TITLE 12
ZONING

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MASON CITY, IOWA | ZONING ORDINANCE

(Effective 1/1/18; amended through 11/15/22)

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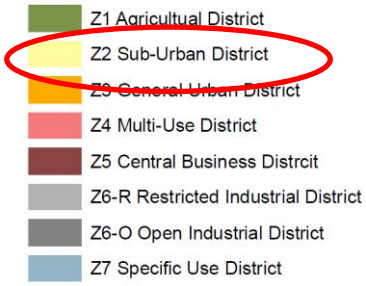
How to use the Mason City Zoning Ordinance:

1. Locate the site on the Zoning Map.



2. Determine the zoning district in which the site is located.

Chapter 12-10: Z2 SUB-URBAN DISTRICT

12-10-1 Purpose

The purpose of the Z2 Sub-Urban District is to provide space for a limited range of primarily residential lot sizes, limited neighborhood commercial uses and public park spaces in areas planned as walkable neighborhoods that are or soon will be served by a full range of public services.

12-10-2 Permitted Forms and Functions

A. Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all zoning standards in chapter 16 of this title have been met.

B. No more than one (1) principal building shall be allowed per zoning lot.

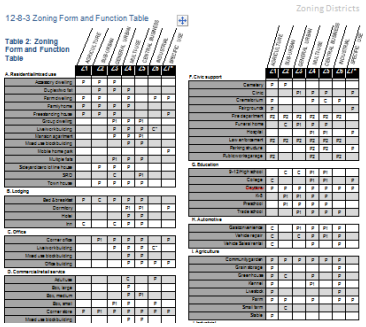
12-10-3 Conditional Forms and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the Board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5-5 of this title. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

12-10-4 Accessory Buildings

A. Location: Accessory buildings shall be located in the rear yard. A detached accessory garage may be located in a side yard if all other accessory building setbacks and bulk requirements are met.

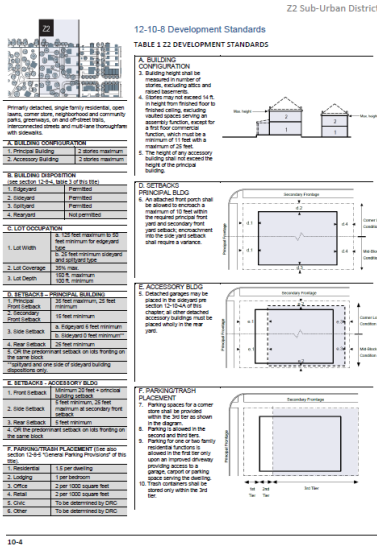
3. Reference the corresponding Zoning District chapter (for this example, page 10-1) to determine the purpose and requirements of the site's zoning district.



12-8-3 Zoning Form and Function Table

Table 2: Zoning Form and Function Table

4. Reference section 12-8-3, table 2, the Zoning Form and Function Table (page 8-4), to determine the uses (referred to as "forms" and "functions" in this title) that are permitted on that site.



Z2 Sub-Urban District

12-10-8 Development Standards

TABLE 1 Z2 DEVELOPMENT STANDARDS

5. Reference the zoning district text and graphics (for this example, page 10-4) to determine requirements such as building configuration, lot occupation, allowed building dispositions, setback requirements, and parking provisions. Also reference Chapter 12-8, Zoning Districts, and Chapter 12-16, Zoning Standards, for other applicable requirements.

Chapter 12-1: INTRODUCTION

12-1-1 Title

This title shall be known and may be cited as the MASON CITY ZONING ORDINANCE.

12-1-2 Purpose

It is the purpose of this Ordinance to regulate the form and functions of all structures, lands, waters, to regulate lot coverage, population distribution and density, and the size and location of all structures in accordance with the Mason City Comprehensive Plan. Furthermore, this Ordinance is set forth to protect the health, safety and general welfare of Mason City as required by the Federal Standard State Enabling Act of 1926.

12-1-3 Interpretation of Standards

Whenever the requirements of this Ordinance are in any way in conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the highest standards, shall govern.

12-1-4 Relation to Comprehensive Plan

It is the policy of Mason City that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Mason City Comprehensive Plan as developed and amended from time to time by recommendation of the Planning and Zoning Commission and approval by the City Council. The City Council recognizes the Mason City Comprehensive Plan as the policy to regulate land use and development in accordance with the policies and purpose set forth herein.

12-1-5 Standard Requirements

A. Except as herein provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose or in any manner that is not in conformity with this Ordinance.

B. Except as herein provided, no structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

C. No yard or lot existing in the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

D. This Ordinance is not intended to abrogate any easement, restrictions, covenants, relating to the form and function of land or imposed on lands within the City by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the

provision of any private agreement, the provisions of this Ordinance shall prevail.

12-1-6 Forms and Functions Not Provided for Within Zoning Districts

Whenever, in any zoning district, a form or function is neither specifically permitted nor denied within Table 12-8-2, the form or function shall be considered prohibited. In such cases, the Planning and Zoning Commission or the City Council, on their own initiative or upon request, may conduct a study to determine if the form or function is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the form or function. The Planning and Zoning Commission, City Council or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to the zoning regulations to provide for the particular form or function under consideration or shall find that the form or function is not compatible for development within the City.

12-1-7 Zoning Map

A. The boundaries of the zoning districts are indicated upon the official zoning map of Mason City, which is made a part of this title by reference hereto. The official zoning map and all the notations, references and other matters shown thereon is hereby declared to be a part of this title, and amendments to the map shall be in accordance with the process and requirements of chapter 4 of this title. The official zoning map shall be on file in the office of the city clerk and shall bear the signature of the mayor attested to by the city clerk.

B. If, in accordance with the provisions of this title, changes are made in zoning district boundaries or other matters portrayed on the official zoning map, the ordinance number and date of said change shall be recorded on the official zoning map.

C. Zoning district boundaries shall generally follow parcel lines, lot lines, street right-of-way centerlines, railroad right-of-way centerlines, the center of streams, City limits, and other pre-existing elements, whenever practical.

D. The Administrative Official shall have the power to interpret the location of zoning district boundaries where the location of such lines is not clearly discernible from the official zoning map. Upon making such a determination, the official zoning map shall be corrected so that the boundaries in question are clearly discernible.

E. In the case of a lot of record under one ownership that is divided by a zoning district boundary, each portion of the lot shall be governed by the zoning district applied thereto. Alternatively, the entire parcel may be used as permitted by the regulations applicable to the most restrictive classification.

12-1-8 Repeal of Conflicting Ordinances

All previously enacted Zoning Ordinances are hereby repealed.

12-1-9 Severability

Should any section, subsection, paragraph, subparagraph, clause, word or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof other than the part so declared as to be unconstitutional or invalid.

12-1-10 Amendment

The Zoning Ordinance of Mason City may be amended by the City Council in the manner provided by statute or as provided herein.

12-1-11 Violations

A. It shall be unlawful to locate, erect, move, construct, reconstruct, extend, enlarge, convert or otherwise alter any structure, land or waterway in violation of any of the provisions of this Ordinance. A violation of this ordinance shall be a municipal civil infraction and subject to penalty according to title 1, chapter 4, article a of this Code.

B. In case of any violation, the City Council, the Administrative Officer, the Board, the Commission or any property owner who would specifically be damaged by such violation may institute legally permitted and appropriate action or proceedings to enjoin a violation of this title.

Chapter 12-2: DEFINITIONS

12-2-1 General Provisions

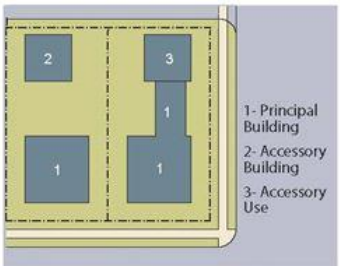
A. The most recent print or online edition of the Merriam Webster Dictionary is the recognized reference for words and terms not defined herein.

B. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural includes the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word “shall” is mandatory, and the word “may” is permissive.
4. The masculine gender includes the feminine and neuter.
5. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
6. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
7. All measured distances expressed in feet shall be to the nearest one-hundredth of a foot.
8. Whenever a calculation is made based upon the provisions herein, if a fraction of a number results, the more restrictive rounding to a whole number shall apply.
9. The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied.”
10. The word “use” can be interchanged with the word “function” throughout this Ordinance.

12-2-2 Definitions

ABANDONMENT: The cessation of a function for a period of six (6) months or more. There is a rebuttable presumption that an owner has intended to abandon a non-conforming use of land or structures where there has been no active use for six (6) months or more.



Accessory Building or Function

ACCESSORY BUILDING: A subordinate building located on the same lot with an existing principal building, which is incidental and subordinate to the principal building. (see also PRINCIPAL BUILDING)

ACCESSORY DWELLING: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same building as the primary dwelling unit, or located within a detached accessory building on the same lot. A mobile home or a recreational vehicle may not be used as an accessory dwelling.

ACCESSORY FUNCTION: A function that is customarily incidental and subordinate to the principal function on the same lot or parcel.

ACCESSORY SURFACE PARKING: A parking lot on a parcel that is adjacent to or nearby, but separate from, the parcel containing the form or function served by the parking lot.

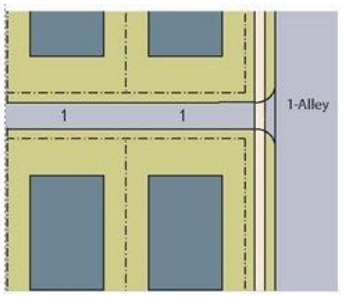
ACTIVE SOLAR EQUIPMENT: A ground or building mounted solar cell panels and their associated hardware and equipment required to generate and store electricity or heat water, primarily for use on-site.

ADMINISTRATIVE OFFICER: The person or official designated by the director of development services as the officer responsible for the administration or enforcement of this title.

ADULT USE: An establishment consisting of, including, or having the characteristics of any or all of the following: adult bookstore, sex shop, video viewing booths, adult motion picture theater, adult cabaret. Refer to title 13 of this Code for additional information.

AGRIBUSINESS: An establishment primarily engaged in supplying agricultural services, crop services, farm labor and management services.

AGRITOURISM: Agricultural operations that include activities that may not be directly related to the principal agricultural use. Such activities need not be subordinate to the agricultural operations in terms of revenue, but shall be subordinate in terms of overall land use. Activities must fall within one or more of the following categories: on-site processing, storage, sampling and tasting of crops or farm products not principally produced on the farm; retail sales of crops or farm products not principally produced on the farm; retail sales of non-farm products related to the farm or what is produced on the farm; education, cultural recreation programming; event hosting as long as such events are clearly subordinate to the farming operation.



Alley

ALLEY: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ARTISAN/CRAFTSMAN SHOP: A small-scale building or operation involving the on-site production of goods primarily by hand or custom manufacturing using hand tools or mechanical equipment commonly associated with residential or commercial uses.

AUDITORIUM: A building that consists of a theater, lecture hall, or concert hall where an audience sits.

BED AND BREAKFAST: Overnight accommodations, typically located within a residential form, offering no more than six (6) sleeping rooms, that usually (but not always) offers a morning meal, is operated by the property owner or on-site resident manager, and where all of the sleeping rooms are dedicated to overnight guests except for those occupied by the owner/resident manager and his/her family. This definition includes short-term lodging in a bed and breakfast, arranged between owners and guests via a third party using a means of remote communication and transaction (e.g., via the Internet or smart phone application).

BERM: A mound of earth or the act of pushing earth into a mound.

Berm

BLOCK: A unit of land bounded by a street or by a combination of streets and public land, railroad rights-of-way, waterways or any other lines of demarcation.

BOARD: The Zoning Board of Adjustment, an officially constituted body in title 2, chapter 3 of this Code, whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of a zoning ordinance and authorize conditional and special uses.

BOX, LARGE: A freestanding building with a commercial function with a floor area of 35,000 square feet or greater.

BOX, MEDIUM: A freestanding building with a commercial function with a floor area between 5,001 and 34,999 square feet.

BOX, SMALL: A free standing building with a commercial function with a floor area not exceeding 5,000 square feet.

BROWNFIELD: An area documented as contaminated (by means of an ASTM E1903-97 Phase II Environmental Assessment or a Local Voluntary Cleanup Program) OR designated as a brownfield by the City of Mason City, the State of Iowa or a federal government agency.

BUILDING: A structure enclosed with walls or supports and having a roof, built, erected and framed of one or a combination of materials for the support, enclosure, shelter or protection of persons, animals, chattels or movable property of any kind.

BUILDING DISPOSITION: The location of the building relative to the boundaries of each individual lot, establishing suitable basic building types for each zoning district.

BUILDING HEIGHT: The building height shall be measured, based upon the requirements of each zoning district, in the number of stories, excluding attics and basements, or in feet, measured from the average surrounding grade at the foundation to the deck line of a flat roof or to the the highest point of any other type of roof.

CALIPER: The measurement of the diameter of a tree trunk at average adult chest height.

CEMETERY: Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery, for which perpetual care and maintenance is provided.

CITY COUNCIL: The City Council of Mason City, Iowa.

CIVIC: Buildings and facilities for government and other not-for-profit organizations dedicated to arts, culture, education, recreation, health care, or for a function approved by a government agency.

CIVIC SUPPORT: Buildings and facilities in support of the health, safety and general welfare of the community.

CLINIC: A building or portion thereof, the principal use of which is for medical or dental study and/or treatment, and in which the services of professionals in the medical, veterinary or dental fields of practice are provided.

COLLEGE: An educational institution accredited by the State of Iowa or by the agency with jurisdiction to grant college accreditation, to award associate, bachelor, or higher degrees.

COMMISSION: The Planning and Zoning Commission.

COMMUNICATIONS TOWERS AND ANTENNAS DEFINTIONS:

A. ANTENNA: A structure or device, which is part of a wireless telecommunications facility, used for collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas such as panels and dishes, and omnidirectional antennas such as whip antennas, and similar devices.

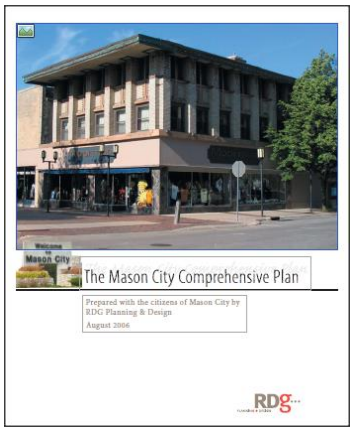
B. COLLOCATION: The mounting or installation of wireless transmission equipment on tower or other eligible support structure that is designed to accommodate equipment from more than one (1) wireless telecommunications provider.

C. EXISTING SUPPORT STRUCTURE: A structure, other than a tower as defined in this chapter, that supports one or more antennas for wireless telecommunications. Examples include (but are not limited to) water towers, existing buildings, church steeples, smokestacks or cooling towers, and utility structures and poles.

D. TOWER: As applied to wireless telecommunications facilities, any ground or roof-mounted pole, spire, structure, or combination thereof built for the sole or primary purpose of mounting an antenna, transmitter, or similar apparatus above grade for wireless telecommunications.

E. WIRELESS TELECOMMUNICATION SERVICES: Wireless telecommunication services, including those licensed or authorized by the Federal Communications Commission, such as transmission and reception of analog, digital, microwave and broadband signals and similar services.

COMMITTEE: The Mason City Development Review Committee.



Comprehensive Plan Document

COMMUNITY GARDEN: An area of land designated for small plot gardening or local food production.

COMPREHENSIVE PLAN: A document or series of documents adopted by the City Council of Mason City, Iowa, setting forth policies for the future of the City.

CONCEPT PLAN: A layout of a proposed subdivision, a site or development plan, or other development scheme of sufficient accuracy and detail to be used for the purpose of discussion and classification.

CONTRACTOR SHOP: A small-scale building for the purpose of conducting building and grounds construction, maintenance and repair related services, typically containing areas for office, material, equipment and vehicle storage.

CONVENTION CENTER: An exhibition hall or conference center that is designed to hold large public gatherings, public or private meetings or to display exhibits.

CORNER OFFICE: A mixed-use freestanding building with over fifty (50) percent of the ground floor, not exceeding 1,200 square feet, serving an office function for the primary purpose of serving neighborhood residents within a quarter (1/4) mile radius, with the remainder of the building occupied by a function permitted in the district, typically sited on a corner lot.

CORNER STORE: A mixed use freestanding building with over fifty (50) percent of the ground floor, not exceeding 1,200 square feet, serving a retail function for the primary purpose of serving neighborhood residents within a quarter (1/4) mile radius, with the remainder of the building occupied by a function permitted in the district, typically sited on a corner lot.

