

# CHAPTER 165 ZONING REGULATIONS

## SECTION 165.05 ZONING DISTRICT REGULATIONS

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### 1. REGULATIONS BY ZONING DISTRICT

#### A. Agricultural / Open Space Zoning District (A-1)

- (1) Statement of Intent: The A-1 zoning district is intended to provide for the continued use of agricultural land uses in those portions of the City where they are appropriate and allow limited creation of new residential uses that are consistent with these agricultural uses.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)

(7) Building Design Standards:

- a. Every single-family residential and other residential and non-residential structures, except for ag-related structures, constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)

(8) Signage: (See Chapter 165.10.)

**B. Single-Family Residential Detached Zoning District (R-1)**

(1) Statement of Intent: The R-1 zoning district is intended accommodate single-family residential dwellings on building lots of various sizes and certain non-residential uses common within single-family residential areas.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

(5) Off-Street Parking Regulations: (See Chapter 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)

(7) Building Design Standards:

- a. Every single-family dwelling, townhouse dwelling or row dwelling, and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)

(8) Signage: (See Chapter 165.10.)

**C. Single-Family Residential Attached Zoning District (R-2)**

(1) Statement of Intent: The R-2 zoning district is intended accommodate single-family attached residential dwellings including duplex and two-family dwellings, townhomes, and rowhouses and certain non-residential uses common within single-family residential areas.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

(5) Off-Street Parking Regulations: (See Chapter 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)

(7) Building Design Standards:

- a. Every single-family dwelling, two-family dwelling, townhouse dwelling or row dwelling, and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)

(8) Signage: (See Chapter 165.10.)

**D. Multi-Family Residential Zoning District (R-3)**

(1) Statement of Intent: The R-3 zoning district is intended accommodate single-family attached residential dwellings and multi-family dwellings including rowhouses, townhomes, and apartments and certain non-residential uses common within multi-family residential areas.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

(5) Off-Street Parking Regulations: (See Chapter 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)

(7) Building Design Standards:

- a. Every single-family dwelling (semi-detached and two-family), townhouse dwelling, row dwelling, multi-family dwelling (apartment), and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)

(8) Signage: (See Chapter 165.10.)

**E. Manufactured Home Park Zoning District (R-4)**

(1) Statement of Intent: The R-4 zoning district is intended accommodate the development of manufactured and mobile home parks (herein after referred to as manufactured home parks). For the purposes of this section, the term manufactured home shall also refer to mobile home.

(2) Bulk Regulations:

- a. The minimum proposed area for a manufactured home park shall have at least 10 acres of gross development area. The maximum density allowed for the gross development area shall be seven manufactured homes units per acre.
- b. All manufactured home parks perimeter yard requirements shall not be less than 30 feet. No structures shall be permitted within this yard.

- c. No part of any manufactured home or other structure shall be closer to any public street upon which the park adjoins than 50 feet; however, interior park drives may be located within the setback area.
  - d. The minimum width for manufactured home platted lot or manufactured home space as designated on a site plan shall be 40 feet.
  - e. Front Yard Setback: Minimum 15 feet, measured from the edge of the surfaces private drive to the closest point of the lower face of the manufactured home.
  - f. Side Yard Setback: Minimum 20-foot separation at the nearest point between any manufactured home.
  - g. Rear Yard Setback: Minimum 20-foot separation at the nearest point between any manufactured home.
  - h. Maximum Height for All Structures: 20 feet.
  - i. Detached Accessory Structures to the Manufacture Home (Including Garages and Sheds): Shall not be located within the front yard setback and shall maintain a minimum 10 feet separation at the nearest point between any manufactured home and any other structure. Sheds 64 square feet in size and less do not need to comply with this minimum separation requirement.
  - j. Uncovered and open decks, patios, and stairs may encroach the front, side, and rear yard setback areas.
  - k. Structures Ancillary to the Manufactured Home Park (Including Storm Shelters, Equipment Buildings, Pool Houses, and Community Buildings)
    - i. Setbacks: No ancillary structure shall be located closer than 50 feet from the perimeter of the manufactured home park.
    - ii. No ancillary structure shall be located closer than 20 feet to another structure.
    - iii. Maximum Building Height: 35 feet.
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Fences and Walls: (See Chapter 165.04.)
- (5) Site Plan Required: Each petition for a change to the R-4 zoning classification submitted to the City shall be accompanied by a manufactured home park site plan. Said site plan shall show each manufactured home space, or platted lot, the water, electrical and sewer lines serving each manufactured home space, the location of water hydrants, community shelter building or buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping. The plan shall be considered by the Planning and Zoning Commission and the

City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Ordinance and the General Provisions contained hereinbelow. All changes to the R-4 classification shall be made in accordance with the provisions of Chapter 165 of this Zoning Ordinance.

- (6) General Provisions: The manufactured home park shall conform to the following requirements.
- a. Drainage. The park shall be located in a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  - b. Signs. One permanent identification sign shall be required at any main entrance to a manufactured home park.
  - c. Streets. The entrance road connecting the park driveways with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior driveways shall be not less than twenty-five (25) feet in width, measured back to back of curbs. All streets and driveways, including driveways to and within individual manufactured home spaces, shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Gravel or unpaved streets, driveways, and parking areas shall not be permitted.
  - d. Skirting. Skirtings of a permanent type material and construction shall be installed within thirty (30) days from the date the manufactured home is set and leveled. The skirting shall enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home lot. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home park.
  - e. Parking Spaces Required for Each Manufactured Home. Each manufactured home shall be provided a minimum of 2 paved parking spaces.
  - f. Walkways. Walkways not less than six (6) feet wide shall be provided from the manufactured home spaces and community buildings to the roadways and public streets. The walkways shall be all-weather surfaced of concrete, well-marked in the daytime and lighted at night.
  - g. Electrical Service. Electrical service shall be provided for each manufactured home space.
  - h. City Services. Each manufactured home space shall be connected to City services and water mains, fire hydrants, and sanitary sewer lines shall be installed in accordance to City regulation.
  - i. Refuse Disposal. The owner of the park shall be responsible for the provision of adequate refuse collection containers and regular refuse disposal. Disposal shall occur no less than once per week.
  - j. Identifying Number. Each manufactured home space shall be provided with a uniform identifying number of at least three-inch numbers readily visible from the drive

immediately in front of said space and uniformly placed at the front of the space.

