as HUD, or HUD-approved third-party agency, as being in compliance with all requirements of the most recent edition of the Federal Manufactured Home Construction and Safety Standards. The HUD certification label shall be placed on each section or module of the dwelling in accordance with HUD regulations.
3. The foundation system for a manufactured home shall be compatible with the structural design of the manufactured home

structure. When such manufactured homes are located outside a mobile home park, the foundation system shall meet the following requirements:

A. The perimeter foundation system shall be visually compatible with the foundation systems in the surrounding residential structures; and

B. The perimeter foundation system shall be constructed of wood, masonry materials or siding material consistent with the construction of a manufactured home; and

C. The foundation system shall meet all other structural requirements established in City ordinance.

4. The vehicular frame shall be removed, or if not removable, permanently modified or destroyed to the extent of making the dwelling nontransportable, and the dwelling permanently attached to the foundation.

5. Such dwelling shall be converted to and taxed as real estate. Evidence shall be provided in the form of an affidavit that any and all indebtedness applicable to the dwelling is secured as a real estate mortgage as opposed to a chattel loan. If no indebtedness exists the owner shall so certify and provide evidence of clear title. The vehicle title, registration card, registration plates, unless said plates are retained to be attached to another manufactured dwelling, and any required information shall be filed with the assessor when applying for a building permit, and evidence provided that the application for conversion is satisfactory in the form of a certified statement signed by the assessor. No certificate of occupancy, either permanent or temporary, shall be granted until the assessor has certified that the conversion has been satisfactorily completed and the property entered upon the tax rolls. A bond or other surety may be required to ensure that the conversion is satisfactorily completed. The dwelling shall be new and undamaged and shall not have been previously installed or occupied for any purpose as evidenced by the chain of title and certification by the dealer.

6. All additions and modifications shall be constructed in accordance with the City's Building Code.

7. Sewer, water and utility services, and all other site improvements shall conform to all City Codes and specifications.

8. No manufactured dwelling not within a mobile home district shall be replaced with another without conforming to the above specifications.

9. The minimum horizontal dimension of a single-family detached dwelling shall be 20 feet for at least 65 percent of the longer horizontal

dimension of the dwelling, said dimensions to be exclusive of attached garages, porches or other accessory structures, unless such dwelling is located in an approved mobile home park.

It is unlawful for any person to park or occupy any factory-built dwelling unit or recreational vehicle on the streets, alleys, highways, any public place or on private land except as otherwise provided by State law and City regulations. Recreational vehicles, while not being used for residential occupancy may be stored temporarily by the owner at his or her place of residence if such vehicle is operable and in good repair.

168.11 NONCONFORMING USES OF LAND OR STRUCTURES.

1. Interpretation. This Zoning Code and the districts herein, or any later amendments may create situations where structures, buildings, or uses of the land previously permitted may become prohibited, regulated or otherwise restricted. It is the intent of the Zoning Code to permit the continuance of these nonconforming structures or uses until they are removed, but not to encourage their survival. Such uses are declared by the Zoning Code to be incompatible with the permitted uses in the districts involved.

A. An existing building or premises devoted to a use not permitted by the Zoning Code in the district in which such building or premises is located shall not be enlarged upon, extended, reconstructed or structurally altered, not be used as grounds for adding other buildings or structures prohibited elsewhere in the same district, except when required to do so by law or ordinance, unless such use is changed to one permitted in the district in which such building or structure or land is located.

B. A nonconforming use of a building may be replaced with another nonconforming use provided no structural alterations are made.

C. No change from one nonconforming use to another shall be made without first applying to and receiving from the Commission a permit to make such change except as defined in Subsection 168.11(2), Nonconforming Lots of Record.

D. A nonconforming use may be changed to conforming use at any time.

E. Whenever a nonconforming use has been changed to a conforming use, such shall not thereafter be changed to a nonconforming use.

- F. The extension or addition of a lawful use to any portion of a nonconforming building or structure or land shall not be deemed as the extension of the nonconforming use.
- G. Where nonconforming status applies to a building or structure, the removal or destruction of same shall eliminate the nonconforming status of the land.
- H. If a building or structure is moved for any reason or any distance whatever, it shall therefor conform to the regulations for the district in which it is located after it is removed.
- I. All uses which lawfully exist on the effective date of the Zoning Code and are classified as a Conditional Use by the Zoning Code for the district in which they are located, shall be considered lawful Conditional Uses.
- J. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the provisions of this Section shall also apply to any nonconforming uses developing as a result of such action.
2. Nonconforming Lots of Record.
- A. A single family dwelling and customary accessory buildings, notwithstanding limitations imposed by other provisions of the Zoning Code, may be erected in any district in which single family dwellings are permitted on any single lot of record at the effective date of adoption of or amendment to the Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- B. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment.
3. Construction Approved Prior to Zoning Ordinance. To avoid undue hardship, nothing in this Zoning Code shall require change in the plans, construction or designated use of any building or structure provided that:

- A. A building permit has been issued within sixty (60) days prior to the adoption of the Zoning Ordinance.
 - B. The construction of the building or structure shall have commenced within thirty (30) days after the adoption of the Zoning Ordinance.
 - C. The construction is continuous until the building or structure is completed.
 - D. Actual construction is hereby defined to include the placing of construction materials in permanent position; except where demolition or removal of an existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building or structure involved.
4. Repairs and Maintenance.
- A. Nothing in the Zoning Code shall prevent the reconstruction, repairing or rebuilding of a nonconforming building, structure or part thereof existing at the effective date of the Zoning Ordinance, rendered necessary by wear and tear, deterioration or depreciation provided the cost of such work shall not exceed fifty percent (50%) of the replacement value of such building or structure at the time such work is done, or prevent compliance with the provisions of the City Building Code or City Housing Codes relative to the maintenance of buildings or structures; provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Code shall not be increased. That the above apply to all dwellings except for the cubic content requirement and that all structure additions shall comply with yard and area regulations for their respective district.
 - B. Nothing in the Zoning Code shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by flood, fire, collapse, explosion, or Acts of God, subsequent to the date of the Zoning Ordinance, wherein the expense of such work does not exceed fifty (50) percent of the replacement cost of the building or structure at the time such damage occurred. However, the Board of Adjustment may issue a Conditional Use Permit for reconstruction if the use is located outside the floodway and, upon

reconstruction, is adequately floodproofed, elevated, or otherwise protected in conformity with the Flood Plain District.

5. Discontinuance.

A. When a nonconforming use of structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three year period, the structure, or structure and premises in combination, shall not therefore be used except in conformance with the regulations of the District in which it is located.

B. A nonconforming use shall be considered discontinued:

(1) When the intent of the owner to discontinue the use is apparent, or

(2) When the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts indicate the intention to resume the nonconforming use, or

(3) When it has been replaced by a conforming use, or

(4) When uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses, or

(5) When nonconforming uses located in the floodway portion of the Flood Plain District shall be eliminated or brought into conformity with the standards contained in the Zoning Code within a reasonable period of time as determined by the Board of Adjustment, after hearing for each such nonconforming use. The Board shall make its determination upon the basis of the normal useful life of any improvement upon the premises. In addition, the monetary value of any competitive advantage derived by the operation of such nonconforming use, by reason of the limitation on establishment of competing businesses as a result of the Zoning Code, shall be considered as a reduction of losses resulting from the requirement of termination of the use under the Zoning Code.

6. Cessation of Junk and Salvage Yards. Junk or salvage yards not within an enclosed masonry building and not within an Industrial District shall not be operated or maintained for more than twelve (12) months after a zoning change to a use district within which such yard is not

permitted except where the Board of Adjustment determines that it is impractical to roof over a large area containing junk or salvage material. The Board may permit the construction around such area of a fence, screen planting or other device of such height as to completely screen the operation, and may then permit the continued use of such property for such purposes for a specified period.

7. Nonconforming Signs. Signs which are nonconforming uses shall be allowed to remain until removed voluntarily or for any other reason. Signs which are intended to replace nonconforming signs or any new signs shall conform to the provisions of the Zoning Code.

168.12 WIND TURBINES.

1. Intent. This section establishes general guidelines for the sitting and use of wind turbine generators and related devices and structures. This section is intended to:

- A. Protect residential areas from any potentially adverse visual or noise impacts of wind turbine generators or related devices or structures.
- B. Provide for a land use that will provide an energy source with low associated environmental impacts.
- C. Provide for the removal of abandoned or noncompliant wind turbine generator towers, anemometer towers, or related devices and structures.
- D. Allow restricted use of wind turbine generator towers and anemometers of limited height.

2. Definitions Related to Wind Turbine Generators.
 - A. Anemometer. An instrument for measuring and recording the speed of the wind.
 - B. Anemometer Tower. A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.
 - C. Wind Turbine Generator. A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following is mounted:
 - (1) A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind kinetic energy into electrical energy.
 - (2) A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
 - (3) A generator, alternator, or other device used to convert mechanical energy transferred by the rotation of the rotor into electrical energy.
 - D. Wind Turbine Generator Height. The distance between the ground and the highest point of the wind turbine generator equipment, including the blades.
 - E. Shadow Flicker. The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadows.
3. Applicability.
 - A. Wind turbine generator tower and anemometer tower setbacks for towers shall be a distance equal to 110% of the total height of the tower and blades from overhead utility lines, public road right-of-way, and property boundaries.
 - B. All wind turbine generators and anemometer towers shall only be permitted after a conditional use permit approval in accordance with Section 165.12.
 - C. The Creston Airport Board must approve the maximum height and location of all generator towers (plus blades) or anemometer towers to insure the safety of airplane traffic.