CREMATORIUM: A mortuary where corpses are cremated.

CROSS DOCKING FACILITY: A building within which raw, partial components or finished products from a supplier or manufacturer are distributed directly to a next-level manufacturer, wholesaler, retailer, or end consumer, with marginal to no handling or storage time. A cross docking facility consists of inbound and outbound truck docks, with minimal storage.

DAYCARE: An establishment, licensed by the State of Iowa, which is intended to provide for the care, supervision and protection of children.

DECK: An outdoor platform constructed above grade, projecting from the wall of a building. A deck may have a roof, but other than mesh screens, it must be open on all sides except the adjacent building wall.

DEVELOPMENT: Altering the landscape in any number of ways such as:

A. Changing landforms from a natural or semi-natural state for a purpose such as agriculture or housing;

B. Subdividing real estate into blocks and lots, typically for the purpose of constructing buildings; or

C. Significantly altering a building and/or its surrounding property or changing its purpose, for example, by converting an unused factory complex into residential condominiums.

DORMITORY: A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery or similar institutional use.

DRIVE-THROUGH ESTABLISHMENT: An establishment that offers merchandise, service or entertainment to persons in motor vehicles.

DUPLEX/TWO FLAT: A building containing two (2) one-family dwelling units separated from each other by an unpierced wall extending from the basement to roof (duplex) or between floors (two flat).

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building that are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

FACADE: Any face of a building, especially the principal face, which fronts upon a street or drive, or parking lot. The principal face, or principal façade, shall be that face incorporating the primary entrance. If a primary entrance faces a parking lot, that face shall be considered a façade. A building face fronting on an alley shall not be considered a façade.

FAIRGROUNDS: Public or privately owned land used for public fairs, events, concerts and public gatherings.

FAMILY: Either of the following:

A. A domestic family unit, which is one or more persons related by blood, marriage or adoption occupying a dwelling unit and living as a single housekeeping unit in a dwelling.

B. The functional equivalent of the domestic family unit, consisting of persons living together in a dwelling unit whose relationship is of a permanent and distinct domestic character, and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking together and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group, coterie, or organization that is not a religious order, nor shall it include a group of individuals whose association is temporary or resort-seasonal in character.

FAMILY HOME: A community-based residential home that is licensed as a residential care facility under Chapter 135C of the Iowa Code, or a child foster care facility under Iowa Code Chapter 237, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight 8) persons with a developmental disability or brain injury, including any necessary support personnel. A family home does not include an individual foster care family home licensed under Iowa Code Chapter 237.

FARM: An area comprising ten (10) or more acres, which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine.

FARM, SMALL: A farm as defined above, except that it consists of less than ten (10) acres.

FARM DWELLING: A dwelling for a family that owns or rents an adjacent or nearby farm, which may or may not be on the same parcel as the farm it serves.

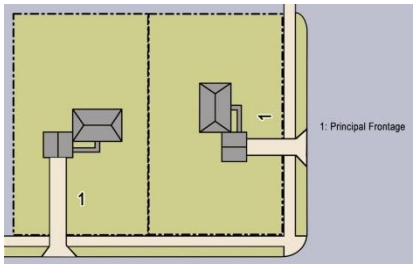
FENCE: A freestanding structure comprised of posts, rails, and panels that is designed to restrict movement across a boundary, provide a screen or visual barrier, or provide outdoor privacy, and is comprised of durable building materials such as wood, rigid polymers and steel.

FIRE DEPARTMENT: A public or private organization that provides fire protection for a certain jurisdiction, which typically is a municipality, county or fire protection district. A fire department usually contains one (1) or more fire stations within its boundaries and may be staffed by career firefighters, volunteers or combination thereof.

FORM: The design, configuration or layout of a structure that in appearance is indicative of or reflects a particular function. A structure does not necessarily have to contain the function indicated by its form (provided that the function contained within the structure is permitted in the zoning district); for example, a structure may be designed in a form that indicates a single family residential function, but may instead contain an office or other non-residential function.

FREESTANDING HOUSE: A one-family dwelling unit, unattached to any other dwelling unit, which is considered the principal building.

FRONTAGE: Any side of a lot or building that fronts upon a vehicular way, such as a public street, approved private street, access drive or parking lot.



Principal Frontage

A. Frontage, Principal: That side of a lot or parcel that is adjacent to the street upon which the property is addressed, or from which the principal function on the the lot has its primary access, or the principal frontage established upon a recorded deed or plat of subdivision.

B. Frontage, Secondary: On a corner lot or double frontage lot, that frontage that is not the principal frontage. If a double frontage lot has a third frontage, that frontage shall be considered a secondary frontage.

FUNCTION: The predominant purpose, use, occupation, or operation for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GAS/CONVENIENCE: A gasoline station and/or convenience store planned, operated and maintained for the purpose of selling gas and convenience items, where the principal building does not exceed 5,000 square feet.

GOLF COURSE: A tract of land laid out for at least nine (9) holes for playing the game of golf that may include a clubhouse, pro shop and practice facilities.

GRAIN STORAGE: A facility, such as a bin or silo, for the temporary storage of grain.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants.

GREENWAY: An open space corridor in largely natural conditions ~~which~~ that might also provide for use by bicycles and pedestrians.

GREYFIELD: Vacant, underutilized, or disused area previously functioning as a parking lot, shopping center, or large format retailer.

GROUP DWELLING: A group home for the sheltered care of persons with special needs that, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. This definition does not include a family home.

HOME OCCUPATION: Any occupation carried out by a member of the immediate family residing on the premises that is accessory to the principal residential function of the dwelling and which does not change the residential form of the principal building.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as

laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL: A facility of sixteen (16) sleeping rooms or more providing accommodations to the general public, which may include additional facilities and services, such as restaurants, meeting rooms, swimming pools, entertainment and personal services.

INDOOR RECREATION: Recreational activities (such as bowling, roller skating, paintball, etc.) that are housed indoors.

INDUSTRY, OPEN: Development consisting of large, relatively self-contained and isolated facilities whose potential nuisance or hazard generation from the processing, manufacturing, assembly, storage and distribution of materials and products is moderately high or higher, as determined by the Administrative Officer.

INDUSTRY, RESTRICTED: Development consisting of facilities whose manufacturing, assembly, storage and distribution activities do not create appreciable nuisances or hazards, or that require a pleasant, hazard- and nuisance-free environment. It is intended that the permitted forms and functions be compatible and not detrimental to adjacent properties.

INFILL: New development on land that had been previously developed, including existing lots within existing neighborhoods, brownfields and greyfields.

INN: A dwelling or building other than a bed and breakfast with no more than fifteen (15) sleeping rooms providing accommodations to the general public, which may include a restaurant. This definition shall include accommodations held out to the general public arranged between owners and guests via a third party using a means of remote communication and transaction (e.g., via the Internet or smart phone application).

INTERIOR CLIMATE CONTROLLED SELF STORAGE: A non-habitable self-storage function that contains individual compartmentalized stalls or lockers primarily accessed from the interior of the building, that are used for the storage of customer's goods or wares, primarily excess personal property.

JUNKYARD: A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including, but not limited to, auto and motor vehicle wrecking yards, house wrecking yards, used lumber yards, and yards for use of salvaged house wrecking and structural steel materials and equipment.

KENNEL: Any building or portion thereof where more than two (2) dogs, cats, or other household domestic animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

LAW ENFORCEMENT: A public or private organization that provides law enforcement or police protection for a certain jurisdiction, which typically is a municipality or county. The department may contain one (1) or more departments and may be staffed by career law enforcement officers, volunteers and professional staff or a combination thereof.

LICENSED PROFESSIONAL: For the purposes of this title, a design professional licensed to practice architecture, landscape architecture,

engineering or land surveying by the Iowa State Board of Registration Professional Licensing Agency.

LIBRARY: A place in which literary and other media materials, such as books, periodicals, newspapers, pamphlets and multi-media, are kept for reference or lending.

LIVESTOCK: Any animal customarily kept by humans for the purpose of providing food, fiber or work, including, but not limited to, cattle and other bovines, horses, mules, donkeys and other equines, goats and other caprines, sheep and other ovines and swine, hogs and other porcines (except oriental potbellied pigs as permitted in title 8 of the city code), but excluding bees. Keeping of bees, chickens and other poultry, and rabbits on residential properties within the City is regulated in title 8, chapter 4 of this Code.

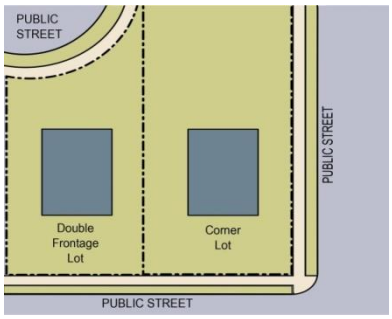
LIVE/WORK BUILDING: A building comprised of mixed-use units consisting of residential, commercial, office or artisanal functions. Non-residential functions may be located anywhere in the unit. It is intended that the building be occupied by a business operator who lives in the same building that contains the non-residential function.

LOT: A parcel of land at least sufficient in size to meet minimum zoning requirements for function, coverage and area, and to provide such yards and other open space requirements as are herein required. A lot shall have frontage on a public street or an approved private street, and may consist of:

A. A single lot of record.

B. A combination of complete lots of record, outlots of record or portions of lots of record.

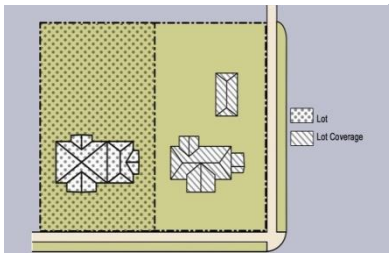
C. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.



Lot Types

LOT, CORNER: A lot with frontage upon two (2) intersecting streets.

LOT COVERAGE: The percentage of the lot covered by all the building area.



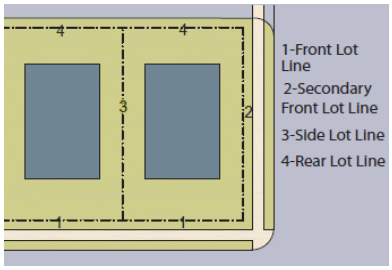
Lot and Lot Coverage

LOT, DOUBLE FRONTAGE: A lot having frontage on two (2) parallel or approximately parallel streets or places.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot that divides one (1) lot from another lot or from a public right-of-way or approved private street easement, railroad right-of-way or any other public space.

LOT LINE, FRONT: The lot line along the principal frontage of a lot or parcel separating it from a street right-of-way, approved private street easement, or an outlot designated or intended for future street purposes. On a corner lot, the front lot line shall be along the principal frontage of the lot. On a double frontage lot, the lot lines adjacent to both parallel or approximately parallel streets shall be considered to be front lot lines for the purpose of determining setbacks



Lot Lines

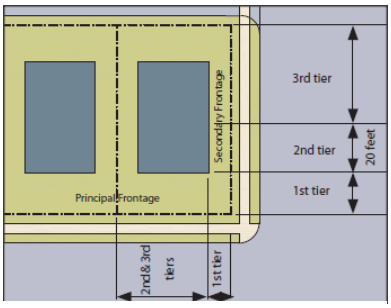
LOT LINE, REAR: A lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. On a double frontage lot, the rear lot line

shall be along the street other than and opposite from the street upon which the principal frontage abuts; however, for the purposes of determining setbacks, the rear lot line shall be shall be treated as if it were a front lot line.

LOT LINE, SECONDARY FRONT: On a corner lot~~s~~, the lot line that is not on the principal frontage. If a double frontage lot has a third frontage, the lot line along the third frontage shall be considered a secondary front lot line.

LOT LINE, SIDE: A lot line other than a front, secondary front or rear lot line.

LOT OF RECORD: A lot which is a part of a subdivision, and where the map of which has been recorded in the office of the county recorder of Cerro Gordo County.



Lot Tiers

LOT TIERS: The transverse division of a lot into increments for the purpose of locating off-street parking, trash containers, vehicle storage, and loading facilities. Lots shall be divided into three (3) tiers that are based upon parking placement and loading functions found within a lot.

A. The first tier shall be the entire width of the lot and measured from the front lot line or secondary front lot line to the façade of the principal building that is most parallel to the front lot line or secondary front lot line.

B. The second tier shall be measured from the line of the principal building's facade to a distance of twenty (20) feet.

C. The third tier shall be the remaining distance from the second tier to the rear lot line.

LOT WIDTH: The length of the principal frontage line of a lot.

LOT, ZONING: A single tract of land located within a single block that is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

MANSION APARTMENT: A multi-story residential building comprised of up to a maximum of eight (8) separate apartment units and designed or converted in the style of a large freestanding house or mansion.

MINI-WAREHOUSE SELF STORAGE: A non-habitable self-storage function that contains individual compartmentalized stalls or lockers with all or most of the entrances directly accessed from the outside of the building, that are used for the storage of customer's goods or wares, primarily excess personal property.

MIXED USE BLOCK BUILDING: A multi-story building that is placed at or close to the front lot line supporting multiple functions, one of which may include structured parking.

MOBILE HOME: A detached transportable building designed to be used as a one-family residential dwelling with all of the following characteristics:

A. Certified in a factory and fabricated to the standards outlined in the Iowa Code;

B. Designed to be transported after fabrication on its own wheels; and,

C. Arriving at the site where it is to be occupied as a dwelling complete, including the major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports and connection to the utilities, and removal of the towing apparatus and enclosing of the chassis by an opaque skirt or screen.

MOVIE THEATER: A building where indoor movies are shown with incidental food and beverage service.

MULTIPLE FLATS: A multi-story building containing nine (9) or more dwelling units.

MULTIPLE PRINCIPAL BUILDING DEVELOPMENT: A development or project in which more than one principal building is situated on a zoning lot. The Multiple Principal Building Development shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit, although development may be phased.

MUSEUM: A building for collecting and displaying objects having scientific, historical or artistic value.

NONCONFORMING USE: A building, structure or land lawfully occupied by a use or function that does not conform to the form and function regulations of the zoning district in which it is situated.

OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activity; it may include subsidiary services for office workers, such as a restaurant, coffee shop, newspaper stand and child-care facilities.

OFFICE SHOWROOM: A multi-use building with a minimum of thirty (30) percent of the building occupied by office and wholesale display and quasi-retail sales functions, with supporting artisanal, technology, research and development, light assembly, warehousing and distribution functions occupying the remaining space.

OPEN AIR MARKET: A public marketplace conducted outdoors where food and merchandise are sold.

OUTDOOR CUSTOMER DINING AREA: A seating area with tables and chairs located outdoors on private property that provides seating to a contiguous restaurant. This seating may be in addition to indoor seating or it may be the only seating available for the restaurant.

OUTDOOR RECREATION: Land and appurtenant buildings, other than public parks and public facilities, dedicated to outdoor recreational and leisure activities, including but not limited to: field and court sports, golf courses and mini-golf, motorized and non-motorized vehicle courses and tracks, outdoor presentations of musical acts, theater and motion pictures, and similar functions. Outdoor recreation forms and functions shall conform to the noise limitations in title 8, chapter 6 of this code.

PARKING BAY: The parking space and aisle adjacent to said parking space.

PARKING STRUCTURE: A structure (or part thereof) that is designed specifically to be used for automobile parking and where there are a number of floors or levels on which parking takes place.

PEDESTRIAN SHED: An average quarter (1/4) mile radius or 1,320 feet, which is about the distance of a five (5) minute walk at a leisurely pace as measured from the boundary of the lot where a corner store or corner office is located.

PERMITTED: Complies with the Zoning Ordinance and is permitted and processed administratively by right.

PERSONAL HOBBY BUILDING: All or a portion of a non-habitable building used for the non-commercial storage of personal property, passenger vehicles, and recreational vehicles, but not including hazardous materials, and for the pursuit of a non-commercial personal interest or activity during leisure time by the owner or lessee, or the owner's/lessee's family or invited guests.

PORCH: A one story, covered entrance to a building, with a separate roof, which is open on at least two sides but may be glazed or screened; if glazed the percentage of window area to wall area may be no more than fifty percent (50%). An open porch may not be heated or air conditioned.

PRESCHOOL: A facility licensed by the State of Iowa which is intended to provide for the education, care, supervision and protection of children.

PRINCIPAL BUILDING: A non-accessory building in which the principal function of the lot on which it is located is conducted.

PRINCIPAL FUNCTION: The predominant function to which the premises are devoted and the principal purpose for which the premises exist.

PRINCIPAL ENTRANCE: The main point of access for pedestrians into a building.