- k. Community Building: For the purposes of this section, a "Community Building" means a building serving as the shelter facility for the manufactured home park residents in the event of inclement weather. Each manufactured home park shall provide a community building as defined herein. The community building shall be:
  - i. Well lighted at all times of the day or night.
  - ii. Well ventilated with screened openings.
  - iii. Constructed of such moisture-proof material as shall permit repeated cleaning and washing.
  - iv. Maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit year-round.
  - v. Constructed in compliance with all applicable codes to house residents in the event of threatening weather conditions and sized to adequately accommodate all residents of the manufactured home park with a minimum of thirty (30) square feet of floor area provided for each manufactured home planned.
  - vi. The floors of the community building shall be of water impervious material and shall slope to a floor drain connected with the sewage system.
  - vii. The community building and the grounds of the manufactured home park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.
- (7) Subdivision Requirements: Every manufactured home park authorized under the provisions of this chapter shall fully comply with the subdivision requirements of the City, and all improvements shall be completed as required under said subdivision regulations.
- (8) Building Design Standards:
  - a. Every non-residential structured constructed after the date of this ordinance shall comply with the design standards contained within Chapter 165.09.)
- (9) Signage: (See Chapter 165.10.)

#### **F. Neighborhood Commercial Zoning District (C-1)**

- (1) Statement of Intent: The C-1 zoning district is intended for smaller, neighborhood scale retail and office uses located close to residential areas and are intended to serve the daily retail needs for the residents.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)

#### **G. Highway Commercial Zoning District (C-2)**

- (1) Statement of Intent: The C-2 zoning district is intended to be located along major highways with more auto-oriented uses with the intent of providing commercial products and services to the local, regional, and general motoring public.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)

#### **H. Downtown Mixed-Use Zoning District (C-3)**

- (1) Statement of Intent: The C-3 zoning district is intended to preserve and promote the Downtown area with pedestrian oriented, walkable environment with retail, office and upper-story residential uses.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.) In order to promote the economic vitality and attractiveness of all properties located within the C-3 zoning district, the ground floor of any building shall not be used for storage nor remain vacant for an extended period of time due to the neglect of the property owner or building tenant to actively maintain and market the property for use.
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)

- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)

#### **I. Limited Industrial Zoning District (M-1)**

- (1) Statement of Intent: The M-1 zoning district is intended for a mixed of certain retail service, office, light manufacturing, and warehouse and distribution uses with limited outdoor storage.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)
- (8) Signage: (See Chapter 165.10.)
- (9) Outdoor Storage: Licensed and operable trailers, trucks, power equipment, and shipping containers plus limited storage of other equipment and bulk materials is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.

#### **J. General Industrial Zoning District (M-2)**

- (1) Statement of Intent: The M-2 zoning district is intended for industrial, manufacturing, and warehouse and distribution uses with or without outdoor storage.
- (2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)
- (3) Permitted Uses: (See Permitted and Special Uses Table.)
- (4) Accessory Structures and Buildings and Fences and Walls: (See Chapter 165.04.)
- (5) Off-Street Parking Regulations: (See Chapter 165.07.)
- (6) Open Space, Landscaping and Buffering Regulations: (See Chapter 165.08.)
- (7) Building Design Standards: (See Chapter 165.10.)



- (8) Signage: (See Chapter 165.10.)
- (9) Outdoor Storage: Outdoor storage is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.

#### **K. Planned Unit Development (PUD)**

- (1) Intent: The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with an approved Master Plan. The development guidelines and standards in which land uses, transportation facilities, building densities, arrangements, and types are set out in a unified Master Plan in order to provide greater flexibility of land use, development densities, and building locations than other zoning districts may allow.

The PUD District is intended to maximize benefits from the use of open spaces, preserve natural areas and existing tree cover, protect steep slopes, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the general health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a single use or a mix of residential, commercial, and limited industrial uses, provided such PUD is compatible with the Future Land Use Map and Comprehensive Plan of the City. It is not the intent of the PUD district to be utilized to reduce or provide relief from an existing zoning regulation or requirement.

- (2) Procedures:
  - a. Application: The owner or owners of a parcel of land within the zoning jurisdiction of the City may submit to the Zoning Administrator an application accompanied by a PUD Master Plan requesting a rezoning to the PUD Zoning District. The application form, Master Plan (including number of copies), proposed development rules and regulations, design guidelines, and other submittal details and requirements shall be as determined by the Zoning Administrator as necessary to review the request. The required application fee shall be as determined by resolution of the City Council.
  - b. Review Process: The PUD Application shall be reviewed by the Zoning Administrator for completeness. Applications deemed incomplete shall be returned to the applicant with a list of the missing or incomplete items. Applications deemed complete shall be distributed by the Zoning Administrator to other City departments and agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent City codes, regulations, standards, and policies.
  - c. Subsequent to review by the Zoning Administrator and other City departments and agencies, the Zoning Administrator shall submit to all members of the Planning and Zoning Commission a copy of the PUD Application along with a written recommendation as to the request's conformity with the rules and regulations of the City and may include a recommendation for approval, approval with conditions, or denial of the application.

- d. The Planning and Zoning Commission shall subsequently hold a public meeting for a rezoning as prescribed by their rules of procedures and the Zoning Ordinance and review the PUD Application for conformity with the zoning regulations and standards and may confer with the applicant on changes to their requested as may be deemed advisable. The Planning and Zoning Commission shall consider the following as part of their deliberation:
  - i. Compatibility with the Future Land Use Map and the Comprehensive Plan.
  - ii. Land uses, building sizes and densities, and number of dwelling units.
  - iii. Building types, functions, architecture, and building placement and setbacks.
  - iv. Provisions for open space, landscaping, buffers, pedestrian circulation, and storm water management.
  - v. Preservation and protection of natural features, drainageways, steep slopes, and existing tree cover.
  - vi. Provisions for adequate public infrastructure including sanitary sewer and water service, storm water run-off, public parks, and public safety services.
  - vii. Traffic circulation and congestions including access to and from the site.
  - viii. General relationship to and impact on the surrounding area and neighboring properties.

After completion of its deliberation, the Planning and Zoning Commission may adopt a recommendation for approval or denial of the PUD Master Plan and associated development rules, regulations, and guidelines as submitted. The Planning and Zoning Commission may also request the developer agree to certain conditions or agree to make certain modifications, alterations, adjustments, or amendments to the proposed Master Plan and associated rules, regulations, and guidelines in order to secure a recommendation of approval from the Planning and Zoning Commission.