- D. The City Building Department shall approve any electric generator system before and after installation.
4. General Requirements.
- A. Minimum Site Area. The minimum site area for a wind turbine generator or an anemometer tower shall be as necessary to meet required setbacks and any other standards of this section.
- B. Maximum Height. The maximum wind turbine generator height (blades included), or the height of an anemometer tower erected prior to the wind turbine generator, shall be 300 feet.
- C. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than 25 feet or $\frac{1}{4}$ of the tower height, whichever is greater.
- D. Maximum Noise Levels. Any proposed wind turbine generator shall produce sound levels that are no more than 50 decibels as measured on the dB(A) scale at the property lines of the site in question. A variance is allowed when due to occasional high winds. A noise report shall be submitted with any application for an anemometer tower or wind or wind turbine generator tower. A noise report shall be prepared by a qualified professional or equipment vendor and shall include the following, at a minimum:
- (1) A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.
 - (2) A description of the projects proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive land uses.
- E. Maximum Vibrations. Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the property on which it is located.
- F. Transmission Lines. Any on-site electrical transmission lines connecting the wind turbine generator to the public utility electricity distribution system shall be located underground.
- G. Ice Shedding. Wind turbine generator owners shall ensure that ice from the rotor blades does not impact any off-site properties.

H. Interference with Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception to neighboring areas.

I. State and Federal Requirements. Any proposed wind turbine generator or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Iowa Utilities Board, National Electric Code, and any other agency of the State or Federal government, with the authority to regulate wind turbine generators or other tall structures in effect at the time the conditional use permit is approved.

J. Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:

(1) Each wind turbine generator or anemometer tower, including all accessory structures, shall be galvanized or painted a non-reflective neutral color to reduce visual obtrusiveness.

(2) Each wind turbine generator tower may be monopole, monotube, or lattice style construction and shall not include guy wires. This provision shall not apply to anemometer towers.

K. Signs. A sign no more than four (4) square feet in area displaying the location of any shut off switch, an address, telephone number for emergency or information inquiries shall be posted at the wind turbine generator tower or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include an advertising sign other than the wind turbine and related equipment manufacturers.

L. Unauthorized Access. Wind turbine generators and anemometer shall be designed to prevent unauthorized access. The tower shall be designed and installed to not provide step bolts or a ladder readily accessible to the public for a minimum height of ten (10) feet above the ground.

M. Essential Services. Wind turbine generators and anemometers shall be regulated and permitted pursuant to this section of the zoning ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

N. Removal of Abandoned or Unsafe Wind Turbine Generators or Anemometer Towers.

(1) Any wind turbine generator or anemometer that is not operated for a period of 12 months shall be considered abandoned.

(2) A tower found to be unsafe or not in compliance with the special land use conditions related to noise or shadow flicker placed upon it by the Creston City Council, shall be found to be in violation of the conditional use permit.

(3) The owner of any wind turbine generator tower or anemometer tower that is abandoned or in violation of the conditional use permit shall remove the same within 90 days of receipt of notice from the City of Creston for such abandonment or violation.

(4) Failure to remove an abandoned wind turbine generator or anemometer tower within the 90-day period provided in this subsection shall be grounds for the City of Creston to remove the wind turbine generator or anemometer tower at the owner's expense. The City shall mail a statement of the total cost to the person failing to abide by the notice to remove and if the amount shown has not been paid within one (1) month, the cost shall be certified to the Union County Auditor and it shall then be collected with, and in the same manner as, general property taxes.

O. Engineer Certification. Applications for any wind turbine generator shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the wind turbine generator showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted.

P. Insurance. The owner/operator of a wind turbine must demonstrate adequate liability insurance with a minimum of \$100,000.00 (One hundred thousand dollars) minimum coverage.

(Section 168.12 – Ord. 11-128 – Oct. 10 Supp.)