PUBLIC SAFETY FACILITY: A building and grounds dedicated to police, fire, ambulance, dispatch, or other safety, protective, and emergency services provided to the public.

PUBLIC WORKS GARAGE: A public building used exclusively for city, county, or state maintenance vehicles.

RECREATIONAL VEHICLE: Commonly referred to as an "RV", a vehicle designed for travel, recreation and vacation use. This definition includes, but is not limited to:

A. Motor Home: A self-propelled vehicle with a dwelling constructed as an integral part of the vehicle;

B. Pick-up Coach: A structure designed to be mounted on a vehicle.

C. Travel/Camping Trailer: A portable structure that is designed to be towed on the highway by a vehicle and designed or used as a dwelling.

D. Boats and personal watercraft.

E. Small motorized vehicles, such as snowmobiles, dirt bikes, all-terrain vehicles, golf carts, and similar vehicles designed for recreational or utility off-road use.

F. Any trailer designed for conveyance of any of the above. One (1) or more recreational vehicles mounted on a single trailer shall be considered collectively as one (1) RV for the purposes of this title.

RELIGIOUS ASSEMBLY, LARGE: A building or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held with 751 or more seats in the largest assembly space.

RELIGIOUS ASSEMBLY, MEDIUM: A building or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held with 401 to 750 seats in the largest assembly space.

RELIGIOUS ASSEMBLY, SMALL: A building or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held with up to 400 seats in the largest assembly space.

RESIDENCE LODGING: Overnight accommodations within a residential form other than a bed and breakfast, inn, or hotel, that is usually (but not always) located within a residential neighborhood, and operated by the property owner or on-site resident manager. This definition includes short-term lodging in a residence arranged between owners and guests via a third party using a means of remote communication and transaction (e.g., via the Internet or smart phone application).

RESTAURANT: A building where food and drink are prepared, served or consumed within the principal building, outdoors on the same premises, or via take-out or drive-through services. A restaurant may include consumption of alcoholic beverages in accordance with licensing rules and restrictions, but only when food is also served.

ROADSIDE STAND (yard, garage, roadside, or similar): Land used or occupied for the purpose of buying or selling produce or other items grown or produced on-site.

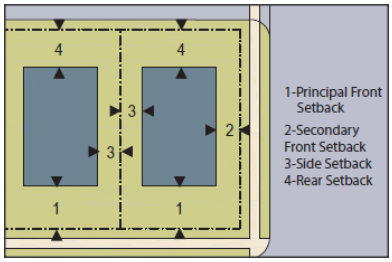
SCHOOL:

A. K-8: A school that meets the State of Iowa requirements for K-8 education.

B. 9-12: A school that meets the State of Iowa requirements for 9-12 education.

SEASONAL SALES/DISPLAY: An outdoor sale or display of merchandise that is temporarily displayed for a period not to exceed four (4) months.

SELF STORAGE: A private facility with a floor area of 55,000 square feet or less, whose principal function is to allow for indoor storage of residential and household items and other various and sundry items, not including hazardous materials, and which may include outdoor storage of vehicles and other large items.



Setback Diagram

SETBACK: The minimum required distance between any structure and lot line of the lot on which it is located.

SHOPPING MALL: A building or set of buildings that contain retail units, with interconnecting walkways that may or may not be indoors, enabling visitors to easily walk from unit to unit.

SHOPPING STRIP: A building consisting of multiple tenants, where the tenant spaces are typically less than 25,000 square feet.

SIDEYARD/ZERO LOT LINE HOUSE: A building that is built at the property line on one (1) side of the lot.

SINGLE ROOM OCCUPANCY: Multiple tenant building that houses one (1) or two (2) people in individual rooms or the single room dwelling itself.

SITE OR DEVELOPMENT PLAN: A drawing to scale, usually (but not always) prepared by a licensed professional, that shows size and location of all existing and proposed buildings, all adjacent streets and highways, the size of all entrances and exits from the land and a legal description of the land. For some form and functions, a landscape development plan must be included.

STOOP: A raised open platform, including stairs if necessary, which may or may not have a sheltering roof, that provides access to the entry of a building.

STORAGE, OUTDOOR: Exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers and the like. Materials that are stored beneath a structure that includes a roof, but no side walls, shall be deemed outdoor storage; or outdoor storage may involve fencing or screening without a roof. The following shall not be considered outdoor storage:

A. Transient parking of vehicles on parking lots, where such parking does not exceed seventy-two (72) hours.

B. Any product representation or sign.

C. Vending machines accessory to allowed forms or functions.

D. Sales and display of new or used vehicles as part of a vehicle sales/rental function.

E. Parking or storage of recreational vehicles on lots with a residential function, subject to section 12-8-6 of this title.

F. Parking or storage of commercial vehicles on lots with a residential function, subject to section 12-8-6 of this title.

G. The parking or storage of vehicles, equipment, and merchandise for a period of less than seventy-two (72) hours.

STORY: A habitable level within a building, excluding an attic or raised basement.

STREET: Any vehicular way that is:

A. An existing state, county, or municipal roadway;

B. Shown upon a plat approved pursuant to law; or

C. Approved by other official action.

STREET, PRIVATE: A street designed for access to adjacent parcels that is not dedicated to the public as right-of-way, and that is owned and maintained by the adjacent owners that benefit from the private street, either jointly or via an association created for the purpose of such maintenance.

STRUCTURE: A combination of materials assembled to give support or shelter that requires a more or less permanent location on the ground, that is safe, stable and includes, among other things, buildings, towers, signs, fences and silos; but not including poles and wires constructed for transmission of utilities.

STRUCTURE HEIGHT: The vertical distance from the ground level to the highest point of a structure, or attached antenna or similar device.

SURFACE PARKING: An off-street, ground-level, impervious open area that provides temporary storage for motor vehicles.

SWALE: Low-lying or depressed land area commonly wet or moist which can function as an intermittent drainage-way.

TAVERN: - A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Taverns include bars, lounges, night clubs, private clubs, bottle (BYOB) clubs, and similar facilities serving alcoholic liquor.

TOWN HOUSE: A one-family dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

VARIANCE: A departure from any provision of the Zoning Ordinance, except for a variance to allow a specific form or function not permitted within a zoning district.

VEHICLE REPAIR: Repairing of vehicles within a building or portion thereof, including cars, trucks, motorcycles, scooters and small engines. Vehicle repair operations shall include areas for the temporary storage of vehicles awaiting repair.

VEHICLE SALES AND RENTAL: A function located upon a privately owned and operated facility for the purpose of displaying, selling, leasing or renting vehicles (new or used, including recreational vehicles) in operable condition, and where service and repair work (if provided) is accessory to the principal function.

WAREHOUSING: An industrial building for storage of goods related to a business.

WASTE TRANSFER: Techniques used primarily to reduce weight, volume and packaging which include but are not limited to:

A. Recycling: The process by which materials otherwise destined for disposal are retrieved and re-manufactured into new products.

B. Collection Center: A limited industry facility for collecting secondary materials, usually from the public, and reselling to brokers, processing centers or manufacturers. Collection centers may or may not buy material; can be permanent or mobile; do no processing of materials for resale.

C. Composting: The controlled decay of organic matter, producing a nutrient-rich mulch or organic soil, is utilized for yard debris, thus removing part of the waste going to landfills and incinerators.

D. Incineration: A process technology which provides the benefit of reducing the amount (particularly by volume) of wastes; the residues of which must then be managed and disposed of properly.

E. Landfill, Sanitary: An engineering project for refuse disposal in which the waste is dumped in accordance with a preconceived plan, compacted and covered.

F. Processing Center: A facility that buys secondary material, usually from brokers, collection centers and various post-consumer waste facilities, to use for the re-manufacturing of products.

G. Transfer Station: An intermediate facility where collected refuse or material collected for recycling is deposited for transfer to the final processing or disposal site.

WASTEWATER TREATMENT: A sewage disposal system which is constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.

WATER TREATMENT: A water supply system which is constructed, installed, maintained, operated and owned by a municipality or taxing district established for that purpose.

WIND ENERGY CONVERSION SYSTEMS DEFINITIONS:

A. COMMERCIAL WIND ENERGY CONVERSION SYSTEM (COMMERCIAL WECS): A wind energy conversion system that is intended to produce electricity for sale to a rate-regulated or non-regulated utility, or for use off site.

B. DISPERSED WIND ENERGY CONVERSION SYSTEM (DISPERSED WECS): a wind energy conversion system that has a rated capacity greater than fifty (50) kilowatts, which is incidental and subordinate to a permitted use on the same parcel or on an abutting parcel under the same ownership as the parcel developed with the dispersed WECS, and which is intended to produce electricity primarily for use on-site. Such system may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. Excess electrical power generated and no presently needed 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.

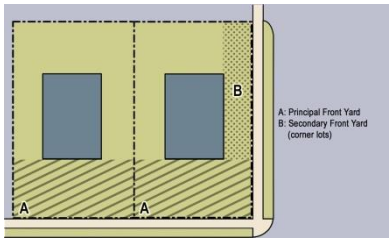
C. HEIGHT, TOTAL SYSTEM: The height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.

D. HEIGHT, TOWER: The height above grade of the fixed portion of the tower, excluding the wind turbine generator and attached blades or rotors.

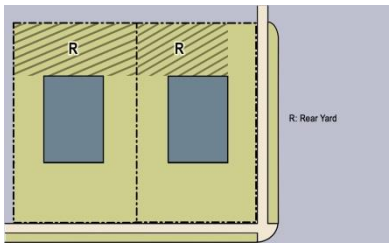
E. SMALL WIND ENERGY CONVERSION SYSTEM (SMALL WECS): A wind energy conversion system that has a rated capacity of up to fifty (50) kilowatts, which is incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, 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 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.

F. TOWER: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

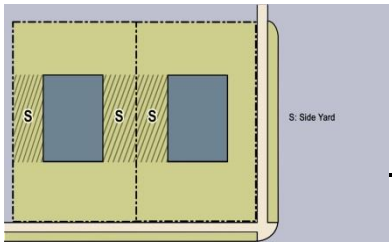
G. WIND ENERGY CONVERSION SYSTEM (WECS): An aggregation of parts including the base, tower, generator, rotor, blades, supports, guywires and accessory equipment such as utility interconnect and battery banks, etc., configured as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.



Principal & Secondary Front Yard



Rear Yard



Side Yard

H. WIND TURBINE GENERATOR: The component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

YARD: An open space on a lot that is unobstructed by any portion of a structure from twenty-four (24) inches above the ground upward, except any permitted encroachments or as otherwise provided in this title. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the nearest point of a building or structure.

YARD, FRONT: A yard extending across the full width of the lot measured between the front line of the lot and the nearest point of a building.

A. Yard, Principal Front: On a corner lot, the yard adjacent to the principal frontage. On a double frontage lot, the yards adjacent to both parallel or approximately parallel streets shall be considered to be principal front yards.

B. Yard, Secondary Front: On a corner lot, a yard along the frontage of the lot that is not the principal frontage. If a double frontage lot has a third frontage, that frontage shall be considered a secondary front yard.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest point of the principal building. On a double frontage lot, the yard furthest from and opposite the front yard shall be a rear yard.

YARD, SIDE: A yard between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard.

Chapter 12-3: ADMINISTRATIVE OFFICER

12-3-1 Intent

It is the intent of this Chapter that all questions of interpretation and enforcement shall be first presented to the Administrative Officer, and that such questions shall be presented to the Board only on appeal from the decision of the Administrative Officer.

12-3-2 Duties

The Administrative Officer shall enforce the provisions of this Ordinance and shall have the following powers and duties in connection therewith:

A. To interpret the terms and requirements of this Ordinance if the terms appear to be unclear or ambiguous,

B. Upon request or in the case of an administrative appeal, to provide a written justification for any interpretation.

C. To issue all permits and certificates required by this Ordinance.

D. To cause any building, structure, land, place or premises to be inspected and examined and to order in writing the abatement or remedying of any condition found to exist in violation of any provision of this Ordinance.

E. To act as advisor to the Board and Commission and to carry out and enforce any decisions or determinations of the Board and Commission.

12-3-3 Appeals

The interpretations or decisions of the Administrative Officer may be appealed to the Zoning Board of Adjustment, according to chapter 5 of this title.

Chapter 12-4: TEXT AMENDMENTS AND REZONING

12-4-1 Text Amendments and Rezoning Requests

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed; provided, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties with interest shall have an opportunity to be heard. Any action taken pursuant to this Chapter shall also be in compliance and accordance with the rules and regulations of the Department of Natural Resources, State of Iowa, and the Federal Emergency Management Agency.

12-4-2 Procedure

Unless initiated by City staff, the Commission, or the Council, an application for a text amendment or rezoning shall be given first consideration within sixty (60) days from the date of its official and complete submission unless extended by the City Council or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period. Additional procedural requirements are as follows:

A. Requests for a text amendment or rezoning shall be filed with the Administrative Officer on an official application form. The application shall be accompanied by a fee as provided by City Council resolution. The application shall also be accompanied by detailed written and graphic materials fully explaining the proposed change and, in the case of a rezoning, the development of all forms and functions allowed within the proposed district and their potential impact on surrounding property and the community. The request shall be considered officially submitted when all the informational requirements have been reviewed and are determined to be complete. The request for a text amendment or rezoning shall be placed on the agenda of the next regular Commission meeting.

B. Except for rezoning petitions initiated by City staff, the Commission, or the Council, the applicant shall supply proof of ownership of the property for which the rezoning is requested and, if the applicant is not the owner, supply written authorization from the owner(s) of the property in question to proceed with the requested rezoning.

C. CONDITIONAL REZONING: Prior to any public hearing, the applicant for rezoning may voluntarily propose conditions or restrictions on the uses, forms or functions permitted upon the land in question, subject to all of the following:

    1. All such conditions or restrictions must be voluntarily proposed by the applicant in writing as part of the rezoning application, or in writing prior to closing of the public hearing before the Commission.

    2. All such conditions or restrictions must conform to this title and all applicable requirements of this Code.

3. Conditions or restrictions may not be proposed and may not be changed after the public hearing before the Commission has been closed. If the applicant wishes to change the conditions or restrictions after the Commission has closed the public hearing, such changes must be voluntarily proposed in writing and shall require reconsideration by the Commission at a new public hearing.
4. After the public hearing is closed, the Commission may recommend approval without the conditions or recommend approval subject to the conditions or restrictions as submitted by the applicant; but the Commission may not alter the conditions as submitted. Conversely, the Commission may recommend denial of the rezoning,
5. The City Council may approve the rezoning without the conditions, or may approve the rezoning subject to the conditions or restrictions as submitted by the applicant, but the Council may not alter the conditions as submitted. Conversely, the Council may deny the rezoning.

D. Upon receipt of the application, the Administrative Officer shall set a public hearing following proper hearing notification. The Commission shall conduct the hearing and report its findings and recommendations to the City Council. Notice of said hearing shall consist of a legal property description and description of the request, and shall be published in the official newspaper at least seven (7) days but no more than twenty (20) days prior to the hearing and written notice of said hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the subject property. Public notice signs will be posted on the subject property.

E. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

F. The Administrative Officer shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the City Council.

G. The Commission and City Council shall consider possible adverse effects of the proposed text amendment or rezoning. Its judgment shall be based upon (but not limited to) the following factors:

1. The proposed action has been considered in relation to the specific polices and provisions of and has been found to be consistent with the official Mason City Comprehensive Plan.
2. The proposed action is or will be compatible with present and future land uses of the area.
3. The proposed action conforms to all performance standards contained herein.
4. The proposed action will not tend to or actually depreciate the area in which it is proposed.
5. The proposed action can be accommodated with existing public services and will not overburden the City's service capacity.

6. The proposed action is in conformance with the City's utility extension policies or is contiguous to existing development of a similar zoning.

H. The Commission and City Staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

I. The applicant or a representative thereof shall appear before the Commission in order to answer questions concerning the request.

J. The Commission shall recommend approval or denial of the request. In the case of a text amendment, the Commission may recommend changes to the requested amendment.

K. The City Council shall not act upon a text amendment or rezoning until they have received a report and recommendation from the Commission or until sixty (60) days after the first regular Commission meeting at which the request was considered.

L. Upon receiving the report and recommendation of the Commission, the Administrative Officer shall place the report and recommendation on the agenda for the next regular City Council meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.

M. It shall be the duty of the City Council to hold a public hearing and give first consideration to the request within sixty (60) days after the receipt of the Commission recommendation, unless the applicant agrees to an extension in writing to a date certain. Notice of the hearing shall be published in the official newspaper at least seven (7) days but no more than twenty (20) days prior to hearing.