The Planning and Zoning Commission shall forward its recommendation to the City Council within 60 days of the receipt of a PUD Application deemed complete by the Zoning Administrator. If the Planning and Zoning Commission does not act within the 60 days as prescribed above, the PUD Application shall be deemed to have received a recommendation of approval by the Planning and Zoning Commission unless the applicant agrees to an extension of time.

Within 60 days of receiving a recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing for a rezoning as prescribed by their rules of procedures and the Zoning Ordinance and review the PUD Application for conformity with the zoning regulations and standards. During this hearing, the City Council may confer with the applicant on changes to their request as may be deemed advisable in order to secure the approval by the City Council. The City Council may approve, approve with conditions or modifications as agreed to by the applicant, or deny the application. If the

City Council fails to act within the herein prescribed 60-day period, the PUD Application shall be deemed to have been denied, unless both the applicant and the City Council agree to an extension of time.

Whenever any PUD Application has been denied by the City Council, no new application covering the same property, or the same property and additional property, shall be filed with or considered by the City Council until one year has elapsed from the date of the filing of the first application.

- e. Recording of the Master Plan and Associated Regulations and Guidelines: The ordinance providing for the rezoning of the property to the PUD Zoning District and the associated Master Plan, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the Warren County Recorder and shall be binding on the property owners, their heirs, successors, or assigns. No phase of the PUD shall be started, and no building permits shall be issued until all documents have been recorded.
- f. Modifications: Any application by the property owner or owners for modification to an approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Planning and Zoning Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final.

No modification may be considered that is more than a ten percent (10%) increase in density or change of uses of the site without a public hearing by the Planning and Zoning Commission and City Council as required for a rezoning. A public hearing may be held by the Planning and Zoning Commission or City Council on any requested modification. All modifications and adjustments shall be recorded at the Office of the Warren County Recorder.

- g. Platting and Development: Prior to development within the PUD, applications for Preliminary and Final Plats, Site Plans, and Building Permits that are in conformance with the provisions of the PUD shall be submit for review in accordance with the City's regulations. At the applicant's own risk, Preliminary Plats, Final Plats, and Sites Plans may be submitted and reviewed concurrently with the PUD Application process.

- 2. RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS.** The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling (Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple-Family Dwelling (Apartment)	Non-Residential Structure in a Residential Zoning District
Min. Lot Size	15 acres	7,200 sq ft	8,400 sq ft	n/a	n/a	40,000 sq ft
Min. Lot Width <sup>1</sup>	300 ft	60 ft	70 ft	24 ft.	80ft	100 ft
Min. Lot Street Frontage <sup>2</sup>	20 ft	20 ft	20 ft	20 ft	20 ft	40 ft
Front Yard Setback <sup>3</sup>	40 ft	30 ft	25 ft	25 ft	30 ft.	35 ft.
Side Yard Setback <sup>4</sup>	10 ft	8 ft min one side, 18 ft total sum of both side yards	10 ft <sup>6</sup>	8 ft. <sup>6</sup>	30 ft	30 ft
Rear Yard Setback <sup>5</sup>	35 ft	35 ft	30 ft	30 ft	30 ft	35 ft
Min. Separation Between Principal Buildings	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	30 ft	20 ft
Min. Setback from Private Street or Common Private Roadway	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
Min. Setback from the Perimeter of the Development	n/a	n/a	30 ft	30 ft	30 ft	30 ft
Max. Building Height	35 ft	35 ft	35 ft	35 ft	50 ft	40 ft
Min. Open Space	n/a	20%	20%	25%	25%	25%
Max. Dwelling Units Per Acre	0.067	n/a	n/a	8	20	n/a
<sup>1</sup> Measured at the front yard building setback line						
<sup>2</sup> Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line						
<sup>3</sup> Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback						
<sup>4</sup> Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line						
<sup>5</sup> Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback						
<sup>6</sup> Zero feet from common lot lines of attached structures						

**3. NON-RESIDENTIAL BULK AND DENSITY REGULATIONS.** The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each non-residential zoning district.

NON-RESIDENTIAL BULK AND DENSITY REGULATIONS TABLE					
BULK AND DENSITY REGULATION BY ZONING DISTRICT	ZONING DISTRICTS				
	C-1	C-2	C-3	M-1	M-2
Min. Lot Size	n/a	n/a	n/a	n/a	n/a
Min. Lot Width	150 ft	150 ft	n/a	n/a	n/a
Min. Lot Street Frontage <sup>4</sup>	40 ft	40 ft	40 ft	40 ft	40 ft
Front Yard Setback	30 ft	40 ft	0 ft	35 ft	35 ft
Side Yard Setback <sup>1</sup>	10 ft	10 ft	0 ft	20 ft	20 ft
Rear Yard Setback <sup>2</sup>	10 ft	10 ft	0 ft	35 ft	35 ft
Min. Separation Between Buildings Not Attached	20 ft	20 ft	20 ft	20 ft	20 ft
Max. Building Height	50 ft <sup>3</sup>	50 ft <sup>3</sup>	50 ft	50 ft <sup>3</sup>	50 ft <sup>3</sup>
Min. Building Height	n/a	n/a	28 ft	n/a	n/a
Min. Open Space	20%	20%	0%	15%	15%
Max. Dwelling Units Per Acre	n/a	n/a	18	n/a	n/a
<sup>1</sup> 30 feet when said yard adjoins a residential zoning district or existing residential property					
<sup>2</sup> 40 feet when said yard adjoins a R-1 or R-2 zoning district or existing single-family property					
<sup>3</sup> An additional 10 ft of height is permitted for every 10 ft of additional building setback provided to a maximum height of 60 ft					
<sup>4</sup> Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line					

**4. PERMITTED AND SPECIAL USES.** The following table identifies the allowable uses within each zoning district. A use identified with a "P" within a given zoning district column is a Permitted use. A use identified with a "S" within a given zoning district column requires approval of a Special Use Permit from the Board of Adjustment in accordance with city code. A blank space indicated that use is not permitted within the given zoning district. Uses not listed shall be considered not permitted uses.

The definitions for each listed use shall coincide first with the definition contained within Chapter 165.03 of the Zoning Code, second as may be defined elsewhere in the City Code, and finally the commonly understood definition as determined by the Zoning Administrator.

A proposed use may follow under more than one category; however, for the purposes of this section, the proposed use shall follow the closest, most similar or specific use as listed in the Use Matrix.

It shall be the sole discretion of the Zoning Administrator to make the determine as to where a proposed use falls within the Uses Table, whether it fits within or is similar to a use listed within the Uses Table or is otherwise not listed and therefore not permitted. The determination by the Zoning Administrator is appealable to the Board of Adjustment per the procedures as provided in city code.