168.13 SOLAR ENERGY SYSTEMS.

1. Definitions.
 - A. Solar energy systems – (SES) means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, etc. in such configuration as necessary to convert radiant energy from the sun in mechanical or electrical energy.
 - B. Solar energy system, building mounted – means a SES which is securely fastened to any portion of a building roof or walls, whether attached directly to the principal or accessory building.
 - C. Solar energy system, ground mounted – means an SES which is not located on a building and is installed on the ground.
 - D. Utility scale solar energy system – means a solar energy system that supplies electrical power or thermal energy solely for use by off-site customers.
2. General Regulations. No solar energy systems (SES) shall be installed within the City of Creston without first obtaining a building permit. SES are allowed in all zoning districts as an accessory use. The following criteria will be applied consistently to all solar energy system applicants that request a permit:
 - A. A site plan showing the location of the system on site, the area of the base of the system and the total height of the system.
 - B. For systems installed on existing buildings an engineering analysis may be required showing sufficient structural capacity of the receiving structure to support the SES per current Code requirements.
 - C. Ground mounted SES shall be considered as an accessory structure to the principal use and shall meet all setback, height and rear yard requirements as set forth in the Zoning Code for accessory structures for the district in which the ground mounted SES is being placed. The area of a SES shall be calculated by measuring the total surface area of the collector panels for the system.

- D. A ground mounted SES system shall not reduce the required amount of parking spaces as set forth in the Zoning Code.
 - E. Building mounted SES shall be placed in accordance to all local building and fire codes and shall be installed without gaps unless necessary to accommodate vents, skylights or equipment.
 - F. The height of a building mounted SES shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof. The height of the building mounted SES mounted on a flat roof shall not extend seven (7) feet above the surface of the roof.
 - G. The SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare. Measures to minimize glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare.
 - H. No SES if interconnected to a utility system, shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
3. Prohibited Installations. Utility scale solar systems or concentrating solar power (CSP) systems are prohibited within the City of Creston.

(Section 168.13 – Ord. 22-12 – Jun. 22 Supp.)

168.14 SMALL CELL GUIDELINES.

- 1. Purpose. The purpose of these guidelines is to establish general procedures and standards, consistent with applicable federal and State laws, for the siting, construction, installation, collocation, modification, relocation, operation, and removal of small cell wireless technology within the City's rights-of-way. The goals of these guidelines are to:
 - A. Provide standards, technical criteria, and details for small cell facilities in the City's rights-of-way to be uniformly applied to all applicants and owners of small cell facilities or support structures for such facilities.

- B. Enhance the ability of wireless communications carriers to deploy small cell wireless technology in the City quickly, effectively, and efficiently so residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.
 - C. Preserve the character of the City’s neighborhoods and corridors.
 - D. Ensure small cell facilities and support structures conform with all applicable health and safety regulations and will blend into their environment to the greatest extent possible.
 - E. Comply with, and not conflict with or preempt, all applicable State and federal laws.
2. Definitions. For use in this chapter the following terms are defined:
- A. “Abandoned” means any small cell facilities or wireless support structures that are unused for a period of 365 days without the operator otherwise notifying the City and receiving the City’s approval.
 - B. “Antenna” means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.
 - C. “Applicant” means any person applying for a permit hereunder.
 - D. “Architectural review district” means City-designated historic districts, landmark sites, and conservation districts, as well as National Register of Historic Places historic districts and sites.
 - E. “City property” means property other than right-of-way owned by the City.
 - F. “Collocation” or “collocate” means to install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.
 - G. “Decorative pole” means a pole, arch, or structure other than a street light pole placed in the right-of-way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:
 - (1) Electric lighting; or
 - (2) Specially designed informational or directional signage; or
 - (3) Temporary holiday or special event attachments.
 - H. “Industrial area” means an industrially zoned area on the official Zoning Map of the City.
 - I. “Operator” means a wireless service provider, cable operator, or a video service provider that operates a small cell facility and provides

wireless service. Operator includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the Telecommunications Act of 1996, 110 Stat. 59 47 U.S.C. § 153, and services that are fixed in nature or use unlicensed spectrum.

J. “Ornamental pole” means a pole or structure placed in the right-of-way to support traffic signals or streetlights which has been specifically designed and placed for aesthetic purposes. Ornamental poles often include appurtenances or attachments for flags, banners, planters, or other aesthetic features.

K. “Permit” means the non-exclusive grant of authority issued by the City to install a small cell facility or a wireless support structure in a portion of the right-of-way in accordance with these guidelines.

L. “Permittee” means the owner or operator issued a permit pursuant to these guidelines.

M. “Retail and commercial areas” means a commercially zoned area on the official Zoning Map of the City.

N. “Residential area” means a residentially zoned area on the official Zoning Map of the City.

O. “Right-of-way” means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public alley, public court, public boulevard, public parkway, public drive, public utility easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City.