N. COUNCIL DECISION:

1. The City Council shall consider the Commission's recommendation in coming to a final decision. However, prior to making a final decision, the Council shall refer the application back to the Commission for further study and recommendation should any of the following occur:

   a. The City Council finds that specific inconsistencies exist in the review process that may have prevented full consideration of relevant issues.

   b. New information comes to light that the Commission did not have at the time it made its recommendation that may have resulted in a different recommendation.

   c. In the case of a text amendment, the Council may approve minor deviations from the text recommended by the Commission, but shall refer major changes back to the Commission. The Commission shall hold a public hearing on the changes before making a recommendation to the City Council.

d. The City Council shall provide the Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.

2. Approval of a proposed text amendment or rezoning shall require a majority vote of the City Council. However, in rezoning cases, if the owners of twenty (20) percent or more of the area of the lots included in such proposed rezoning area or the property owners of twenty (20) percent or more of the property that is located within two hundred feet (200') of the exterior boundaries of the property for which the rezoning is proposed, inclusive of public property and right-of-way, object to the rezoning in writing, the rezoning shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the City Council.

O. Whenever an application for a text amendment or rezoning has been considered and denied by the City Council, a similar application and proposal for the text amendment or rezoning, affecting generally the same property, shall not be considered again by the Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by the City Council.

P. The text amendment or rezoning shall not become effective until such time as the City Council approves an ordinance reflecting said text amendment or rezoning and after said ordinance is published in the official newspaper.

12-4-3 Initiation of Amendments and Rezoning Requests

A. The City staff, City Council or Commission may, upon their own motion, initiate a request for a text amendment or rezoning.

B. Any person(s) owning real estate or having documented interest therein, within the city, may initiate a request for a text amendment or rezoning as to affect the same real estate.

Chapter 12-5: ZONING BOARD OF ADJUSTMENT

12-5-1 Powers and Duties

The Zoning Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this code.

B. To interpret the provisions of this code in such a way as to carry out the intent and purpose of the Comprehensive Plan,

C. To grant a special exception in those cases specified in section 12-5-3 of this chapter.

D. To authorize, in specific cases, a variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship, and so that the spirit of this title shall be observed and substantial justice done.

E. To grant a conditional use permit and impose conditions upon such permits, so that actual or potential impacts to surrounding property are mitigated or eliminated.

12-5-2 Appeals

A. Hearing and Decision: The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this Ordinance. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the Administrative Officer. Such appeal shall be taken within ten (10) days of receipt of the Administrative Officer's order or determination by filing with the Development Services Department, and with the Board of Adjustment, a notice of appeal on a form provided by the Development Services Department specifying the grounds of the appeal, and by paying a fee as provided for by City Council resolution.

B. Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

C. Decision.

   1. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer.

   2. Any alternate member who begins hearing a case is required to finish the case, even if the regular member in whose place the alternate member is serving becomes available.

12-5-3 Special Exceptions

A. Hearing and Decision of Requests: The board shall hear and decide requests for special exceptions to the requirements of this ordinance only under the following circumstances:

1. To permit the reconstruction of a nonconforming structure or a structure containing a nonconforming use that has been damaged or destroyed by any means to the extent of more than fifty (50) percent of its replacement cost at the time prior to the damage or destruction, where the Board finds some compelling necessity requiring a continuance of the nonconforming building or use.

2. To permit the erection and use of a building or the use of premises in any location by a Public Service Corporation for public utility purposes that the board deems reasonably necessary for the public convenience or welfare.

3. To allow an exception to the setback requirements of any district where the strict application of the setback requirements would result in peculiar or exceptional practical difficulties upon the owner of such property as distinguished from a mere inconvenience, provided that relief can be granted without substantial detriment to the public good.

B. Application.

1. An application for a special exception shall be filed with the Administrative Officer on a form provided by the Development Services Department. The application shall be accompanied by such plans and/or data deemed by the City to be necessary to adequately describe the special exception request, a fee as provided for by City Council resolution, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special exception will conform to the standards set forth in the following subsections.

2. Upon receipt in proper form of the application, fee and statement, the Board shall hold at least one (1) public hearing on the proposed special exception. Notice of the hearing will be published in an official newpaper of the city at least seven (7) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the subject property. Supplemental or additional notices may be published or distributed as the Board may prescribe. At least one (1) public notice sign will be posted on the subject property.

C. Standards. In order to grant a special exception as permitted above, the Board shall find that the following tests are satisfied:

1. In the case of a setback reduction, the need for the special exception results from exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific parcel or property.

2. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.
3. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood.
4. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district in which the property is located.
5. That adequate utilities, access roads, drainage and other necessary facilities are being provided.
6. That, except for the specific special exception being proposed, the structure subject to the special exception shall in all other respects conform to the requirements of the zoning district in which it is located.
7. Approval of the special exception will not substantially impair the general purpose and intent of the Comprehensive Plan.

D. Concurring Vote of Members: The concurring vote of three (3) members of the Board shall be necessary to decide in favor of the special exception. Any alternate member who begins hearing a case is required to finish the case, even if the regular member in whose place the alternate member is serving becomes available.

E. Conditions and Restrictions: Prior to granting any special exception, the Board may impose conditions and restrictions upon the establishment, location, construction, maintenance and operation of the construction or reconstruction as requested, to the extent deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section.

12-5-4 Variances

A. Application: An application for a variance shall be filed with the Administrative Officer on a form provided by the Administrative Officer. The application shall be accompanied by such plans and/or data deemed by the City to be necessary to adequately describe the variance request, a fee as provided for by City Council resolution, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed variance will conform to the standards set forth in the following subsections.

B. Notice of Public Hearing: Upon receipt in proper form of the application, fee and statement, the Board shall hold at least one public hearing on the proposed variance. Notice of the hearing shall be published in an official newpaper of the city at least seven (7) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the subject property. Supplemental or additional notices may be published or distributed as the Board may prescribe. At least one (1) public notice sign will be posted on the subject property.

C. Difficulties and Hardship: The Board shall have the authority to authorize a variance where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property of record, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the subject property as distinguished from a mere inconvenience to the owner, provided relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the Comprehensive Plan as established by the regulations and provisions contained in this Ordinance.

D. Liberal Enforcement: The Board shall have the authority to authorize a variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

E. Determinations: In considering all proposed variances to this title, the board shall, before making any finding in the specific case, first determine that the proposed variance will not constitute any change in the zoning map, will not authorize a use, form or function not specifically allowed within the zoning district and will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the public danger of fire and safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort and welfare of the city.

F. Standards. In order to grant a variance to the strict application of any provision of this Ordinance, the Board shall find that all of the following tests are satisfied:

1. The proposed variance will not threaten neighborhood integrity, nor have a substantially adverse effect on the use or value of other properties in the area adjacent to the subject property.
2. The proposed variance will be in harmony with the general purpose and spirit of this title.
3. The property in question cannot yield a reasonable return if used only as strictly allowed in the district where the property is located.
4. The owner’s situation is unique or peculiar to the property in question, and the situation is not shared with other landowners in the area nor due to general conditions in the neighborhood.
5. The hardship is not of the landowner’s or applicant’s own making or that of a predecessor in title.

G. Vote to Decide: The concurring vote of three (3) members of the Board shall be necessary to decide in favor of the variance.Any alternate member who begins hearing a case is required to finish the case, even if the regular member in whose place the alternate member is serving becomes available.

H. If the variance application is denied, applicants may not reapply for the same variance to the board before six (6) months have passed from the date of the first application.

I. Appropriate Conditions and Safeguards: In permitting a variance, the board may impose appropriate conditions and safeguards including, but not limited to, planting screens, fencing, construction commencement and completion deadlines, lighting, operations controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, or any other requirement that the board deems appropriate under the circumstances.

12-5-5 Conditional Uses

Any landowner or his designated agent may file an application to use land for a conditional use provided for in section 12-8-3, table 2 of this title in the zoning district in which the land is located. Any application shall be subject to the following requirements:

A. Filing Application; Documents; Fee: An application for a conditional use shall be filed with the Administrative Officer on a form provided by the Development Services Department. The application shall be accompanied by such plans and data deemed by the City to be necessary to adequately describe the proposed conditional use, a fee as provided for by City Council resolution and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the following subsections.

B. Public Hearing Notice: Upon receipt in proper form of the application, fee and statement, the Board shall hold at least one public hearing on the proposed conditional use. Notice of the hearing shall be published in an official newspaper of the city at least seven (7) days but no more than twenty (20) days prior to hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of land within three hundred fifty (350) feet of the subject property. Supplemental or additional notices may be published or distributed as the Board may prescribe. At least one (1) public notice sign will be posted on the subject property.

C. For each application for conditional use, the Board shall determine its findings and render a decision upon the issuance of a conditional use permit, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Whenever an application is denied, it cannot be resubmitted for one (1) year thereafter.

D. No conditional use shall be recommended by the board unless the board shall find:

   1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, comfort or general welfare;

   2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the

purposes already permitted, nor substantially diminish or impair property values within the neighborhood;

3. The establishment of the use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the zoning district;
4. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
5. That measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

E. Prior to granting any conditional use, the board shall stipulate conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section. In all cases in which conditional uses are granted, the board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

12-5-6 Board Decision; Appeals

A. Any decision of the Board shall be filed in the Development Services Department within two (2) business days after the meeting.

B. Any person or persons, jointly or severally, aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the Development Services Department.

Chapter 12-6: NONCONFORMITIES

12-6-1 General

A. For the purposes of this chapter, the term “use” shall have the same meaning as “function,” as the latter is defined in chapter 2 of this title.

B. Within the districts established by this Ordinance, there exist lots, structures, uses of land and structures and characteristics of use that were lawful prior to adoption or amendment of this Ordinance but are prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon or extended nor be used as grounds for adding other structures or forms, functions or uses prohibited elsewhere in the same district, except for existing single-family detached residential dwellings in commercial or industrial districts as outlined below.

C. Nonconformities are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming structure, a noncomforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after the passage of this Ordinance by attachment on a building or premises or additional signs intended to be seen from off the premises or by the addition of other uses of a nature that would generally be prohibited in the district involved, except for existing single-family detached residential dwellings in commercial or industrial districts as outlined in this title.

D. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building for which a building permit was lawfully issued prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently commenced.

12-6-2 Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, where a lot has less area or width than required by the district and was a lot of record at the effective date of adoption or amendment of this Ordinance, a single-family dwelling and customary accessory buildings may be constructed on the lot, provided all other requirements of this title are met.

12-6-3 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms hereof by reason of restrictions on area, lot coverage, height, yard, its location on the lot or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in such a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should a nonconforming structure or nonconforming portion of a structure be damaged or destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of the damage or destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

C. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

12-6-4 Nonconforming Uses of Land

The lawful use of land, where the use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), which becomes nonconforming under the terms of this Ordinance as adopted or amended, may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel that was not occupied by the use at the effective date of adoption or amendment of this Ordinance.

C. If any such nonconforming use of land is abandoned for any reason for a period of more than six (6) months, any subsequent use of the land shall conform to the district regulations for the district in which the land is located.

D. No additional structure shall be erected in connection with the nonconforming use of land.

12-6-5 Nonconforming Uses of Structures or of Structures and Premises in Combination

If the lawful use involving individual structures with a replacement cost of greater than one thousand dollars ($1,000.00), or of such a structure and premises in combination, becomes nonconforming under the terms of this Ordinance as adopted or amended, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Changing Of Use: No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

   1. Exception: a single-family detached residential dwelling located in the Z4, Z5, Z6 or Z7-1, Z7-3 and Z7-4 districts may be enlarged up to twenty-five (25) percent of the aggregate floor area of the current structure so long as the enlargement meets the minimum bulk regulations and off street parking and loading

requirements are met and no additional dwelling units result from the enlargement.

2. Exceptions shall be reviewed and approved by the Administrative Officer.

B. Use Extended: Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.

C. Change of Classification: If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

D. Use Abandoned. In the event that a nonconforming use of a structure, or structure and land in combination, is abandoned for a period of one year, the use shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

E. Reconstruction After Damage or Destruction.

1. Any structure devoted to use made nonconforming by this title that has been damaged or destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time prior to the damage or destruction, exclusive of the foundations, shall not be reconstructed and used as before the damage or destruction occurred.

2. Notwithstanding the above, the Zoning Board of Adjustment may grant a special exception to permit the reconstruction of a structure that has been damaged or destroyed by any means to an extent of more than fifty (50) percent or more of its replacement cost at the time prior to the damage or destruction, subject to the standards and requirements of section 12-5-3 of this title.

3. If the structure is damaged or destroyed to an extent of fifty (50) percent or less of its replacement cost at the time of damage or destruction above the foundation, it may be reconstructed and used as before, provided it be done within six (6) months of such happening, and be built of like or similar materials.

F. Removal or Destruction: When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. “Destruction” for the purpose of this Subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at the time of destruction.

12-6-6 Required Repairs

Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

12-6-7 Unauthorized Nonconformities

Any use of land, use of structure, or any structure in existence at the time of adoption of this Ordinance that was not an authorized nonconformity under previous zoning ordinances, shall not be authorized to continue its nonconforming status pursuant to this Ordinance or amendments thereto.

CHAPTER 12-7: DEVELOPMENT REVIEW PROCESS

12-7-1 Development Review Committee

All applications for site plans, preliminary plats, final plats, conditional use permits, variances and rezonings shall be subject to review by the Development Review Committee (DRC).

A. Purpose: The purpose of the DRC is to provide a staff and technical review to certify that site development plans comply with the requirements of this title and all other applicable laws and ordinances.

B. Composition: The DRC shall consist of the following members, each of whom may designate a qualified alternate:

   1. City Staff:

      a. Director of Development Services

      b. Planning and Zoning Manager

      c. Chief Building Official

      d. City Engineer

      e. Director of Operations and Maintenance

      f. Fire Marshal

      g. Chief of Police

   2. The DRC may also include a representative from each of the following agencies or utilities, who shall be invited to the DRC meeting and may attend to provide input on any project that affects that agency or utility:

      a. The local electrical and natural gas utility

      b. The local telephone utility

      c. The local cable and broadband telecommunication company

      d. The Iowa Department of Transportation

C. DRC Review Required: Except as exempted below, no application shall be deemed complete nor shall any site plan, preliminary plat, final plat not subject to preliminary plat approval or conditional use permit be granted and no building permit shall be issued until the application is reviewed by the DRC, is determined to comply with the requirements of this Title and any other applicable laws or ordinances, and has been certified as to compliance by the Administrative Officer.

12-7-2 Exceptions to Development Review

The following are exempted from the development review process:

A. Single and two-family dwelling units and their accessory buildings in any zoning district.

B. A project involving interior construction that does not increase the footprint or square footage of an existing building; however, if the

construction is for a change in use or would result in greater parking, landscaping or other requirements of this title, DRC review is required.

12-7-3 Development Review Process

Any site plan not exempted by Section 12-7-2 shall be reviewed according to the following process:

A. Concept Plan: Prior to application for any permit to allow establishment and/or construction of any form or function subject to this chapter, the developer shall submit a concept plan for review by the DRC, as outlined in section 12-7-4 of this chapter.

   1. The concept plan review allows the developer to ask questions, determine potential issues and incorporate Ordinance requirements into the site plan design. The suggestions or direction of the DRC or any representation of the developer at the concept plan review shall not be considered to be binding upon either the City or the developer, unless the concept plan is accepted as a minor site plan.

   2. After discussion of the concept, the DRC shall determine if the project is a minor site plan or a major site plan, according to subsection B or C of this subsection, and shall provide the applicant with information on the process going forward and a tentative review schedule.

   3. For any form or function designated within a zoning district as P1, P2 or C, the required site plan shall be submitted to the DRC for concept plan review prior to submittal for review by the Planning And Zoning Commission or the Zoning Board of Adjustment, as applicable. If the DRC determines that the concept requires major site plan review, major site plan review process shall occur prior to review by the applicable bodies. The applicant shall incorporate all city code and other applicable requirements into the site plan submitted for review by the other reviewing bodies.

B. Minor Site Plan:

   1. The DRC shall determine that a plan is a minor site plan if one (1) or more of the following conditions exist:

      a. Construction of a building with a total gross floor area of eight hundred (800) square feet or less, or a building addition that adds no more than ten (10) percent total gross floor area to an existing building or is eight hundred (800) square feet in total gross floor area, whichever is less.

      b. The application is for a form or function that does not have an exterior effect on the site.

      c. The project is otherwise determined by the DRC to be a simple site plan with minimal or no discernible impact on surrounding property.