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
<b>AGRICULTURAL USES</b>										
Commercial Farm Operation										
Farming (row crop, vegetables, greenhouse, vineyards, orchards)	P									
Animal Husbandry (raising of livestock including animal feeding operations)										
Truck gardening and nurseries	P									
Farm Support Housing	S									
Horse boarding and riding stables	P									
Residential Animal Raising (see definition)	P									
Kennel	P									
<b>RESIDENTIAL USES</b>										
Household Living										
Single-family dwelling, detached	P	P	P							
Single-family dwelling, semi-detached (traditional duplex on two lots)		S	P	P						
Two-family dwelling on one lot (duplex on one lot) does not include the conversion of an existing single-family home into 2 dwelling units)			P	P						
Townhouse dwelling (3+ units)			P	P						
Multiple family dwelling (3+ apartment or condo units)				P				S		
Manufactured Home Park					P					
Accessory dwelling (includes the conversion of an existing single family detached dwelling into 2 units such as converting a basement or attached garage space into a separate dwelling unit)	S	S	S							
Dwelling units located above the ground floor only (mixed use building)								P		
Group Residential										
Family home / Group care facility	P	P	P	P						
Elder group home	P	P	P	P						
Assisted living residential facility		P	P	P			P	P		
Nursing or convalescent home		P	P	P			P	P		

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Supervised group residence				S				S		
<b>PUBLIC AND CIVIC USES</b>										
College, university, vocational and trades schools	S	S	S	S	S	S	S	S	S	S
Cultural exhibit, museum, or library						P	P	P		
Membership or religions organization, social club or lodge, and other place of public assembly	S	S	S	S	S	S	S	S	S	S
Public or private elementary, middle, or high school	S	S	S	S	S	S	S	S		
Public or private parks, golf courses, golf driving ranges, country clubs, swimming pools, playgrounds, and indoor or outdoor recreational facilities and ball fields	P	P	P	P	P	P	P	P	P	P
Public Utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)	P	P	P	P	P	P	P	P	P	P
Government buildings and properties	P	P	P	P	P	P	P	P	P	P
Hospital							P	P	P	P
<b>COMMERCIAL USES</b>										
After hours business										
Agricultural Sales and Services							P		P	P
Animal services										
Kennel (including day kenneling)										P
Veterinary services (without overnight kenneling)						P	P	P	P	P
Art gallery						P	P	P		
Banks and financial services										
Banks, not including delayed deposit service business						P	P	P		
Delayed deposit service business (including check cashing, payday lending, car title loan business)								S		
Pawnshop								S		
Freestanding automated teller machine (ATM)						P	P	P		
Body piercing studio or tattoo studio								S		

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Child Care Center ( <i>child care home and child development home are addressed under the home occupations chapter</i> )		S	S	P		P	P	P	S	S
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use										
No outdoor storage							P		P	P
With outdoor storage										P
Drive-in or drive-thru facilities						S	P			
Eating and drinking establishment										
Restaurant							P	P		
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales	S						P	P	P	P
Tavern / Bar							P	P		
Entertainment										
Movie theater, performance hall, performing arts studio						P	P	P		
Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P	P	P	
Outdoor: drive-in theater, waterpark, miniature golf, commercial driving ranges, go-carts, trampoline park, playground play space or similar use							P		P	P
Funeral and interment services										
Cemetery, mausoleum, columbarium	P	P	P	P		P	P		P	P
Cremation services										S
Funeral Home including funeral services and retail sales with no outdoor display or storage			S	S		P	P	P	P	P
Retail sales with outdoor displays and storage							P		P	P
Lodging										
Bed & breakfast inn	P	S	S	P		P	P	P		
Boarding or rooming house				S						
Extended stay or apartment hotel							S	S		
Hotel or motel							P	P		
Campground	P							S	S	



PERMITTED AND SPECIAL USES TABLE											
USE	ZONING DISTRICT										
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2	
Short-term rental	P	P	P	P	P			P			
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use						P	P	P			
Mini warehouse or self-storage facility											
In-door only									P	P	
Out-door storage including vehicle, boat, camper, recreational vehicle										P	
Motor vehicle and motor equipment-oriented businesses											
Automobile service center (auto parts sales)							P		P		
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							P		P	P	
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P		P	P	
Electric vehicle charging stations (not ancillary to a principal use)						P	P	P	P	P	
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)							P		P	P	
Automobile sales, rental, storage lot, and off-street parking							P		P	P	
Automobile, truck and equipment auction facilities									P	P	
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P		P	P	
Light equipment sales, rental, or repair service							P		P	P	
Heavy equipment sales, rental or repair service										P	
Truck Stop, not including trailer washout										P	
Commercial parking lots and parking structures (not ancillary to a principal use)							P	S	P	P	

PERMITTED AND SPECIAL USES TABLE										
USE	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Personal and consumer service										
Beauty salon, barbershop						P	P	P		
Dry cleaner and laundry service								P	P	P
Dry cleaner and laundry service (pick-up/drop-off service only)						P	P	P	P	P
Laundry (self-serve laundromat)						P	P	P	P	P
Massage therapy establishment, state licensed						P	P	P		
Fitness center, gym, health spa						P	P	P	P	P
Tailor						P	P	P		
Print shop, copy center, retail shipping store							P	P	P	P
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)						P	P	P		
Television and radio broadcast studio, offices, and production facilities						P	P	P		
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)						P	P	P		
Retail sale - intensive										
Convenience store with fuel sales							P	P	P	
Fireworks retail sales facility							P		P	P
Hardware store, lawn and garden store, or similar use with outdoor storage							P	P	P	P
Large retail (over 50,000 sq. ft. gross floor area, single user or tenant space)							P			
Liquor store							S	S		
Lumber yard and Construction Sales and Services							S		P	P
Medical cannabidiol dispensary							S	S		
Can and bottle redemption facility							P		P	P
Smoking lounge or hookah lounge							S	S		
Tobacco store (including vape shop)							S	S		
Adult oriented establishment										S
Spectator sports										
Indoor	S								P	P
Outdoor	S								P	P