P. “Small cell facility” means a wireless facility that meets both of the following requirements:

(1) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.

(2) All other wireless equipment associated with the facility is cumulatively not more than 28 cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Q. “Toll” means the pause or delay of the running of the required time period.

R. “Utility pole” means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. “Utility pole” excludes street signs and decorative poles.

S. “Wireless support structure” means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a 15 foot or taller sign pole, or utility pole capable of supporting small cell facilities.

3. Requirement to Comply. Placement, modification, operation, relocation, and removal of a small cell facility or wireless support structure shall comply with these guidelines at the time the permit for installation, modification, relocation, or removal is submitted for approval and as amended from time to time.

4. Locations Of Small Cell Facilities, Related Ground Equipment, And Wireless Support Structures.

A. Collocation Preference. It is the City’s strong preference that whenever an applicant proposes to place a new wireless support structure with a small cell facility within 250 feet from an existing wireless support structure, that the applicant either collocate with the existing facility or demonstrate that a collocation is either not technically feasible or space on the existing facility is not potentially available.

B. Order of Preference for Locations. The following list indicates the order of preference for new small cell facilities from most preferred to least preferred:

- (1) Industrial areas if not adjacent to a municipal park, residential area, or architectural review district.
- (2) Highway right-of-way areas if not adjacent to a municipal park, residential area, or architectural review district.
- (3) Retail and commercial areas if not adjacent to a municipal park, residential area, or architectural review district.
- (4) Residential areas (including mixed-use areas incorporating residential uses).
- (5) Municipal parks.
- (6) Architectural review districts.

C. Order of Preference for Wireless Support Structures. The following list indicates the order of preference for wireless support structures for small cell facilities:

- (1) Existing Utility Poles. It is the City's preference that small cell facilities be installed on existing utility poles (electric or telephone) or lashed onto existing telephone lines between existing utility poles.
- (2) Non-Ornamental Municipal Service Poles. If the applicant does not have the right to use existing utility poles or lines under reasonable terms and conditions or the utilization imposes technical limits, the City prefers that the applicant next looks to existing non-ornamental municipal streetlights or traffic signal structures.
- (3) New Poles. If the first two options in Subparagraphs (1) and (2) of this subsection have proven to be unavailable, the City prefers the installation of a new pole to serve as a wireless support structure.
- (4) Ornamental Municipal Service Poles. The use of ornamental municipal streetlights and traffic signals as wireless support structures is strongly discouraged. These should only be proposed if the options in Subparagraphs (1), (2), and (3) of this subsection are unavailable, no other options exist for providing service to a location, or when requested by the City based on the proposed location. When collocating on ornamental traffic signal mast arms, the preferred collocation spot is on the traffic signal pole without attached street signs, with the antenna placed at the top of the vertical pole immediately below the finial. The small cell facility

must not interfere with the attachment of flags, hanging planters, banners, or similar enhancements. Each proposed collocation will be subject to a site-specific review.

(5) Sign Poles (15 feet or taller). The only sign poles that may be considered are those that are at least 15 feet tall. These are the least preferred option for a wireless support structure.

D. New Wireless Support Structures. If existing utility poles are not available for collocation, operators may propose a new wireless support structure. New wireless support structures that will be more than 20 feet in height shall match the design of the City's existing signal mast arms. New wireless support structures that will be 20 feet or less in height shall match the City's existing streetlights. These requirements are to ensure new wireless support structures conform to existing structures within the area. Information on the manufacturer and model identification and detailed drawings of these support structures can be provided by the City.

Residential Areas. In residential areas, new wireless support structures should be located to avoid obstructing the view of building facades by placing the wireless support structure at a corner, intersection, or along a lot line. New wireless support structures should be located in the yard location where other overhead utilities are located unless it is not technically feasible to do so. Applicants shall clearly explain the rationale for requests that deviate from this expectation.

In order to meet the service needs of operators, the City will consider requests to locate small cell facilities on other City property, such as municipal parking lots, at reasonable lease rates, fees, and terms.

5. Alternative Locations. The City reserves the right to propose an alternative wireless support structure to the one proposed in the application. The City may also propose an alternate location for a new wireless support structure within 100 feet of the proposed location or within a distance that is equivalent to the width of the right-of-way in or on which the new wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

6. Guidelines on Placement.

A. General Guidelines. Generally, an applicant shall construct and maintain small cell facilities and wireless support structures in a manner that does not:

(1) Obstruct, impede, or hinder the usual travel or public safety on a right-of-way.

- (2) Obstruct the legal use of a right-of-way by other utility providers.
- (3) Violate nondiscriminatory applicable codes.
- (4) Violate or conflict with this Code of Ordinances or these guidelines.
- (5) Violate the federal Americans with Disabilities Act.