   2. The DRC may accept the concept plan as the minor site plan, provided that the plan provides sufficient detail to determine if compliance can be attained.

3. Minor site plans may proceed directly to compliance approval after the concept plan review is complete; however, if the form or function requires additional review according to its designation as P1, P2 or C, review by the required bodies shall be completed prior to review for compliance approval.

4. Minor site plan applications shall pay a reduced development review fee (as provided for by City Council resolution) prior to review for compliance approval.

C. Major Site Plan: The major site plan review shall establish that all requirements of the city code have been met, and that the site plan can be successfully implemented related to City requirements, public and private utilities and the requirements of any other applicable agency. A complete site plan, meeting the requirements of sections 12-7-5 and 12-7-6of this chapter, shall be submitted along with the required application form and fees.

D. Compliance Approval: Final compliance approval shall be conducted by the Administrative Officer, who shall determine that all City and development requirements, as identified or required by the DRC and any other applicable reviewing body, have been incorporated into the final site plan. Upon determination of compliance, the Administrative Officer shall stamp the site plan as being in compliance; if necessary, the Administrative Officer shall notify the applicant that the building permit process may commence.

12-7-4 Concept Plan Review

A. Required Information: The following information shall be required for concept plan review by the DRC:

1. Narrative description of the application including reason for the request, unique features of the application (if any), tentative timeline of the request, and any other relevant factors that describe or clarify the proposed development and the site plan.

2. A concept plan, drawn to scale, showing the location of the site, existing and proposed buildings, setbacks, access to streets, parking area and general site and topographic conditions in sufficient detail to illustrate the project and show how the requirements of this Title are or will be met.

B. Meetings: After determination that the narrative and concept plan contain sufficient information for review, the Administrative Officer will place the concept plan on the agenda for the next available DRC meeting. Concept plan review will allow the applicant to discuss the request and be notified of issues identified by the DRC. After concept plan review by the DRC, the applicant will be notified if the concept will be considered a minor site plan or a major site plan, and shall be given appropriate direction and application materials (if required), including a tentative timeline for the specific application.

12-7-5 Major Site Plan Review

A. Application and Fee: Where required, an application for major site plan review shall be filed with the Administrative Officer on an official application form and shall be accompanied by a fee as provided for by City Council resolution. The site plan shall be considered as

officially submitted only when the Administrative Officer has determined compliance with all information and fee requirements. Upon making this determination, the Administrative Officer shall place the major site plan on the agenda for the next available DRC meeting.

B. The DRC shall review the major site plan and determine if it complies with all of the requirements of this title and any other applicable law or ordinance. After review, the DRC shall make one of the following determinations:

1. Compliance: The major site plan is in compliance with all requirements of this title and all other applicable laws and ordinances, and may be sent to the Administrative Officer for compliance approval, unless the form or function requires additional review as outlined in subsection C of this section.

2. Conditional Compliance: The major site plan is substantially in compliance with all requirements of this Title and all other applicable laws and ordinances, but minor changes must be made to achieve full compliance. The applicant shall then make the required revisions to the major site plan as directed by the DRC and submit the revised plan to the Administrative Officer. The Administrative Officer may grant compliance approval upon determination that all minor changes as directed by the DRC have been made to the major site plan, unless the form or function requires additional review as outlined in subsection C, below.

3. Table: The DRC may determine that the major site plan does not comply with the requirements of this title and other applicable laws and ordinances. The applicant shall be notified of the changes necessary to the major site plan so that compliance may be achieved, and shall be instructed to resubmit the plans to the Administrative Officer for review at a future DRC meeting.

C. Forms and Functions Requiring Additional Review. Forms and functions listed as P1, P2 or C shall, in addition to major site plan review, be reviewed as follows:

1. Major site plans for P1 and P2 forms and functions shall be placed on the agenda of the first possible Planning and Zoning Commission meeting after the DRC has determined that the plan is otherwise in compliance; or, if the DRC had made a determination of conditional compliance, after the Administrative Officer has determined that the plan is in compliance. P2 major site plans shall also be placed on the first possible City Council agenda following Commission consideration.

2. Major site plans for C forms and functions shall be placed on the agenda of the first possible Zoning Board of Adjustment meeting after the DRC has determined that the plan is otherwise in compliance; or, if the DRC had made a determination of conditional compliance, after the Administrative Officer has determined that the plan is in compliance.

3. The reviewing bodies may, as part of the review process, impose conditions upon the site plan or upon the operation of the form or function. If the Administrative Officer determines that these conditions will result in a significant change to the major site

plan, the Administrative Officer may require the major site plan to be returned to the DRC for additional review.

4. Upon determination by the Administrative Officer that the requirements of the DRC and the reviewing bodies have been met, he/she may consider the plan for compliance approval.

12-7-6 Major Site Plan Submittal Requirements

A. Preparation: All major site plans shall be drawn to a discernible and measurable scale. Depending on the complexity of the site plan, the Administrative Officer, the DRC or any other applicable reviewing body may require the site plan to be prepared by a licensed surveyor, professional civil engineer, licensed landscape architect or other design professional.

B. Information: All major site plans shall include the required elements listed in subsection D of this section. Depending on the application, the Administrative Officer, the DRC or any other applicable reviewing body may also require one or more of the elements listed in subsection E of this section to be shown on or included with the site plan.

C. Waiver: The Administrative Officer may waive certain submittal requirements when they are clearly not applicable.

D. Required Major Site Plan Elements: All major site plans shall include the following, unless waived by the Administrative Officer according to subsection (C), above:

1. Name and address of developer and owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less).
7. North point indication.
8. Lot dimensions and area.
9. Required and proposed setbacks, including Building Code setbacks, if applicable.
10. Location, setback and dimension of all buildings on the lot, including both existing and proposed structures.
11. Type of proposed building construction.
12. Proposed occupancy of all buildings.
13. Location, number, and dimensions of existing and proposed parking spaces, including handicap spaces.
14. Location, number, and dimensions of existing and proposed loading spaces.
15. Curb cuts, driveways (including driveway width at property line).
16. Vehicular circulation.

17. Sidewalks, walkways and trails, and routes of on-site pedestrian circulation.
18. Location and type of all proposed lighting, including details of individual fixtures and height of pole-mounted lights.
19. Provisions for storage and disposal of waste, garbage and recyclables, including plans for trash receptacle enclosures where required.
20. Location of existing and/or proposed utility connections, including water, sewer and fire lines.

E. Additional Major Site Plan Requirements: The Administrative Officer, the DRC or any other applicable reviewing body may additionally require one (1) or more of the following elements to be shown on or included with the site plan.

1. Site Plan Elements:
    a. Location of all adjacent buildings, wells and/or septic systems located within one hundred (100) feet of the exterior boundaries of the property in question.
    b. Location of recreational and service areas.
    c. Location of rooftop equipment and proposed screening.
2. Grading/Stormwater Drainage Plan:
    a. Existing contours at two (2) foot intervals.
    b. Proposed grade elevations, two (2) foot maximum intervals.
    c. Drainage plan, including configuration of drainage areas and calculations.
    d. Storm sewer, catch basins, invert elevations, type of castings and type of materials.
    e. Spot elevations.
    f. Proposed driveway grades.
    g. Surface water ponding and treatment areas.
    h. Erosion control measures.
    i. Wetland boundaries.

F. Landscape Plan: A plan meeting the requirements of section 12-16-5C of this title hall be submitted. The plan shall show how the minimum planting requirements of section 12-16-5 and table 1 of this title shall be met. The plan shall include proposed site grading, if applicable and shall include the following elements:

    a. Planting Schedule (table) containing:

(1) Symbols.

(2) Quantities.

(3) Common names.

(4) Botanical names.

(5) Sizes of plant material.

(6) Root specification (bare root, balled and burlapped, potted, etc.)

(7) Special planting instructions.

b. Location, type and size of all existing significant trees to be removed or preserved.

c. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).

d. Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.

e. Other existing or proposed conditions that could be expected to affect landscaping.

G. Other Plans and Information:

1. Legal description of property under consideration.

2. Proof of ownership of the land for which a site plan approval has been requested.

3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).

4. “Typical” floor plan and “typical” room plan.

5. Extent of and any proposed modifications to land within the Floodplain Overlay Districts as described and regulated in Chapter 18 of this Title.

6. Type, location and size (area and height) of all signs to be erected upon the property in question.

7. Restrictive covenants.

8. Photometric plan showing light distribution on the property and up to ten (10) feet beyond the property lines.

9. Traffic Study.

10. Snow storage and removal plan.

11. Other plans, studies or elements determined necessary by the Administrative Officer, DRC or other reviewing body to make a decision upon the application in order to ensure that applicable laws and ordinances are met and the public health, safety and welfare are protected.

12-7-7 Compliance Approval

A. Upon DRC determination that a plan is a minor site plan, or upon DRC determination of compliance or conditional compliance for a major site plan as outlined in Section 12-7-5B, the applicant shall provide a final site plan for compliance approval to the Administrative

Officer. The final site plan shall serve as a complete, thorough and permanent public record of the manner in which the subject site is to be developed. It shall incorporate all prior required plan revisions resulting from the development review process.

B. The Administrative Officer shall review the final site plan and shall determine that all requirements of this Title, any other applicable laws and ordinances and any specific requirements or conditions of the DRC and other applicable reviewing bodies have been met. Upon such determination, the Administrative Officer shall notify the applicant, the Chief Building Official and the Zoning Administrator that the plan is in compliance.

C. Two (2) copies of the final site plan shall be submitted to the Administrative Officer for review and certification for compliance. Each copy shall be signed by the Administrative Officer and stamped with the approval date. One (1) copy shall be returned to the applicant, who shall retain it on the job site during construction to ensure that the site is developed according to the approved plan. The final copy shall be retained in the project file. Electronic copies shall be distributed to applicable departments and agencies.

D. The Administrative Officer may deny or delay Compliance Approval if there are delinquent property taxes, special assessments, interest, unpaid fines related to housing, zoning or nuisances or City utility fees due upon the parcel of land to which the site plan application relates. Compliance approval may be granted upon proof of payment, provided all other requirements are met.

12-7-8 Site and Architectural Design Guidelines

The following site and architectural guidelines shall be used to design all site plans subject to review under this Chapter.

A. Building Location And Orientation: Principal entrances should be oriented to the project's primary street or to an active pedestrian or public zone within the site. When the development has two (2) primary streets, the site plan shall determine orientation.

Parking lots should not be the dominant feature along any street.

Developments should maximize the amount of parking located on the side or rear of buildings and should locate buildings near their primary fronting streets.

B. Pedestrian Access: Public sidewalks, meeting minimum city standards, should be constructed along all street frontages.

Developments should provide a continuous walkway connection from the public sidewalk or right of way to the customer entrances of all principal buildings on the site. Developments adjacent to multiuse trails should provide a direct connection from the trail to the development's internal pedestrian circulation system.

Multi-building developments should provide clear and safe walkways that connect all buildings on the site unless the buildings are not intended for routine pedestrian access.

Where the required walkways cross drives, parking aisles, or other vehicular ways, the crosswalks should be distinguished from driving surfaces by the use of durable, low maintenance surface materials

that are different than the primary paving material. Painted concrete is not acceptable in this application.

C. Vehicular Access: Site plans should minimize the number of access points to adjacent streets. Access from arterial streets should be controlled and will typically be limited to one point of access per six hundred (600) linear feet, or as otherwise determined by the City Engineer.

Main driveways and drive aisles should provide a continuous system that connects to the main site entrance(s).

When possible, shared service and delivery access should be provided between adjacent parcels and buildings.

D. Making Connections: Pedestrian connections to adjacent developments should be provided. If adjacent properties are undeveloped, the site plan should indicate how future connections will be provided.

Bike racks should be conveniently located in conjunction with new employment, shopping, residential and public developments where accessibility via street or trail is possible and usage anticipated.

E. Building Facades: Primary facades greater than one hundred feet (100') in length should incorporate projections, recesses, articulation or variation in design, materials and color in the wall plane to provide visual interest and sense of scale.

All building facades oriented to a street should be subject to all requirements for primary facade design.

Other rear and side facades may use a simplified expression of the materials and design used on the primary facades.

In commercial, office and mixed use buildings, the primary ground floor facades should be distinguished from the floors above by horizontal banding, an intermediate cornice line, a change in building materials or fenestration, an awning or arcade or other material means.

F. Roofs: Visible roof materials should be high quality and durable, such as architectural grade asphalt shingles, architectural metals, clay or concrete tile, copper, natural or synthetic slate, or similar materials.

Roof-mounted equipment should be screened from street-level view with materials that are architecturally compatible with the primary building facades or by the roof structure itself.

G. Building/Construction Materials: Exterior building materials should be high quality, durable materials such as brick; native or manufactured stone; integrally colored, burnished, textured, or glazed concrete masonry units; architectural metals; quality metals such as copper; high quality pre-stressed concrete systems; and drainable (water managed) EIFS.

H. Sustainability: Sustainable building materials and methods should be considered and used when feasible to save production resources and reduce impacts to the environment.

Renewable energy solutions, such as solar, wind and geothermal, should be considered and used when feasible to reduce long term energy costs and fossil fuel dependence.

Bio-retention solutions, such as permeable paving materials, raingardens, bioswales and vegetative roofs, should be considered and used when feasible to manage stormwater on-site.

12-7-9 Site Plan Modifications

A. Minor Changes:

1. Except as specified below, proposed minor changes to a previously approved site plan involving ten (10) percent or less of the total existing floor area or site expansions or modifications involving ten (10) percent or less of the total existing site area, or other such minor modifications to an approved site plan as determined by the Administrative Officer, which meet all Ordinance requirements, may be determined to be in compliance by the Administrative Officer prior to a building permit being issued and shall not require DRC review, Planning and Zoning Commission or City Council site plan review, subject to the following:

    a. Changes and additions to buildings and developments completed before the effective date of this Title shall be reviewed according to the Development Review process in section 12-7-3 of this chapter, regardless of the floor area of the improvements or other minor status.

    b. Compliance with all Ordinance requirements shall be construed to include all adopted policies and codes.

2. Any variances from Ordinance requirements shall be subject to the established review and hearing procedures for variance approval.

3. A copy of the plans approved under this Chapter shall be appropriately certified by the Administrative Officer and placed on file with the approved site plans.

B. Major Changes: Plan changes not qualifying as minor shall be classified as major. An amended site plan involving major changes shall be applied for and administered in a manner similar to that required for a new site plan.

12-7-10 Lapse of Approval

A. Unless otherwise specified by the Administrative Officer, Planning and Zoning Commission or City Council as applicable, the compliance approval shall become null and void one (1) year after the date of such approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or has properly and legally commenced the use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this Chapter.

B. An application to extend the approval of a site plan for up to an additional one (1) year shall be submitted to the Administrative

Officer not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the compliance approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard and decided by the Administrative Officer prior to the lapse of approval of the original request. A request pertaining to a major project involving a longer period of time than one (1) year or a second request for a time extension shall be presented to the Planning and Zoning Commission for recommendation and to the City Council for a decision.

C. In making a determination on whether an applicant has made a good faith attempt to utilize the compliance approval, the Administrative Officer, Commission or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant that have caused the delay.

12-7-11 Building and Other Permits

No building or other permits shall be issued until the Administrative Officer certifies that the final site plan is in compliance and a properly executed performance agreement has been received, if required.

12-7-12 Inspections During Development

A. Following compliance approval, the Administrative Officer shall periodically, until the completion of the development, review all permits issued and construction undertaken and compare actual development with the approved final site plan.

B. If the Administrative Officer finds that development is not proceeding in accordance with the approved plan, he/she shall immediately notify the property owner.

C. Within ten (10) days of such notice, the Administrative Officer shall either revoke the compliance approval or shall take such steps as it shall be deemed necessary to compel compliance with the applicable laws and ordinances; or shall require the landowner or applicant to seek a modification of the site plan in accordance with section 12-7-9 of this chapter.

12-7-13 Variances, Rezoning and Plats of Subdivision

A. Variances and Rezoning: The DRC shall review variances and rezoning requests only when requested as part of a development site plan review as required by this chapter. The DRC may provide comments or recommendations to the Zoning Board of Adjustment or the Planning and Zoning Commission, as applicable, but may not assume the powers of the respective bodies nor allow any development in conflict with decisions made by those bodies or by the City Council.

B. Plats of Subdivision: DRC review of plats of subdivision shall be limited to a determination that all lots, easements, rights-of-way, etc.

are in compliance with the requirements of this Title and other applicable laws and ordinances.