PERMITTED AND SPECIAL USES TABLE											
USE	ZONING DISTRICT										
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2	
Sports and recreation, participant											
Outdoor	S								P	P	
Indoor	S								P	P	
<b>INDUSTRIAL USES</b>											
Animal feedlots, processing of animals or animal by-products											
Electrical power generation (utility scale for off-site use, distribution, or sale)	S									S	
Manufacturing, production and industrial services											
<u>Limited</u> (no food related processing and manufacturing, all activities wholly contained within a building)									P	P	
<u>General</u> (limited food processing, outdoor storage limited)									P	P	
<u>Intensive</u> (may include outdoor storage of materials and activities not contained within a building) and includes:											
Auto and other equipment and machinery wrecking and used parts yards and storage (no outdoor wrecking or disassembly)										S	
Truck or trailer washout										S	
Cement, lime, gypsum, or plaster manufacture										S	
Explosive and ammunition manufacture or storage										S	
Junk or garbage processing, recycling, storage, or transfer station (indoor only)										S	
Petroleum, chemical, fuel, and gasses refining, manufacture, distribution, or bulk storage										S	
Rubber goods manufacture										S	
Sand or gravel pits, mining, and crushing										S	

PERMITTED AND SPECIAL USES TABLE											
USE		ZONING DISTRICT									
		A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
	Smelting and processing of ore, metal and scrap metal										S
	Medical cannabidiol manufacturer										S
Repair service											
	Electronics, appliance, household goods, furniture or similar						P		P	P	
	Small engine										P
	Research laboratory and testing										P
	Storage of equipment, data and records, electronic data center, furniture and similar										P
	Trucking/freight terminal										P
	Wholesale fuel storage, sales, or distribution										S
	Grain storage and distribution										P
	Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)										P
Waste related use											
	Junkyard including auto, truck and machinery wrecking and recycling										S
	Recycling facility										S
	Sanitary landfill										S
<b>OTHER USES</b>											
	Gas and electrical power distribution station	S									S
	Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)	S									S
Wireless telecommunications facility											
	Tower	S	S	S	S	S	S	S	S	S	S
	Co-located	S	S	S	S	S	S	S	S	S	S
	Commercial broadcast antennas, towers, and satellite dishes	S	S	S	S	S	S	S	S	S	S

## 5. STANDARDS FOR ALL ZONING DISTRICTS

### A. Small Wind Energy Conversion Systems

- (1) Intent. The intent of this section is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City finds these regulations are necessary to ensure that Small Wind Energy Conversion Systems are appropriately designed, sited and installed.
- (2) Definitions. The following terms are defined for this section:
  - a. "Height, total system" means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
  - b. "Lot" (or parcel) means any legally established lot or parcel which contains or could contain a permitted or special use as provided by Chapter 165 of this Code of Ordinances.
  - c. "Off grid" means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
  - d. "Shadow flicker" means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
  - e. "Small Wind Energy Conversion System (SWECS)" means a wind energy conversion system which has a nameplate rated capacity of up to 15 kilowatts for residential uses and districts and up to 100 kilowatts for commercial and industrial districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.
  - f. "Small Wind Energy Conversion System, free standing" means a SWECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition.
  - g. "Small Wind Energy Conversion System, horizontal axis" means a small wind energy conversion system that has blades which rotate through a horizontal plane.
  - h. "Small Wind Energy Conversion System, building mounted" means a SWECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building. These systems are prohibited by this chapter.

- i. "Small Wind Energy Conversion System, vertical axis" means a small wind energy conversion system that has blades which rotate through a vertical plane.
  - j. "Tower" means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.
  - k. "Wind Energy Conversion System (WECS)" means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.
  - l. "Wind turbine generator" means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.
- (3) General Regulations.
- a. Special Use Permit. A Small Wind Energy Conversion System (SWECS) shall be allowed only as an accessory use to a permitted principal use and with approval of a special use permit from the Board of Adjustment.
  - b. Zoning. SWECS may be allowed in any zoning district subject to the provisions contained herein and elsewhere within this City Code.
  - c. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City, unless a special use permit has been obtained from the Board of Adjustment. The special use permit may be revoked by resolution of the Board of Adjustment any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Board of Adjustment. The owner/operator of the SWECS must also obtain any other permits required by other federal, state and local agencies/departments prior to constructing the system. 164.05  
  
Application for SWECS shall be made on forms provided by the City. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.
  - d. Number of Systems per Zoning Lot.
    - i. No more than one freestanding SWECS may be placed on any parcel or lot. Additional freestanding SWECS are prohibited.
  - e. Tower. Only monopole towers shall be permitted for freestanding SWECS. Lattice, guyed or towers of any other type shall not be considered to be in compliance with this chapter.
  - f. Color. Freestanding SWECS shall be a neutral color such as white, sky blue or light gray. Other colors may be allowed at the discretion of the Board of Adjustment. The surface shall be non-reflective.

- g. Lighting. No lights shall be installed on the tower, unless required to meet FAA regulations.
- h. Signage. No signage or advertising of any kind shall be permitted on the tower or any associated structures.
- i. Climbing Apparatus. The tower must be designed to prevent climbing within the first 10 feet.
- j. Maintenance. Facilities shall be well maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this chapter or elsewhere within this City Code.
- k. Displacement of Parking Prohibited. The location of the SWECS shall not result in the net loss of required parking as specified elsewhere in the City Zoning Code.
- l. Utility Notification. The City shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.
- m. Interconnection. The SWECS, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind shall be issued until the City has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.
- n. Restriction on Use of Electricity Generated. A SWECS shall be used exclusively to supply electrical power to the owner for on site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.
- o. Noise. A SWECS shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in this City Code.
- p. Shadow Flicker. No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
- q. Safety Controls. Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.
- r. Shut Off. A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Community Development Director.

- s. Electromagnetic Interference. All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.
- t. Wind Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.
- u. Engineer Certification. Applications for any SWECS 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 SWECS showing compliance with the applicable regulations and certified by an Iowa licensed professional engineer shall also be submitted.
- v. Installation. Installation must be done according to manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.
- w. Removal. If the SWECS remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The SWECS owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The SWECS owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the Zoning Administrator shall notify the SWECS owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.
- x. Right of Entrance. As a condition of approval of a special use permit an applicant seeking to install SWECS shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.
- y. Feasibility Study. It is highly recommended that a feasibility study be made of any site prior to installing a wind turbine. The feasibility study should include measuring actual wind speeds at the proposed turbine site for at least three months.

(4) Bulk Regulations.