B. **Materials.** The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small cell facility or wireless support structure shall match and be consistent with the materials and finish of the adjacent municipal poles of the surrounding area adjacent to their location. In the absence of adjacent municipal poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

C. **Antennas on Existing or Replaced Utility Poles or Municipal Poles.** The antenna(s) associated with collocation on existing or replaced, utility poles or municipal poles must have concealed cable connections, antenna mount, and other hardware. The maximum dimensions for antennas shall not be more than six cubic feet in volume, including any enclosure for the antenna.

D. **Minimization of Impact.** Small cell facilities and wireless support structures and related equipment shall be placed, as much as possible, in line with other utility features and in a location that minimizes any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way.

E. Height Above Ground.

(1) Small Cell Facilities. Small cell facilities shall be installed at least 10 feet above the ground. If a small cell facility attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic the City may require the attachment to be installed no less than 25 feet above the ground.

(2) New Wireless Support Structures. In areas where there are no wireless support structures or utility poles taller than 30 feet in height above ground level and the maximum allowable height for building construction in the underlying zoning district is 30 feet in height above ground level or less, the overall height of a new wireless support structure and any collocated antennas shall not be more than 30 feet in height above ground level.

(3) All Other Areas. In all other areas, the overall height of a new wireless support structure and any collocated antennas shall not be more than 40 feet in height above ground level.

(4) Existing Wireless Support Structures. For an existing wireless support structure, the antenna and any associated shroud or concealment material are permitted to be collocated at the top of the existing wireless support structure and shall not increase the height of the existing wireless support structure by more than five feet.

F. Protrusion. No protrusions from the outer circumference of the existing or new structure or pole shall be more than two feet. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with the Americans with Disabilities Act and shall not obstruct an existing or planned sidewalk or walkway. The City, at its option, may waive the requirement to limit the protrusion to no more than two feet.

G. Location of Equipment – General.

(1) Removal. Small cell facilities and related equipment shall not impede pedestrian or vehicular traffic in the right-of-way. If any small cell facility or wireless support structure is installed in a location that is not in accordance with the plans approved by the City, impedes pedestrian or vehicular traffic or does not comply or otherwise renders the right-of-way non-compliant with applicable laws, including the Americans with Disabilities Act, then the operator shall promptly remove the small cell facilities or wireless support structure. Similarly, any abandoned small cell facilities shall be promptly removed, barring a showing that the facility serves as an auxiliary, backup, or emergency equipment or is otherwise not

abandoned. In any case, removal of facilities, as required herein, shall take place within 90 days following receipt of notice from the City to the operator to remove the same. Facilities not removed by the operator within 90 days of written notice from the City will be removed by the City without further notice and the City will bill the operator for all costs associated with such removal, including but limited to reasonable attorney fees, and court costs to the extent necessary.

(2) Noise. The applicant is required to incorporate ambient noise suppression measures and to place equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations and so as not to create a nuisance.

(3) Utility Lines. Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.

(4) Spools and Coils. To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for small cell facilities shall not be spooled, coiled, or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

(5) Above-Ground Conduit. On wood poles, all above-ground wires, cables, and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of four inches in diameter. Such conduit shall be finished in zinc, aluminum, or stainless steel, or colored to match those metal finishes.

H. Location of Ground Mounted Equipment. Ground equipment should be minimal and the least intrusive. It should be placed to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a right-of-way, maximize the line of sight required to add to safe travel of vehicular and pedestrian traffic and maximize that line of sight at street corners and intersections and minimize hazards at those locations. The City may deny a request that negatively impacts vehicular or pedestrian safety.

The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the metal pole (with the exception of wood power poles) and undergrounded between the pole and the ground-mounted cabinet.

I. Location of Pole Mounted Equipment. All pole-mounted equipment must be installed as flush to the pole as possible. Equipment attached to metal poles must be installed using stainless steel banding straps. When the straps are attached to a metal pole, they must match the color of the pole. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together as technically possible and if possible, on the same side of the pole.

When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter, and disconnect switch must be concealed within an equipment cage. Equipment cabinet may not extend more than 24 inches from the face of the pole. The equipment cabinet must be non-reflective, colored to match the existing pole if attached to a metal pole, and in the color of brushed aluminum if attached to a wood pole. Equipment cabinets should be mounted as flush to the pole as possible. Any standoff mount for the equipment cabinet may not exceed four inches.

(1) Electric Meter. The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. When a meter is necessary, site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.