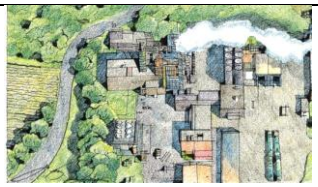
1. Preliminary Plats of Subdivision: The DRC shall review concept plans for preliminary plats of subdivision, as provided in section 11-3-6 of this Code. Upon DRC determination that the plat is in compliance, the Administrative Officer shall notify the Planning and Zoning Commission of compliance approval.
2. Final Plats: A final plat that conforms to an approved prelimnary plat is not subject to compliance review. Final plats of subdivision that did not require prior approval of a preliminary plat shall be reviewed by the DRC prior to submittal of the final plat to the City Council. Upon DRC determination that the plat is in compliance, the Administrative Officer shall notify the City Council of compliance approval.

Chapter 12-8: ZONING DISTRICTS - GENERAL

12-8-1 Zoning District Descriptions

This table provides descriptions of the character of each Z District (zoning district).

Table 1: Zoning District Descriptions

Z1		**A. Z1 AGRICULTURAL DISTRICT** Z1 Agricultural District primarily consists of agricultural land with related residential and scattered wetlands, woodlands, on and off-street trails and 2-lane highways.	1. General Character: 2. Building Placement: 3. Typical Building Height: 4. Type of Civic Space:	Primarily agricultural uses -10 acre minimum lot size Variable setbacks 2 stories with independent standards for subordinate farm structures Community parks, greenways and golf courses
Z2		**B. Z2 SUB-URBAN DISTRICT** Z2 Sub-Urban District primarily consists of detached, single family residential, open lawns, occasional corner store and or corner office, neighborhood and community parks, greenways, on and off-street trails, interconnected streets and multi-lane thoroughfares with sidewalks.	1. General Character: 2. Building Placement: 3. Typical Building Height: 4. Type of Civic Space:	Lower density development on a 3-5 units/acre scale Variable setbacks with encroachment standards for porches 2 stories maximum Community and neighborhood parks, both passive and active
Z3		**C. Z3 GENERAL URBAN DISTRICT** Z3 General Urban District consists of a mix of houses, town homes, small, multiple flat residential, small retail buildings, corner stores, home offices, neighborhood parks, playgrounds, mini-parks, small surface parking lots and interconnected streets with sidewalks.	1. General Character: 2. Building Placement: 3. Typical Building Height: 4. Type of Civic Space:	Mix of urban housing types Variable setbacks 3 stories maximum Pocket parks, neighborhood-scale playgrounds
Z4		**D. Z4 MULTI-USE DISTRICT** Z4 Multi-Use District consists of a mixture of retail, office, lodging and multi-family residential uses in a mixture of building types, sizes and assemblages with interconnected, landscaped surface parking lots and sidewalks, community greens, plazas, greenways, interconnected streets and multi-lane thoroughfares with sidewalks.	1. General Character: 2. Building Placement: 3. Typical Building Height: 4. Type of Civic Space:	Mixture of retail, commercial and medium density residential at a 5-10 units/acre scale Variable setbacks 4 stories maximum Urban Scale
Z5		**E. Z5 CENTRAL BUSINESS DISTRICT** Z5 Central Business District consists of multi-story, mixed and single use commercial block buildings, townhouses, multiple flat residential, lodging and civic buildings; predominantly attached buildings, parking garages, town squares, plazas, pocket parks and an interconnected street grid.	1. General Character: 2. Building Placement: 3. Typical Building Height: 4. Type of Civic Space:	Multi-story, mixed use buildings Zero lot line at building front 2 stories minimum, 10 stories maximum Pocket parks, greenways
Z6		**F. Z6 INDUSTRIAL DISTRICT** The purpose of the Z6 Industrial District is to promote the management and preservation of existing industrial facilities within Mason City as well as the development and management of new ecologically responsible, sustainable employment centers with interconnected streets and sidewalks.	1. Classifications 2. General Character: 3. Building Placement: 4. Typical Building Height: 5. Type of Civic Space:	Z6- O: Open Industry Z6- R: Restricted Industry Mix of utilitarian, industrial buildings Large and variable setbacks Variable up to 75 feet in height None

Z7

G. Z7 SPECIFIC USE DISTRICT

Z7 Specific Use District consists of specific, single uses including college campuses, hospitals and medical centers that primarily function independently from other districts. There are multiple Z7 districts, reflecting different forms and functions.

1. General Character:	Varies
2. Building Placement:	Varies
3. Typical Building Height:	Varies up to 6 stories
4. Type of Civic Space:	Varies

12-8-2 Permitted and Conditional Uses in Z-Districts

The Zoning Form and Function Table (see section 12-8-3, table 2 of this chapter) establishes the permitted and conditional forms and functions allowed in the Z Districts. If not specifically permitted or conditional, the form or function is prohibited in that Z District. New development associated with the allowed uses will be subject to the following review and approval process.

A. P – Permitted subject to administrative site plan compliance approval. This use is a permitted use within the appropriate zoning district. An applicant or developer should consult each zoning district to determine setback and building placement standards as well as chapters 16, “Zoning Standards,” and 7, “Development Review Process,” of this title.

B. P1 – Permitted subject to commission site plan compliance approval with notification to neighbors and public hearing. As part of this process, the applicant or developer will be required to meet the conditions and standards of chapter 7, “Development Review Process” of this title. An applicant or developer should consult each zoning district to determine setback and building placement standards as well as chapter 16, “Zoning Standards,” of this title.

   1. All owners of property within a three hundred fifty (350) foot radius shall be sent notice of the hearing by first class mail at least ten (10) days prior to the Commission’s hearing and at least one (1) Public Notice sign will be posted on the subject property.

   2. Landowners will be given notice of the time and place of the Commission’s public hearing.

C. P2 – Permitted subject to commission and City Council site plan approval with notification to neighbors and Commission public hearing. As a part of this process, the applicant or developer will be required to meet the conditions and standards of chapter 7, “Development Review Process,” of this title. An applicant or developer should consult each zoning district to determine setback and building placement standards as well as with chapter 16, “Zoning Standards,” of this title.

   1. All owners of property within a three hundred fifty (350) foot radius shall be sent notice of the hearing by first class mail at least ten (10) days prior to the Commission’s hearing and at least one (1) Public Notice sign will be posted on the subject property.

   2. Landowners will be given notice of the time and place of the Commission’s public hearing.

D. C – Conditional use, subject to board approval. Any landowner or his designated agent may file an application for a conditional use as

provided for in this Ordinance in the zoning district in which the land is located. All applications must follow the provisions of chapter 5, “Zoning Board of Adjustment,” of this title.

(continued next page)

12-8-3 Zoning Form and Function Table

Table 2: Zoning Form and Function Table

	AGRICULTURE Z1	SUB-URBAN Z2	GENERAL URBAN Z3	MULTI-USE Z4	CENTRAL BUSINESS Z5	INDUSTRIAL Z6	SPECIFIC USE Z7*
A. Residential/mixed use							
Accessory dwelling	P	P	P				
Duplex/two flat		P	P	P			
Farm dwelling	P	P		P		P	
Family home	P	P	P	P			
Freestanding house	P	P	P				
Group dwelling			P1	P	P1		
Live/work building			P	P	P	C*	
Mansion apartment			P	P	P1		
Mixed use block building				P	P		
Multiple flats			P1	P	P		
Sideyard/zero lot line house		P	P	P			
SRO			C		P1		
Town house		P	P	P	P		
B. Lodging							
Bed & breakfast	P	P	P	P	P		
Dormitory				P1	P1		
Hotel				P	P		
Inn	C		C	P	P		
Residence lodging	P	P	P	P			
C. Office/Misc.							
Corner office		P1	P	P	P		
Personal hobby building				P		P	
Office building				P	P	P	
D. Commercial/retail service							
Adult use				C		P	
Box, large				P			
Box, medium				P	P1		
Box, small			P1	P		P	
Corner store	P	P1	P	P	P	P	
Multiple principal bldg. development				P1		P1	
Open air market				P	P		
Restaurant	P1	C	C	P	P	P	
Roadside stand	P						
Self storage				C		P	
Shopping strip				P1			
Shopping mall				P1	P2		
Taverns or similar				P	P		
E. Civic							
Auditorium				P1	P1		
Convention center				P2	P2		
Golf course	P	P1				P	
Indoor recreation				P	P	P	
Library		P2	P2	P2	P2		
Movie theater				P	P		
Museum	C	C	P1	P1	P		
Outdoor recreation	C	C	C	P1		P1	
Public parks and related facilities	P	P	P	P	P	P	
Religious assembly, large		C		P1		C	
Religious assembly, medium		C	C	P	P1	C	
Religious assembly, small	C	P1	P	P	P		

	AGRICULTURE Z1	SUB-URBAN Z2	GENERAL URBAN Z3	MULTI-USE Z4	CENTRAL BUSINESS Z5	INDUSTRIAL Z6	SPECIFIC USE Z7*
F. Civic support							
Cemetery	P	P					
Clinic			P1	P	P		
Crematorium	P			P	C	P	
Fairgrounds	P						
Funeral home		C	P1	P	P		
Hospital				P1	P1		
Parking structure				P2	P2		
Public safety facility	P2	P2	P2	P2	P2	P2	
Public works garage	P2			P2		P2	
G. Education							
9-12/High school		C	C	P1	P1		
College	C			P1	P1		
Daycare	P	P	P	P	P	P	
K-8		P1	P1	P	P		
Preschool		P1	P	P	P		
Trade school			P1	P	P	P	
H. Automotive							
Gas/convenience	C		P1	P	P1	P	
Vehicle repair	C		C	P	P1	P	
Vehicle Sales/ rental	C			P		P	
I. Agriculture							
Community garden	P	P	P	P	P	P	
Grain storage	P					P	
Greenhouse	P	C		P		P	
Kennel	P			P1		P	
Livestock	P					P	
Farm	P	P		P		P	
Small farm		C					
Stable	P						
J. Industrial							
Agribusiness	P1					P	
Artisan/craftsman shop				P	P	P	
Contractor shops	P1			P		P	
Cross docking facility				C**		P	
Industry, open						P*	
Industry, restricted						P	
Office-showroom				P		P	
Warehousing						P	
Waste transfer						C	
Wastewater treatment	P2					P2	
Water treatment	P2					P2	
K. Accessory uses							
Active solar equipment	P	P	P	P	P	P	
Agritourism	C						
Drive-through			P1	P	P1	P	
Home occupations	P	P	P	P	P		
Outdoor storage	P			P1**		P	
Outdoor customer dining area	P1	P1	P1	P	P	P	
Accessory parking structure				P1	P1		
Seasonal sales/display	P			P**	P	P	
Small wind equipment	P	P	P	P	P	P	
Dispersed wind equipment	C	C	C	C	C	C	
Accessory surface parking (off site)			C	P	C	P	

NOTES TO TABLE 2:

***Z7 Specific Use District: See section 12-15-6, Table 1A of this title for permitted and conditional forms and functions in the Z7 Specific Use districts**

P = Permitted; P* = Open Industry functions are permitted only in the Z6-O District.

P1 = Permitted subject to Planning and Zoning Commission site plan approval, with notification to neighbors.

P** and P1** = in the Z4 South Federal Gateway Overlay District, allowed only as a Conditional Use. See section 12-12-7 B

P2 = Permitted subject to Planning and Zoning and City Council site plan approval with notification to neighbors.

C = Conditional subject to Zoning Board of Adjustment approval.

C* = Z6-R districts only

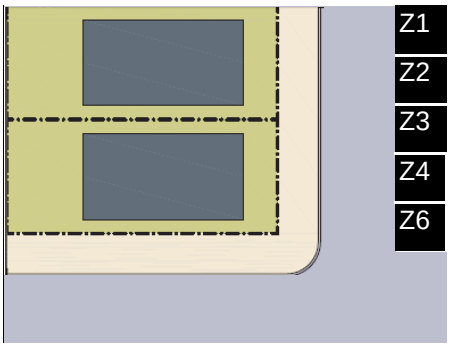
C** = Conditional use only in the Z4 South Federal Gateway Overlay District; see section 12-12-7 B. Not permitted in the remainder of the Z4 District.

12-8-4 Building Disposition

Table 3: Building Disposition

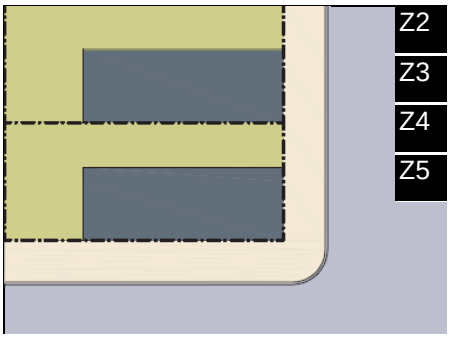
A. **Edgeyard:** Types – freestanding house, mansion apartment, duplex/two flat, multiple flat, freestanding commercial/retail/ service building, office, lodging, civic, civic support, educational, automotive, agricultural, and industrial.

A building that generally occupies the interior of its lot with setbacks on all sides. For residential applications, the front yard is intended to be visually continuous with the yards of adjacent buildings. For non-residential building types, the 1st tier (front lot) is comprised of landscaping and pedestrian pavements and, in some cases, limited accessory parking, while portions of the 2nd tier (middle lot) and third tier (back lot) can be used for accessory surface parking.



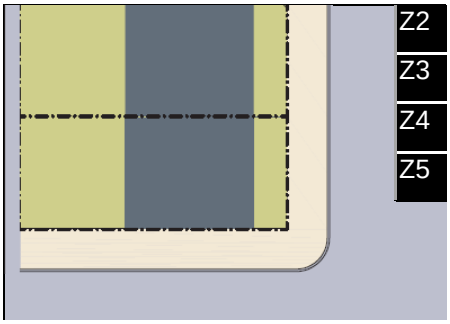
B. **Sideyard:** Types – sideyard/zero lot line house, duplex/two flat, corner store or corner office, inn and hotel.

A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. If a sideyard house abuts and shares an unpierced party wall with a neighboring sideyard house, the type is known as a duplex. Energy costs are reduced by sharing a party wall in this disposition. For non-residential building types, portions of the 2nd tier and all of the 3rd tier (back lot) can be used for accessory surface parking.



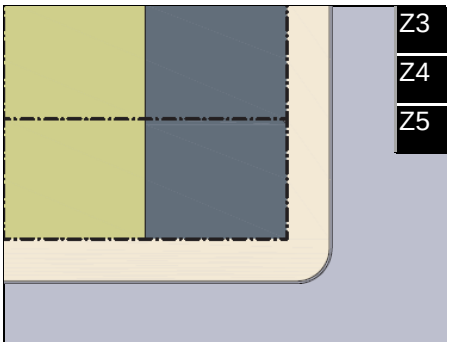
C. **Splityard:** Types – duplex/two flat, town house, commercial/ retail/service, and office buildings.

A building that occupies the boundaries of its lot from side to side leaving the front and rear of the lot as open yard. This is a more urban yard type, as it provides an open, landscaped frontage along the thoroughfare. For residential applications, the front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by combinations of plantings, fences and accessory structures. For commercial applications it provides a greener, landscaped frontage with opportunities for outdoor patio seating and dining, and accessory surface parking within the 3rd tier.



D. **Rearyard:** Types – town house, live/work building, multiple flat, mixed-use block building, commercial/retail/service, office and civic buildings.

A building that occupies the full frontage, leaving the rear of the lot as the sole yard; however, traditional downtown buildings may occupy the entire lot. This is a very urban type as the continuous facade steadily defines the public thoroughfare. The front facade may be articulated for functional purposes such as recess entries or window bays. In its residential form, the rear of the building includes a garage (attached or detached) as in the row house. For its commercial form, the 3rd tier can be used for accessory surface parking.



12-8-5 General Parking Provisions

A. Off Street Parking: Off-street parking shall be provided as outlined in table 4 of this section for all new development, or for all changes in function or major improvement or expansion that results in an increase in occupant load or gross floor area resulting in additional required parking.