- a. Setbacks. The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to 150 percent of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.
- b. Maximum Height. Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.
  - i. For lots of more than one and fewer than three acres, the maximum height shall be 65 feet.
  - ii. For lots of more than three and fewer than five acres, the maximum height shall be 80 feet.
  - iii. For lots more than five acres, the maximum height shall be 100 feet.
- c. Minimum Lot Size.
  - i. The minimum lot size for a freestanding SWECS within C-1, C-2, C-4, M-1 and M-2 shall be one acre.
  - ii. The minimum lot size for a freestanding SWECS within A-1 and all residential zoning classifications shall be three acres.
- d. Clearance of Blade. No portion of a horizontal axis SWECS blade shall extend within 30 feet of the ground. No portion of a vertical axis SWECS shall extend within 10 feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure, or above ground utility facilities.
- e. Location.
  - i. No part of a SWECS shall be located within or over drainage, utility or other established easements.
  - ii. A SWECS shall be located entirely in the rear yard.
  - iii. A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
  - iv. No SWECS shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.
  - v. Building mounted SWECS shall be prohibited.

## **B. Solar Energy Systems**

- (1) Intent. The intent of this section is to establish provisions for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity, namely solar energy, and to provide standards for the construction and use of solar energy systems. The City finds these regulations are necessary to ensure that Solar Energy Systems are appropriately designed, sited and installed.
- (2) Definitions. The following terms are defined for this section:
  - a. "Building-integrated Solar Energy Systems" means 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.
  - b. "Ground-mounted" means a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems are accessory to the principal use.
  - c. "Roof-mount" means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
  - d. "Solar Access" means 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.
  - e. "Solar Carport" means a solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
  - f. "Solar Mounting Devices" means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
- (3) Restrictions. Except as provided in this article, no solar energy system or solar collection device shall be erected, constructed, altered or maintained on any lot within the city, without first receiving a permit to do so and complying with the regulations herein this chapter.
- (4) General Regulations.
  - a. **Building-integrated solar energy systems and roof-mounted and building-mounted solar energy systems** are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.
  - b. **Ground-mounted solar energy systems** shall require approval of a Special Use Permit from the Board of Adjustment.

- (5) Standards. All solar energy systems or solar collection devices shall meet the following standards and conditions:
- a. **Height** – Solar energy systems must meet the following height requirements:
    - i. Building-mounted or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
    - ii. Ground-mounted or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
    - iii. Solar carports in non-residential districts shall not exceed 20 feet in height.
  - b. **Setback** - Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, except as allowed below.
    - i. Roof-mounted or Building-mounted Solar Energy Systems - The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the 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. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
    - ii. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
  - c. **Visibility** – Solar energy systems shall be designed to minimize visual impacts from the public street right-of-way.
    - i. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
    - ii. Aesthetic restrictions - Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.

- (a) Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
  - (b) Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
  - iii. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
  - d. **Lot Coverage** – Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure.
    - i. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
    - ii. Ground-mounted systems shall not count toward accessory structure limitations.
  - e. All solar energy system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.
  - f. All solar energy system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus. The design and drawings of any system or apparatus shall be completed and sealed by a licensed design professional.
- (5) Building Permit Required. No solar energy system or solar collection device shall be constructed, erected, added to, or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot or parcel of land unless the owner, contractor or agent of either shall first have received approval of a site plan or Special Use Permit, as may be required, and applied for and received from the Building Official a permit therefore as provided for in this section.
- (6) Application for Permit. Any application for the building permit required hereunder shall show that the proposed construction meets the requirements set forth in this section. Should any submittal in the opinion of the Building Official contain design elements that are substantially unique and outside the normal configuration of typical solar array components, design or system requirements, the application for permit shall be forwarded to the Board of Adjustment for action.
- (7) Issuance of Permit. Any building permit issued pursuant to the provisions of this article for the construction, erection or modification of a solar energy system or solar collection device shall only be issued after the Building Official has determined the proposed construction meets the requirements of this section, the building code regulations, and that the design of the solar system or solar collection device is in general conformity with the style and design of surrounding structures.

- (8) Solar Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The solar owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient sunlight as may or may not be necessary to operate the system.
- (9) Removal. If the solar energy system remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The solar energy system owner/operator shall remove the abandoned system at their expense. Removal of the system includes all panels, mounting devices, and appurtenant equipment and structures from the property. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter for photovoltaic systems or a thermometer for a solar collector system. The solar energy system owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the solar energy system if requested. If removal of structures and appurtenant facilities is required, the Zoning Administrator shall notify the solar energy system owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.
- (10) Right of Entrance. As a condition of approval of a special use permit for a ground-mounted solar energy system, the applicant seeking to install the solar energy system shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the solar energy system pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

**C. Accessory Dwelling Units**

All accessory dwellings shall comply with the following:

- (1) No more than a total of two (2) dwelling units (principal and accessory) are allowed on a single lot or parcel.
- (2) An accessory dwelling may be contained within, attached to, or detached and separate from the principal dwelling and must be located wholly within the same lot or parcel of the principal dwelling.
- (3) The lot or parcel, principal dwelling, and accessory dwelling shall all be under the same ownership and the owner must live on the property either in the principal dwelling or the accessory dwelling as their principal place of residency.
- (4) The total gross floor area of the accessory dwelling cannot exceed the lesser of eight hundred square feet (800 sq. ft.) or eighty-percent (80%) of the total gross floor area of the principal dwelling.
- (5) The accessory dwelling shall have no more than one (1) bedroom and shall have its own bathroom and kitchen.

- (6) The accessory dwelling shall comply with the building setback and bulk regulations for a principal building as applicable for the zoning district in which its lot or parcel is located.
- (7) The exterior design and appearance of the accessory dwelling, attached or detached, must match and be consistent with the design, features, exterior building materials, and level of finish of the principal dwelling building and shall otherwise comply with the requirements of the architectural design standards found in the City's zoning code regulations.
- (8) The accessory dwelling may have its own entrance or share an entrance with the principal dwelling but cannot have its own separate entrance on the same façade as the front or street-facing entrance of the principal dwelling.
- (9) The accessory dwelling must share utility connections with the principal dwelling.
- (10) The principal dwelling shall have no less than two (2) off-street parking spaces and one (1) additional off-street parking space shall be provided for the accessory dwelling. Tandem style parking spaces (where access to a given space may be blocked by the designated parking space of another vehicle) shall not count towards meeting the parking requirements of this section. Unless specifically approved by the Board of Adjustment, accessory dwelling units shall not have a driveway separate from that of the principal dwelling.
- (11) All accessory dwellings require approval of a Special Use Permit from the Board of Adjustment in accordance with the procedures outlined within the city code. To approve a request for a Special Use Permit, after a public hearing, the Board of Adjustment shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any or all of these requirements shall be cause to deny the request.
  - a. The size, location, layout, and appearance of the principal dwelling and the proposed accessory dwelling do not negatively impact the adjoining properties and surrounding neighborhood.
  - b. Adequate provisions for parking have been made for both the accessory dwelling and the principal dwelling.
  - c. The property is appropriately zoned for an accessory dwelling and all city code requirements have been satisfied.