(2) Telephone/Fiber Optic Utilities. Cabinets for telephone or fiber optic utilities may not extend more than 24 inches from the face of the pole, and must be painted, wrapped, or otherwise colored to match the pole. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

J. Underground Equipment Vaults. Equipment in an environmentally controlled underground vault may be required in some areas where technologically feasible and appropriate for the location.

K. New Wireless Support Structures.

(1) Spacing. The City strongly discourages more than one new wireless support structure per block and will not approve more than one per 250 feet on each side of the street to minimize the hazard of poles adjacent to roadways and minimize visual clutter and distractions to vehicular traffic. An exemption may be granted if the applicant can demonstrate that this restriction has the effect of preventing wireless service to this location. Wireless support structures shall be spaced apart from utility poles or wireless support structures supporting small cell facilities at the same spacing between utility poles in the immediate proximity.

If multiple requests are received to install two or more poles that would violate the spacing requirement or to collocate two or more small cell facilities on the same wireless support structure, priority will be given to the first request received that meets these guidelines.

(2) Alignment With Other Poles. The centerline of any new wireless support structure must be aligned, as much as possible, with the centerlines of existing poles on the same street segment, but only if the new structure's height does not conflict with overhead power utility lines and facilities, and the pole may be offset sufficiently to avoid such conflict.

(3) General Restrictions on New Wood Poles. In all locations, the City reserves the right to require a metal pole rather than a wood pole based on the built or natural environment character of the proposed site location. The City will not approve any new wood poles in an Architectural Review District.

(4) Wood Pole Footings and Foundations. All new wood poles must be direct buried to a depth determined, stamped, sealed, and signed by a professional engineer licensed and registered by the State of Iowa, and subject to the City's review and approval.

(5) Metal Pole Footings and Foundations. All new metal poles must be supported with a reinforced concrete pier. The design including the pier, footings, and anchor bolts shall be stamped, sealed, and signed by a professional engineer licensed and registered by the State of Iowa, and subject to the City's review and approval. All anchor bolts must be concealed from public view with an appropriate pole boot or cover subject to the City's prior approval.

(6) Metal Pole Material. All new metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant materials approved by the City and finished in accordance with these guidelines to avoid rust stains on adjacent sidewalks, buildings, or other improvements.

(7) Metal Pole Finish. All new metal poles must match the finish of the adjacent poles. The applicant may select a paint or powder coat system in compliance with ASTM standards.

(8) Lightings, Planters, Flags, Banners. The City may require the applicant to install functional streetlights or brackets to hold hanging flower planters, flags, or banners when technically feasible and the City determines that such additions will enhance the overall appearance and usefulness of the proposed facility. The City may install hanging flower planters, flags, banners, or similar enhancement features utilizing the brackets.

L. City-Owned Wireless Support Structures.

(1) Required Loan Analysis. Installation on all City-owned poles, including traffic signals and streetlights, shall have an industry standard pole load analysis completed, sealed, and signed by a professional engineer licensed and registered by the State of Iowa and submitted to the City with each permit application indicating that the City-owned pole to which the small cell facility will be attached will safely support the load.

(2) Height of Attachments. All attachments on all City-owned poles shall be at least 10 feet above grade, and if a small cell facility is projecting toward the street the City may require the attachment to be installed no less than 25 feet above the ground for the safety and protection of the public and vehicular traffic.

(3) Power Source. A small cell facility on a City-owned wireless support structure may use the same power source that provides power for the original purpose of the wireless support structure. The City will provide a proposed flat rate for anticipated annual cost of power.

(4) Installations on Traffic Signals and Street Lights. Installation on all traffic signal structures or streetlights must not interfere with the integrity of the facility in any way that may compromise the safety of the public. The installation must not interfere with other existing uses on the pole such as traffic signals, streetlights, hanging flower planters, flags, banners, or similar enhancements. Installation

of small cell facilities on any traffic signal structure or streetlight shall:

- a. Be encased in a separate conduit than the traffic light electronics.
- b. Have a separate electric power connection than the traffic signal or streetlight structure.
- c. Have a separate access point than the traffic signal or streetlight structure.

(5) Installations on Sign Poles (15 feet or taller). Installation on sign poles may only occur if the sign pole is 15 feet or taller.

(6) Reservation of Space for Future Public Safety or Transportation Uses. An application for space on a City owned or operated wireless support structure that conflicts with space reserved for future public safety or transportation uses documented in an approved plan in place at the time of the application will be denied unless the operator pays for the replacement of the pole or wireless support structure and the replaced pole or wireless support structure will accommodate the future use and the small cell facility.