Table 4 Required Parking Table

Function	Districts						
	Z1	Z2	Z3	Z4	Z5	Z6	Z7
RESIDENTIAL	2/Dwelling	1.5/Dwelling	1/Dwelling	1.5/Dwelling	n/a	n/a	
LODGING	1/room	1/room	1/room	1/room	n/a	n/a	
OFFICE[1]	n/a	2/1000 sq. ft.	2/1000 sq. ft.	4/1000 sq. ft.	n/a	4/1000 sq. ft.	
RETAIL[1]	2/1000 sq. ft.	2/1000 sq. ft.	2/1000 sq. ft.	4/1000 sq. ft.	n/a	4/1000 sq. ft.	
CIVIC	To be determined via development review (see chapter 7 of this title)						
OTHER	To be determined via development review (see chapter 7 of this title)					Minimum 1 per 2 employees of largest shift, plus 1/2,000 sq. ft. maximum for principal building	To be determined
PARKING SETBACKS							
PRINCIPAL FRONT YARD	n/a	30 ft.	10 ft.	10 ft.	n/a	10 ft.	
SECONDARY FRONT YARD	n/a	10 ft.	10 ft.	10 ft.	n/a	30 ft.	
SIDEYARD	n/a	10 ft.	10 ft.	10 ft.	n/a	15 ft.	
REARYARD	n/a	10 ft.	10 ft.	10 ft./15 ft.[2]	n/a	25 ft./50 ft.[2]	

[1] For office and retail functions, parking requirements are expressed as maximums
[2] The larger dimension shall be applied for non-residential uses abutting residential uses

B. Shared Parking: Minimum or maximum effective parking in a development with two or more distinct forms or functions shall be determined utilizing the appropriate Shared Parking Factor in table 5 of this section.

Table 5 Shared Parking Factor

FUNCTION COMBINATION	RESIDENTIAL	LODGING	OFFICE	RETAIL
RESIDENTIAL	1	1.1	1.4	1.2
LODGING	1.1	1	1.7	1.3
OFFICE	1.4	1.7	1	1.2
RETAIL	1.2	1.3	1.2	1

Shared Parking Calculation Example

A 20,000 square foot mixed use building in the Z4 District has 10,000 square feet of office on the upper floor and 10,000 square feet of retail at street level. Follow the steps below to determine the amount of parking and subsequent efficiency resulting from sharing.

Step 1: Locate site's district and function from table 4, "Required Parking Table" of this section.

Table 4 Required Parking Table

Function	Districts						
	Z1	Z2	Z3	Z4	Z5	Z6	Z7
RESIDENTIAL	2/Dwelling	1.5/Dwelling	1/Dwelling	1.5/Dwelling	n/a	n/a	
LODGING	1/room	1/room	1/room	~~1/room~~	n/a	n/a	
OFFICE[1]	na	2/1000 sq. ft.	2/1000 sq. ft.	~~4/1000 sq. ft.~~	n/a	4/1000 sq. ft.	
RETAIL[1]	2/1000 sq. ft.	2/1000 sq. ft.	2/1000 sq. ft.	4/1000 sq. ft.	n/a	4/1000 sq. ft.	
CIVIC	To be determined via development review (see chapter 7 of this title)						
OTHER	To be determined via development review (see chapter 7 of this title)					Minimum 1 per 2 employees of largest shift, plus 1/2,000 sq. ft. maximum for principal building	To be determined

SITE: Z4 District with 10,000 square feet of office and 10,000 square feet of retail.

Step 2: Calculate maximum parking for each function.

10,000/1,000 = 10. 10x4 = 40 spaces max. for office function.
10,000/1,000 = 10. 10x4 = 40 spaces max. for retail function.
40+40 = 80 spaces max. office and retail combined.

Step 3: Determine sharing factor by locating site's function(s) from Shared Parking Factor.

Table 5 Shared Parking Factor

FUNCTION COMBINATION	RESIDENTIAL	LODGING	OFFICE	RETAIL
RESIDENTIAL	1	1.1	1.4	1.2
LODGING	1.1	1	1.7	1.3
OFFICE	1.4	1.7	1	1.2
RETAIL	1.2	1.3	1.2	1

Step 4: Calculate effective maximum parking.

80 spaces/1.2 (sharing factor multiplier) = 66.6 shared parking spaces
(80 - 66.6 = 13.4 spaces saved due to sharing)

C. Bicycles: For multi-family residential and all non-residential forms and functions, bicycle racks or other form of bicycle storage shall be provided, to accommodate at least one (1) bicycle for every twenty (20) parking spaces provided, up to a maximum of ten (10) bicycles.

D. Parking Surface: All parking shall be on an improved surface designed for the purpose of off-street parking. The proposed surface shall be approved by the Administrative Officer or by the Development Review Committee following the process outlined in chapter 7 of this title, as applicable. Parking on grass or lawn is not allowed unless it is on reinforced turf designed for parking and approved by the Administrative Officer.

E. Access: Parking stalls shall be accessed via internal drives and traffic aisles. Public right-of-way shall not be used for maneuvering into or out of off-street parking spaces. This requirement shall not apply to downtown streets where public parking spaces are designated, or to alleys.

F. Landscaping: Off-street parking areas shall meet the landscaping standards in section 12-16-5 of this title.

G. During the site development plan compliance review process, the Development Review Committee, Planning & Zoning Commission or

City Council, as applicable, may authorize a deviation of up to 10% from the total minimum or maximum number of parking stalls required for the development. A denial of a request for a deviation under this section may be appealed to the Zoning Board of Adjustment, according to chapter 5 of this title. Any deviation in excess of 10% shall require approval of a variance by the Zoning Board of Adjustment.

H. Off-Street Parking Dimensions:

1. Motorcycle and scooter parking spaces, if provided: Width, four (4) feet minimum, length eight (8) feet minimum.
2. Vehicle parking space width: nine (9) feet minimum.
3. Vehicle parking space length: eighteen (18) feet minimum to twenty (20) feet maximum
4. Width of two-way drive aisle serving any parking space: twenty four (24) feet minimum to twenty six (26) feet maximum.
5. Width of one-way drive aisle serving greater than sixty degree (60°) parking spaces: twenty four (24) feet minimum to twenty five (25) feet maximum.
6. Width of one-way drive aisle serving less than sixty degree (60°) parking spaces: 15.5 feet minimum to 16.5 feet maximum.

12-8-6 Specific Parking Requirements

A. Use Of Vehicles For Other Than Transport: Except for temporary construction trailers, approved outdoor mobile vendors and mobile services operated by public service agencies (i.e. bookmobile, bloodmobiles, etc.) as allowed by the City, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items.

B. Use Of Vehicles For Residential Purposes: A vehicle may not be used for temporary or permanent residential purposes; however, a recreational vehicle as defined in chapter 2 of this title may be used for short-term camping, provided:

1. The vehicle is located upon a designated, campground allowed under this title, or is located upon property sanctioned for temporary camping related to an event allowed under this code or otherwise approved by the City Council; or
2. The vehicle is parked for up to five (5) continuous days, with the permission of the property owner, upon a residential driveway leading to a garage, carport or parking space serving a dwelling, or within a residential side or rear yard at least five (5) feet from an adjoining residential lot line. The use of generators or other potential noise producing equipment shall be subject to the maximum sound levels for residential receiving land uses in title 8, chapter 6 of this Code.

C. Recreational Vehicle Storage On Residential Lots: Storage of recreational vehicles on any lot with a residential function less than five (5) acres in area shall be subject to the following:

1. For the purposes of this subsection, “storage” shall mean the seasonal and long term storage of recreational vehicles, when not in use. This subsection does not apply to recreational vehicles on residential property being prepared for use, routine maintenance, or short-term parking for less than seventy two (72) hours.
2. All recreational vehicles shall display current registration or license plates as required by law.
3. A recreational vehicle shall be stored indoors or, if stored outdoors, shall be stored as follows:
   a. If within the first tier, upon an established, continuous hard-surfaced driveway leading from the street to a garage, carport or parking space serving a dwelling; or
   b. Within the second or third tier of the lot, provided that the vehicle shall be located a minimum of five (5) feet from any adjoining property line.

D. Parking Or Storage Of Commercial Vehicles:

1. Z2 Sub-Urban, Z3 General Urban and Z7-1 and Z7-3 Specific Use Districts:
   a. No more than one (1) commercial vehicle with a wheelbase not exceeding twenty-four (24) feet in length may be parked or stored upon a lot containing a residential function.
   b. Exception: A vehicle that exceeds the above limitation may be parked or stored upon a lot containing a residential function if it is located wholly indoors or is located in the third tier of the lot, provided that the vehicle is located at least five (5) feet from any adjoining property line and does not exceed thirty-five (35) feet in total length.
   c. Parking or storage must be on a hard surface that is designed for the weight of the vehicle.
   d. These requirements shall not apply to a commercial vehicle parked for loading, unloading or rendering service.
2. Z4 Multi-Use, Z5 Central Business, Z7-2 and Z7-4 Specific Use Districts:
   a. Up to three (3) commercial vehicles such as delivery and service trucks with a gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds or less may be parked without screening if such vehicles relate to the principal function.
   b. Parking of more than three (3) vehicles of fourteen thousand (14,000) pounds or less GVWR or any number of vehicles over fourteen thousand (14,000) pounds GVWR shall be parked or stored so that they shall not be visible from adjoining streets or sidewalks (e.g., parked inside or behind a building). Parking of vehicles as regulated in this paragraph in an area that is visible to adjoining streets or sidewalks shall require screening according to subsection 12-16-5K of this title.

3. Z6 Industrial District: There shall be no limit to the number of commercial vehicles parked on a lot. Screening shall not be required, unless vehicles are stored in an outdoor storage area, which shall be screened according to subsection 12-16-5K of this title.

4. All parking and vehicle storage areas shall be permanently paved with materials that support the gross weights of the intended vehicles.

E. Private Vehicle Sales. Except for an approved vehicle sales/rental function, any parking lot or parking space serving a non-residential function shall not be used for displaying vehicles for sale, unless the vehicle is owned by the person or entity that owns the property upon which the parking lot is located.

Chapter 12-9: Z1 AGRICULTURAL DISTRICT

12-9-1 Purpose

A. Purpose: The purpose of the Z1 Agricultural District is to provide areas in which agriculture and related uses are supported and natural ecosystems, woodlands, wetlands, prairies, etc., are preserved to prevent soil erosion, protect water quality and support biodiversity and natural habitats.

B. Premature Development Restricted: In order to avoid leapfrog development or large tract fragmentation, premature subdivision standards and area development concept plans (“ghost platting”) will be required for all developments within the Z1 Zoning District. See section 11-1-5 of this Code for premature subdivision standards and ghost platting requirements.

12-9-2 Permitted Forms and Functions

A. Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

B. No more than two (2) single-family dwelling units shall be allowed per zoning lot.

12-9-3 Conditional Forms and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5- of this title. In all cases all new development and redevelopment within Mason City shall require compliance review according to Chapter 7 of this title.

12-9-4 Accessory Buildings

Accessory buildings shall not exceed a cumulative total area of more than four thousand (4,000) square feet measured at the exterior dimensions of the ground floor. The following shall not be considered as part of the cumulative accessory building calculation:

A. Farm operation buildings

B. Structures or buildings such as garden sheds, playhouses, or storage or maintenance sheds measuring no more than 120 square feet.

12-9-5 Pre-Existing Standards

Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within the Z1 Zoning District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within this Zoning

District. Any change in form or function shall conform to permitted and conditional form and function standards as described in the Z1 Zoning District.

12-9-6 Interpretation of Standards

A. NEW SUBDIVISION: Refer to section 11-1-5, “Criteria for Subdivisions in Outlying Areas,” of this Code.

B. ACCESSORY DWELLINGS: Accessory dwellings in the Z1 District shall meet the following standards in addition to required building codes:

   1. Limited to one (1) accessory dwelling per primary dwelling;
   2. If freestanding or within a detached accessory building, located in the third tier of the lot;
   3. Contain at least four hundred (400) and no greater than eight hundred (800) gross square feet in total area;
   4. Be designed in a compatible style and constructed of the same materials as the primary dwelling; and
   5. Either freestanding. located within a detached garage, or located within the principal structure, provided that there is direct access between the accessory dwelling unit and the primary dwelling unit.

C. BED AND BREAKFAST: Bed and breakfasts in the Z1 District shall be comprised of a converted freestanding house provided the conversion meets applicable building codes. Customer parking shall be located in the second or third tier.

D. RESTAURANT: Restaurants in the Z1 District shall be comprised of a converted freestanding house or farm structure provided the conversion meets applicable building codes. Customer parking shall be located in the second or third tier. Parking shall be provided for a retail function per section 12-8-5 of this title and landscaped per section 12-16-5 of this title.

E. SMALL RELIGIOUS ASSEMBLY: Small religious assembly in the Z1 District shall meet the following standards:

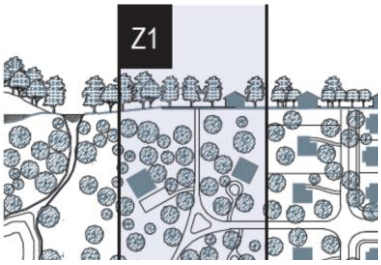
   1. Limited to congregational assembly, small meeting and Sunday-school with supportive storage, kitchen and office functions;
   2. Week-day, full-time educational functions are prohibited;
   3. Parking shall be located in the sideyard area of the second tier and all of the third tier;
   4. Parking shall be limited to a maximum of one (1) parking space per two seats plus three (3) staff parking spaces;
   5. Parking shall be set back a minimum of ten (10) feet from all applicable property lines; and
   6. Parking lots shall be landscaped per section 12-16-5 of this title.

F. AGRITOURISM: Agritourism forms and functions shall meet the following standards:

1. New agritourism forms and functions shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site.
2. Agritourism shall incorporate a rural theme in terms of building style and design. New agritourism uses involving new structures shall complement or enhance rather than detract from the rural environment.
3. Agritourism activities shall comply with all relevant local, state and federal requirements related to public health, building/construction standards, safety, health and welfare.
4. Building scale: Allowed non-agricultural agritourism uses and activities located on land with an agricultural or residential form or function shall be consistent with the size, scale and intensity of the existing agricultural form or function of the property and the existing buildings on the site. Nonagricultural forms or functions shall not be located outside the general area already developed for buildings and residential forms or functions.
5. Parking: Vehicular access and customer parking shall be provided on site so that vehicles are not required to back onto public roads. Parking lots shall be constructed in conformance with section 12-8-5 of this title and landscaped per section 12-16-5 of this title. Impervious surfaces shall be minimized to the greatest extent possible. Use of pervious paving in parking areas is encouraged.

12-9-7 Forms and Functions

See section 12-8-2, table 2, “Zoning Form and Function Table,” of this title.



Primarily agricultural with related residential and scattered wetlands, woodlands, on- and off-street trails and 2-lane highways.

A. BUILDING CONFIGURATION	
1. Principal Building	2 stories max.
2. Accessory Building	2 stories max.

B. BUILDING DISPOSITION (see section 12-8-4, table 3 of this title)	
1. Edgeyard	permitted
2. Sideyard	not permitted
3. Splityard	not permitted
4. Rearyard	not permitted

C. LOT OCCUPATION	
1. Lot Size	10 acre min.
2. Lot Coverage	n/a
3. Lot Width	300 foot min.

D. SETBACKS-PRINCIPAL BUILDING	
1. Principal Front Setback	50 feet min.
2. Secondary Front Setback	50 feet min.
3. Side Setback	50 feet min.
4. Rear Setback	100 feet min.

E. SETBACKS-ACCESSORY BUILDING	
1. Front Setback	20 feet plus principal building. setback minimum
2. Side Setback	25 feet or 50 feet minimum at secondary frontage
3. Rear Setback	25 feet minimum

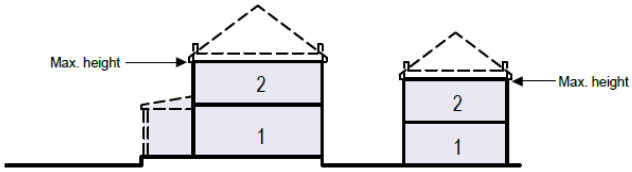
F. PARKING PROVISIONS: See section 12-8-5, "General Parking Provisions," of this title	
1. Residential	2/dwelling
2. Lodging	1/room
3. Office	n/a
4. Retail	2/1000 sq. ft.
5. Civic	To be determined by DRC
6. Other	To be determined by DRC

12-9-8 Development Standards

TABLE 1 Z1 DEVELOPMENT STANDARDS

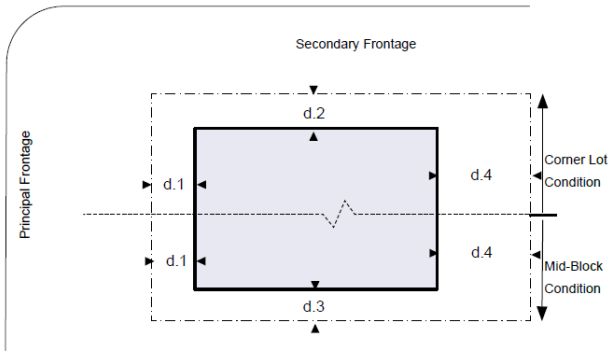
A. BUILDING CONFIGURATION

3. Building height shall be measured in number of stories, excluding attics and raised basements.
4. Subordinate farm structures shall be permitted at a height not to exceed 75 feet.