#### **D. Home Occupations**

The following operations and/or uses are considered permitted in any district that allows household living:

- (1) Home sewing or tailoring.
- (2) Writing or editing, studios for painting, sculpting, ceramics, music, photography, or other similar arts.

- (3) Office for architects, engineers, realtors, accountants, or similar occupations and office related activities requiring a limited number of trips to the home.
- (4) Home office for persons engaged in marketing, distributing, and selling make-up, household goods, firearms (in accordance with all Federal, State, and local regulations), clothing, and similar materials, provided all product sales (including product demonstrations and sales meetings) do not occur on-site and that product distribution is conducted either off-site or by mail, delivery.
- (5) Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for selling a product off-premise, by mail or delivery.
- (6) Tutoring to no more than four (4) students at any one time.
- (7) Home-cooking, preserving and baking for selling a product off-premise, by mail or delivery.
- (8) Computer programming, repair, internet services and similar occupations.
- (9) Mail order business where products are shipped directly from an off-site supplier to the customer.
- (10) In-home Child Care Home or Child Development Home, provided the following requirements are met:
  - a. All Child Care Homes and Child Development Homes shall be registered and/or licensed, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
  - b. Child Development Homes registered as either a Category A, Category B, or Category C as defined by the DHS shall be permitted.
  - c. All Child Care Homes and Child Development Homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.
  - d. No in-home child care service shall be allowed that does not meet items A through C above.
- (11) State licensed massage therapists having no age requirement for admittance and otherwise in compliance with the requirements city code.
- (12) In-home beauty salon or barber.
- (13) Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Zoning Administrator.
- (14) Restrictions for All Home Occupations: In addition to all the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:



- a. Not more than one (1) person who is not a resident on the premises shall be employed and at least one resident of the premises shall be the primary operator of the home occupation.
- b. Home occupations are limited to one operation per dwelling unit, and rental property must have landlord approval prior to operation.
- c. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
- d. No home occupation shall be apparent to adjoining residences and from any public street.
- e. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.
- f. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation and at no time shall any parking generated by the home occupation take place on-street.
- g. Commercial signage shall be limited to one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling.
- h. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation, with the exception of a child care home or a child development home. The home occupation shall be conducted entirely within the principal dwelling unit.
- i. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
- j. No home occupation shall be noxious, offensive, or hazardous due to vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- k. Except for an in-home a child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.
- l. Home occupations may have no more eight (8) on-site product pick-ups by customers in a one-day period. This shall not be the primary method by which products are delivered to customers. Pick-up times shall be by appointment only and shall be limited to between the hours of 7:00 am and 7:00 pm. Customers may not enter the home occupation property for the purposes of viewing items for sale.
- m. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.



**E. Outdoor Sales and Displays for Commercial and Retail Businesses****(1) Outdoor Displays and Sales and Outdoor Food and Beverage Service Areas for Permanent Businesses:**

- a. Appropriately zoned, retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales (i.e., pumpkins, plants, lawn and garden goods), including outdoor seating areas for food and beverage service, subject to the provisions contained herein.
- b. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan (or sketch plan if proposed for an existing site) and obtain approval as part of a site plan process or otherwise obtain site plan approval from the City. All other City Code requirements for seasonal and temporary uses must be met.
- c. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot not be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas.
- d. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
- e. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.
- f. Outdoor food and beverage service areas are required to have a permanent barrier or fence, that is a minimum three feet (3') tall, enclosing the outdoor seating area. The permanent barrier or fence shall be architecturally consistent and appropriate with the level of finish and appearance of the adjacent retail building.
- g. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code.

**(2) Seasonal Garden Centers and Seasonal Outdoor Displays for Permanent Businesses:**

- a. Seasonal garden centers, selling outdoor lawn and garden goods and supplies, the sale of agricultural products, and Christmas tree sales, may be permitted within appropriately zoned retail properties subject to the provisions contained herein.
- b. All proposed seasonal garden centers, temporary agricultural product sales, and other seasonal outdoor displays must be clearly defined and detailed on a sketch plan and obtain approval from the Zoning Administrator. Information to be shown on the sketch plan includes details of product display and storage areas, all proposed tents, fencing, barriers,

and other structures as well as proposed modifications to the site circulation and parking areas.

- c. Garden centers and outdoor display areas shall be located on a surface paved with PCC or HMA in accordance with City Code and no more than twenty percent (20%) of the parking lot or the total parking available on an individual site may be utilized for a seasonal garden center or seasonal outdoor display. No main drive aisles, as determined by the City, shall be blocked or closed. The layout shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.
  - d. Garden centers and outdoor display areas shall be located no closer than 15 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.
  - e. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code. All other City Code requirements for seasonal and temporary uses must be met including obtaining an annual permit and the limitation of the dates of the installation and operation as contained herein.
  - f. Fireworks sales are only permitted in the C-2, M-1, and M-2 zoning districts.
- (3) Public Sidewalk Usage (C-3 Zoning District Only): Businesses located within the C-3 zoning district may place tables, chairs and displays associated with the adjoining business subject to the provisions of Chapter 165.04, Section H of this code.

#### **F. Outdoor Storage**

The outdoor storage of any materials, goods, shipping containers, construction equipment, trucks or trailers over 30 feet in length, inoperable vehicles, inoperable trucks, other inoperable equipment, parts, containers, pallets, construction equipment, debris, or other materials is prohibited in all zoning districts except where expressly permitted by the Zoning Regulations. When permitted, outdoor storage is subject to site plan review and approval and shall comply with the following standards:

- (1) Must be located on a surface paved with PCC or HMA in accordance with City Code. The City Council may, at their full discretion, approve a gravel surface for a storage yard in the M-2 zoning district provided the storage yard is wholly located within the rear yard of the site and mitigation measures are established to prevent dust and gravel from leaving the site.
- (2) Shall comply with the Open Space, Landscaping and Buffering requirements of the Zoning Code.
- (3) Shall be screened from view from all adjoining public street rights-of-way and all adjoining residentially developed or zoned properties, schools and similar sensitive uses and properties.
- (4) Shall be enclosed by an opaque fence no less than six (6) feet in height, eight (8) feet for an industrially zoned property.