7. **Undergrounding Requirements.** The City may deny requests to install structures and facilities in the right-of-way or on City property in an area where the City has required all structures and facilities except those owned by the City to be placed underground or elsewhere in the right-of-way or a utility easement. These areas are easily identifiable as those locations where electric has been placed underground; however, if an applicant is uncertain as to whether such facilities have been placed underground in the area, the applicant should contact the City for clarification before applying for or installing any wireless support structures or small cell facilities in the area. The applicant may request a waiver if the operator is unable to achieve its service objective using a location in the right-of-way or on City property where the prohibition does not apply, in a utility easement the operator has the right to access, or in or on other suitable locations or structures made available by the City at reasonable rates, fees, and terms.

8. **Aesthetic Requirements.**

A. **Concealment.**

(1) **New Wireless Support Structures.** It is the City's preference that all new wireless support structures be camouflaged, except for those located in an area that is predominantly industrial. The applicant shall submit its proposal for camouflage with the permit application.

(2) Small Cell Facilities. Small cell facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. Unless approved by the City, in writing, there shall be no external cables and wires hanging off a pole. The approved ones shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible.

(3) Equipment Enclosures. Equipment enclosures, including electric meters, shall be as small as possible. Ground-mounted equipment shall incorporate concealment elements into the proposed design, concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations, and placement within existing or replacement street furniture.

(4) Landscaping. Landscape screening shall be provided and maintained around ground mounted equipment enclosures. The planting quantity and size should be such that 100 percent screening is achieved within two years of installation. The City may grant an exemption from this landscaping requirement based on the characteristics of the specific location for the equipment enclosure. Tree “topping,” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs, or other landscaping already existing in the right-of-way, or proposed root pruning or other impacts to underground vegetation, must be noted in the application and must be approved by the City. Removal shall be strongly discouraged and shall only be allowed when there are no other feasible alternatives.

(5) Underground Vaults. When underground vaults are proposed, they shall be located to minimize disruption to the placement of street trees. Adequate planting depth shall be provided between the top of the vault and the finished grade to allow plants to grow in a healthy condition.

B. Colors. All colors shall match the background of any wireless support structure that the facilities are located upon. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum, or stainless steel, or colored to match those metal finishes, and equipment cabinets shall be the color of brushed aluminum. Ground mounted equipment cabinets shall be the color of brushed aluminum.

C. Signage, Lights, Logos, Decals, and Cooling Fans.

(1) Signage. The operator shall post its name, location identifying information, and emergency telephone number in an area

on the cabinet of the small cell facility that is visible to the public. Signage required under this section shall not exceed four-inches by six-inches, unless otherwise required by law (e.g., RF ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

(2) Lights. New small cell facilities and wireless support structures shall not be illuminated, except in accordance with State or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a streetlight pole.

(3) Logos and Decals. New small cell facilities and wireless support structures shall not include advertisements and may only display information required by a federal, State, or local agency. Utilize the smallest and lowest visibility radiofrequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible and remove or paint over unnecessary equipment manufacturer details.

(4) Cooling Fans. In residential areas, use a passive cooling system. In the event a fan is needed, use a cooling fan with a low noise profile.

9. General Provisions.

A. Tree Maintenance. The operator, its contractors, and agents shall obtain written permission from the City before trimming trees in the right-of-way hanging over its small cell facility or wireless support structure to prevent branches of such trees from contacting an attached small cell facility. When trimming such trees on private property is desired, then before commencing any such work the operator, its contractors, and agents shall notify the property owner and the City and obtain the owner's permission. When directed by the City, the operator shall trim under the supervision and direction of the City. The City shall not be liable for any damages, injuries, or claims arising from the operator's actions under this section.

B. Minor Technical Exceptions. The City recognizes that in some circumstances strict compliance with these guidelines may result in undesirable aesthetic outcomes and that minor deviations should be granted when the need for such deviation arises from circumstances outside the applicant's control.

C. Waivers if Requirements Have the Effect of Prohibiting the Provision of Wireless Service To a Location. In the event any applicant

asserts that strict compliance with any provision in these guidelines, as applied to a specific proposed small cell facility, would effectively prohibit the provision of personal wireless services, the City may grant limited waivers from strict compliance.

D. Application and Recurring Fees. Application fees for permits to site small cell facilities shall conform to the requirements of Section 8C.7A of the *Code of Iowa* and recurring annual fees per small wireless facility shall be fixed at the presumptively reasonable rate of \$270.00 per year as provided in the FCC Declaratory Ruling and Order 18-133 at Paragraph 19. The City, however, reserves the right to conduct cost studies and to adjust such fees, from time to time, to the extent permitted by applicable State and federal laws and regulations.

(Section 168.14 – Ord. 22-13 – Jun. 22 Supp.)