**G. Loading Docks, Delivery and Service Overhead Doors**

In all zoning districts, with the exception of the M-1 and M-2 zoning districts, loading docks and overhead doors for delivery, distribution and service, including vehicle repair service bay doors, shall not face a public street. This requirement may be waived by the City Council upon review of a site plan.

**H. Trash and Recycling Collection**

The following trash and recycling collection standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse dwellings:

- (1) Provisions Required. All buildings and dwellings shall have adequate provisions for the collection of trash, grease, and recyclable materials with sufficient numbers and locations of collection containers as determined by the Zoning Administrator, at their sole discretion.
- (2) Screening of Collection Containers. All outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be opaquely screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed of permanent materials such as textured block, split faced concrete block, brick or stone. Colors shall be compatible with the dominant architectural materials of buildings on site and shall be integral to a building on site whenever possible. The enclosure shall be located out of public view and constructed to visibly screen the views from the adjoining properties.

**I. Equipment Screening**

The following equipment screening standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse dwellings:

- (1) All ground mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be screened from view from adjacent public streets and residential developed or zoned properties.
- (2) Required screening shall be accomplished by one or more of the following: landscaping, screen walls, and building structure.

**J. Exterior Lighting**

The following exterior lighting standards shall apply to all sites excluding agricultural uses, single-family dwellings, and two-family dwellings:

- (1) All site and building lighting shall be LED type (light produced via light emitting diodes) of a soft-white or bright-white light color and quality.
- (2) All light fixtures shall be downcast in nature and must possess sharp, cut-off qualities to limit off-site glare. Wall-pack type light fixtures are prohibited.
- (3) In all multi-family, office, commercial, and industrial zoning districts, all parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.

- (4) Buildings and signage may be up-cast or downcast illuminated provided said lighting does not shine or glare off or past the sign or building wall.
- (5) Upon the request of the Zoning Administrator, a photometric plan and cut-sheets of all light fixtures shall be provided to the City during the site plan and/or building permit review process to ensure compliance with the regulations of this section.

**K. Attached and Free-Standing Drive-Thru Canopies**

The following regulations shall apply to all vehicle drive-thru or drive-up canopies, including bank ATM and teller service canopies, fuel pump island canopies, and restaurant drive-thru and drive-up canopies.

- (1) Canopies shall meet the building setback requirements for the property on which it is located.
- (2) The minimum vertical clearance for all canopies shall be 14 ft.
- (3) The maximum height for all free-standing canopies shall be 20 ft.
- (4) All structural and supporting columns shall be wrapped in a material consistent with or complementary to the primary building material of the principal building or buildings located on the same site. Canopies clad in any architectural metal panel shall consist of no more than two different colors.
- (5) Under-canopy lighting shall be flush mounted.

**L. Medical Cannabidiol Dispensaries and Manufacturing Facilities**

The following regulations are in response to the State of Iowa's Medical Cannabidiol Act, as adopted on May 12, 2017. Nothing within these regulations herein or elsewhere within the City's zoning ordinance shall be construed as an official endorsement or recognition that medical cannabidiol dispensaries and medical cannabidiol manufacturing facilities are legal uses as it may pertain to federal law. The intent of these regulations is to address the negative secondary impacts these uses may create.

- (1) The following regulations shall apply to all medical cannabidiol dispensary facilities.
- (2) All facilities shall be licensed by the State of Iowa as a medical cannabidiol dispensary and comply with all State of Iowa rules and regulations for a medical cannabidiol dispensary.
- (3) Facilities may only be located on a property that is zoned for such a facility as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.
- (4) No facility shall be located within 1,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 1,000 feet of residentially property or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.

- (5) No medical cannabidiol dispensary shall be located within 1,000 feet of any other such facility as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.
- (6) The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.
- (7) All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.
- (8) Vehicle drive-up or drive-thru service is prohibited.
- (9) Off-site delivery is prohibited.
- (10) No outdoor display of merchandise is allowed, and no outdoor seating shall be permitted.
- (11) No facility shall permit any person to consume medical cannabidiol on the facility premises or property.
- (12) No facility shall permit any person not directly affiliated with the facility to loiter on the facility premises or property.
- (13) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- (14) Signage for a medical cannabidiol dispensary shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol dispensaries.
- (15) All medical cannabidiol dispensaries shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.

The following regulations shall apply to all medical cannabidiol manufacturing facilities.

- (1) All facilities shall be licensed by the State of Iowa as a medical cannabidiol manufacturing facility and shall comply with all State of Iowa rules and regulations for a medical cannabidiol manufacturer.
- (2) Facilities may only be located on a property that is zoned for such a facility as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.
- (3) No facility shall be located within 2,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 2,000 feet of residentially property or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the

building or portion thereof in which the business is conducted to the property line of the protected use.

- (4) All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.
- (5) No facility shall permit any person to consume medical cannabidiol on the facility premises or property.
- (6) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.
- (7) Signage for a medical cannabidiol manufacturing facility shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol manufacturing facilities.
- (8) All medical cannabidiol manufacturing facilities shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.
- (9) No medical cannabidiol dispensary or medical cannabidiol manufacturing facility shall occupy a building, begin operation, or otherwise conduct business within the City of Indianola until such time the proposed facility has received approval of a Special Use Permit from the Board of Adjustment.

#### **M. Delayed Deposit Services Businesses and Pawnshops**

The following regulations shall apply to all delayed deposit services businesses (commonly known as check cashing, payday lending, or car title loan businesses) and pawnshops.

- (1) May only be located on a property that is zoned for such a business as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.
- (2) Shall not be located within 1,000 feet of any public or private elementary, secondary or high schools, residentially property, or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.
- (3) Shall not be located within 1,000 feet of any other such business as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.
- (4) The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.

#### **N. Manufactured Homes**

- (1) Conversion to Real Property. A mobile home or manufactured home that is located outside a manufactured home community or park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:
  - a. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.
  - b. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.
- (2) Foundation Requirements. A mobile home or manufactured home located outside of a manufactured home community or home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. Said home shall further comply with the basement requirement for single-family and two-family dwellings.
- (3) Single-Family Residential Building Finish and Form. A mobile home or manufactured home located outside of a manufactured home community or home park shall have a pitched roof consistent with the form and style of any single-family homes within 1,000 feet of the lot or parcel on which it is located. The roof and exterior of the mobile home or manufactured home shall be clad with typical residential siding and roofing materials such as horizontal, lap style siding and asphalt shingles.