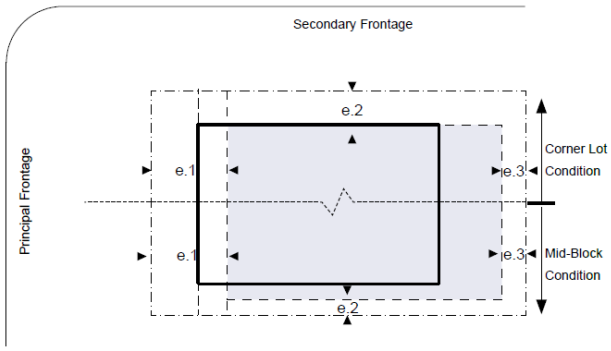
D. SETBACKS PRINCIPAL BLDG

5. An open porch or a deck shall be allowed to encroach a maximum of 10 feet within the required principal front yard, secondary front yard, or rear yard setback.



E. SETBACKS ACCESSORY BLDG

4. A subordinate farm structure shall be setback a minimum of 75 feet.



Chapter 12-10: Z2 SUB-URBAN DISTRICT

12-10-1 Purpose

The purpose of the Z2 Sub-Urban District is to provide space for a limited range of primarily residential lot sizes, limited neighborhood commercial uses and public park spaces in areas planned as walkable neighborhoods that are or soon will be served by a full range of public services.

12-10-2 Permitted Forms and Functions

A. Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all zoning standards in chapter 16 of this title have been met.

B. No more than one (1) principal building shall be allowed per zoning lot.

12-10-3 Conditional Forms and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the Board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5-5 of this title. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

12-10-4 Accessory Buildings

A. Location: Accessory buildings shall be located in the rear yard. A detached accessory garage may be located in a side yard if all other accessory building setbacks and bulk requirements are met.

B. Cumulative Area:

1. On zoning lots of up to two (2) acres in area, accessory buildings shall not occupy more than thirty percent (30%) of the rear yard but in any case, up to six hundred (600) square feet (cumulative) shall be allowed as a minimum. Accessory buildings shall not exceed a cumulative area of more than one thousand two hundred (1,200) square feet measured at the exterior dimensions of the ground floor.

2. On zoning lots greater than two (2) acres, cumulative total area shall not exceed two thousand four hundred (2,400) square feet measured at the exterior dimensions of the ground floor.

3. On any lot, a maximum of two (2) buildings measuring no more than eighty (80) square feet each, such as garden sheds, playhouses, or storage or maintenance sheds, shall not be considered as part of the overall accessory building square foot calculation.

4. Exception: Agricultural buildings serving a farm on a lot of ten (10) acres or more the following shall not be counted towards the

cumulative area requirement, but shall conform to all other accessory building requirements.

C. Architectural Style and Building Materials: The architectural style and building materials of all accessory buildings within the Z2 District shall be compatible with those of the principal building on the lot.

D. Conditional Use Permit An application for a conditional use permit as set forth in section 12-5-5 of this title may be submitted to request an increase in accessory building size, but in no case shall the total building area occupy more than thirty percent (30%) of the rear yard.

12-10-5 Pre-Existing Standards

Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within this Zoning District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within this Zoning District. Any change in form or function shall conform to permitted and conditional form and function standards as described in this Zoning District.

12-10-6 Interpretation of Standards

A. Infill and Conversion:

1. Introduction of new duplex, sideyard/zero lot line house and two flat building types, including conversion of an existing freestanding home to two (2) or more dwelling units shall be limited to corner lots and shall require compliance review according to chapter 7 of this title.
2. Placement of a corner store form and function shall be limited to one (1) corner store per one quarter (1/4) mile radius (pedestrian shed) as measured on a scaled, aerial photograph or plat map.
3. Placement of a corner office form and function shall be limited to one (1) corner office per one quarter (1/4) mile radius (pedestrian shed) as measured on a scaled, aerial photograph or plat map.

B. New Development or Subdivision:

1. For new development or subdivisions less than or equal to five (5) acres in size, sideyard or splityard building dispositions may constitute one hundred (100) percent of the lots.
2. For new development or subdivisions greater than five (5) acres in size, sideyard or splityard building dispositions shall not exceed thirty (30) percent of the total lots.

C. RESIDENTIAL DRIVEWAYS:

1. Residential driveways serving front and side loading attached and detached garages accessed from the street shall be no wider than twenty-six feet (26’) at the property line and located in the first and second tier except when the lot is located on a corner, it may be located in the third tier.
2. Residential driveways serving attached and detached garages accessed from an alley shall be no wider than twenty-two feet (22’) at the property line.

3. One (1) driveway maximum shall be allowed per zoning lot; however, one (1) additional driveway may be approved by the City Engineer.

D. ACCESSORY DWELLINGS: Accessory dwellings in the Z2 District shall meet the following standards in addition to required building codes:

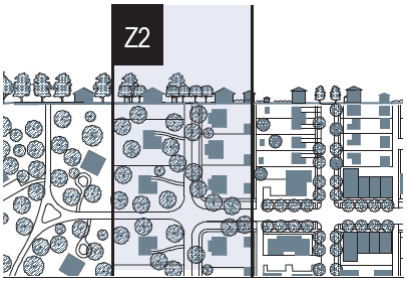
1. Limited to one (1) accessory dwelling per lot;
2. If freestanding or within a detached accessory building, located in the third tier of the lot;
3. Contain at least four hundred (400) and no greater than eight hundred (800) gross square feet in total area;
4. Be designed in a compatible style and constructed of the same materials as the primary dwelling; and
5. Either freestanding, located within a detached garage, or located within the principal structure, provided that there is direct access between the accessory dwelling unit and the primary dwelling unit.

12-10-7 Forms and Functions

See section12-8-3, “Zoning Form and Function Table,” of this title.

12-10-8 Development Standards

See section 12-10-9, table 1, “Z2 Development Standards,” of this title.



Primarily detached, single family residential, open lawns, corner store, neighborhood and community parks, greenways, on and off-street trails, interconnected streets and multi-lane thoroughfares with sidewalks.

A. BUILDING CONFIGURATION	
1. Principal Building	2 stories max.
2. Accessory Building	2 stories max.

B. BUILDING DISPOSITION (see section 12-8-4, table 3 of this title)	
1. Edgeyard	Permitted
2. Sideyard	Permitted
3. Splityard	Permitted
4. Rearyard	Not permitted

C. LOT OCCUPATION	
1. Lot Width	a. 125 ft. max. to 50 ft. min. for edgeyard type
	b. 25 ft. min. sideyard and splityard type
2. Lot Coverage	35% max.
3. Lot Depth	150 ft. max., 100 ft. min.

D. SETBACKS – PRINCIPAL BUILDING	
1. Principal Front Setback	35 ft. max., 25 ft. min.
2. Secondary Front Setback	15 ft. min.
3. Side Setback	a. Edgeyard 6 ft. min.
	b. Sideyard 0 ft. min.**
4. Rear Setback	25 ft. min.
5. OR the predominant setback on lots fronting on the same block	
**splityard and one side of sideyard building dispositions only.	

E. SETBACKS - ACCESSORY BLDG	
1. Front Setback	20 ft. + principal bldg. setback min.
2. Side Setback	5 ft. min., 25 ft. min. at secondary front setback
3. Rear Setback	5 ft. min.
4. OR the predominant setback on lots fronting on the same block	

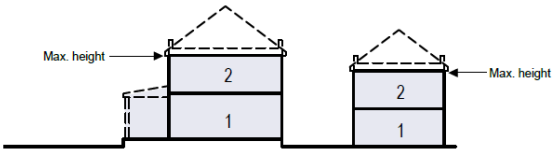
F. PARKING/TRASH PLACEMENT (See also section 12-8-5 "General Parking Provisions" of this title).	
1. Residential	1.5/dwelling
2. Lodging	1/bedroom
3. Office	2/1000 sq. ft.
4. Retail	2/1000 sq. ft.
5. Civic	To be determined by DRC
6. Other	To be determined by DRC

12-10-8 Development Standards

TABLE 1 Z2 DEVELOPMENT STANDARDS

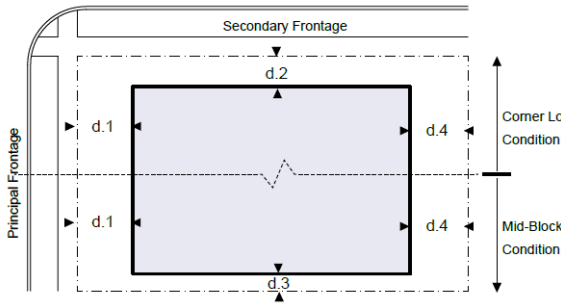
A. BUILDING CONFIGURATION

3. Building height shall be measured in number of stories, excluding attics and raised basements.
4. Stories may not exceed 14 ft. in height from finished floor to finished ceiling, excluding vaulted spaces serving an assembly function, except for a first floor commercial function, which must be a minimum of 11 feet with a maximum of 25 feet.
5. The height of any accessory building shall not exceed the height of the principal building.



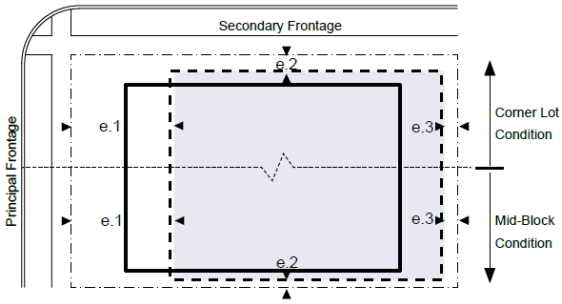
D. SETBACKS PRINCIPAL BLDG

6. An open porch or a deck shall be allowed to encroach a maximum of 10 feet within the required principal front yard, secondary front yard, or rear yard setback.



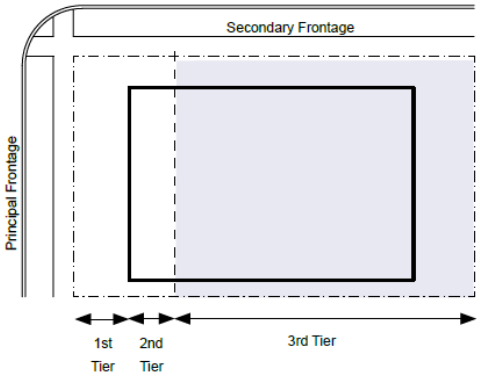
E. ACCESSORY BLDG

5. Detached garages may be placed in the sideyard pre section 12-10-4A of this chapter; all other detached accessory buildings must be placed wholly in the rear yard.



F. PARKING/TRASH PLACEMENT

7. Parking spaces for a corner store shall be provided within the 3rd tier as shown in the diagram.
8. Parking is allowed in the second and third tiers.
9. Parking for one or two family residential functions is allowed in the first tier only upon an improved driveway providing access to a garage, carport or parking space serving the dwelling.
10. Trash containers shall be stored only within the 3rd tier.



Chapter 12-11: Z3 GENERAL URBAN DISTRICT

12-11-1 Purpose

The purpose of the Z3 General Urban District is to provide a range of residential lots sizes to support a mix of residential building types at medium densities with corner offices, corner stores, parks and playgrounds organized in walkable neighborhoods interconnected by landscaped streets and sidewalks.

12-11-2 Permitted Forms and Functions

Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all chapter 16 of this title have been met

12-11-3 Conditional Forms and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5-5 of this title. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

12-11-4 Accessory Buildings

Accessory buildings shall be located in and not occupy more than thirty (30) percent of the rear yard. A detached accessory garage may be located in a side yard if all other accessory building setbacks and bulk requirements are met.

A. Cumulative Area:

   1. On zoning lots of up to two (2) acres in area, accessory buildings shall not exceed a cumulative area of more than one-thousand two hundred (1,200) square feet measured at the exterior dimensions of the ground floor, but in any case, up to six hundred (600) square feet shall be allowed as a minimum.

   2. On zoning lots greater than two (2) acres, a cumulative total area shall not exceed two thousand four hundred (2,400) square feet measured at the exterior dimensions of the ground floor.

   3. On any lot, a maximum of two (2) buildings measuring no more than eight (80) square feet each, such as garden sheds, playhouses, or storage or maintenance sheds, shall not be considered as part of the overall accessory building square foot calculation.

B. Architectural Style and Building Materials: The architectural style and building materials of all accessory buildings within the Z3 District shall be compatible with those of the principal building on the lot.

C. An application for a conditional use permit as set forth in section 12-5-5 of this title may be submitted to request an increase in accessory

building size, but in no case shall the total building area occupy more than thirty percent (30%) of the rear yard.

12-11-5 Pre-Existing Standards

Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within this zoning district. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within this zoning district. Any change in form or function shall conform to permitted and conditional form and function standards as described in this zoning district.

12-11-6 Interpretation of Standards

A. Infill:

1. Where mansion apartments and/or multiple flats are introduced, their massing and overall design shall be compatible with the character of the immediate neighborhood.
2. Up to two (2) corner stores within a one-quarter (1/4) mile radius (single pedestrian shed) as measured on a scaled, aerial photograph or plat map of neighboring residences may be located in the Z3 District. The corner stores shall be located on corner lots clustered around a single roadway intersection, or adjacent to one another on the same block.
3. Up to two (2) corner offices within a one-quarter (1/4) mile radius (single pedestrian shed) as measured on a scaled, aerial photograph or plat map of neighboring residences may be located in the Z3 District. The corner offices shall be located on corner lots clustered around a single roadway intersection or adjacent to one another on the same block.

B. Residential Driveways: Residential driveways serving front and side loading attached and detached garages accessed from the street shall be no wider than twenty-six (26) feet at the property line and located in the 1st and 2nd tier except when the lot is located on a corner, it may be located in the 3rd tier. Residential driveways serving attached and detached garages accessed from an alley shall be no wider than twenty-two (22) feet at the property line. One (1) driveway maximum allowed per zoning lot unless approved by City Engineer.

C. Parking:

1. Any deviation from the required parking standards for the Z3 District shall require a variance. In instances where parking is to be determined, the Administrative Officer or the administrative review body shall determine an adequate amount based upon the request by the applicant, information provided by the applicant related to the parking impact of the proposed function, the ITE Manual (Institute of Transportation Engineers) standards, or other applicable resource.
2. Surface parking to support a permitted use is allowed on an adjacent lot or a separate lot in close proximity to the permitted use, if a conditional use permit is approved by the board.

D. Facade: The principal facade of a building in the Z3 District shall face the street and be built parallel to the street or the tangent of a curved street, unless the primary access to the building is from an internal drive or parking lot. If the principal façade of any building in the Z3 District does not face a street, any side of the building facing a street shall be a finished façade with fenestration and architectural details similar in style and quality to the principal façade.

E. Accessory Dwellings: Accessory dwellings in the Z3 District shall meet the following standards in addition to required building codes:

1. An accessory dwelling may only be accessory to a freestanding house on the same lot.
2. Limited to one (1) accessory dwelling per primary dwelling;
3. Located in the third tier of the lot;
4. Contain at least four hundred (400) and no greater than eight hundred (800) gross square feet in total area;
5. Be designed in a compatible style and constructed of the same materials as the primary dwelling; and
6. Either freestanding, located within a detached garage, or located within the principal structure, provided that there is direct access between the accessory dwelling and the primary dwelling unit..

F. Small Box: Small box commercial/retail/service forms and functions in the Z3 District shall be limited to a maximum size of two thousand five hundred (2,500) gross square feet on the ground floor. Parking shall be provided per section 12-8-5, table 4 of this title. Parking lot landscaping shall be provided per section 12-16-5 of this title.

G. Restaurant: Restaurant forms and functions in the Z3 District shall be limited to two thousand five hundred (2,500) gross square feet on the ground floor only. A minimum of four (4) and a maximum of ten (10) parking spaces shall be provided. On-street parking may account for up to two (2) of the required parking spaces. Parking lot landscaping shall be provided per section 12-16-5 of this title.

H. Automotive/Gas/Convenience: Automotive/gas/convenience forms and functions in the Z3 District shall be limited to two thousand five hundred (2,500) gross square feet, be located on a corner lot, and provide a minimum of two (2) and a maximum of six (6) parking spaces. Parking lot landscaping shall be provided per section 12-16-5 of this title.

I. Drive Through: Drive through functions in the Z3 District shall meet the following standards:

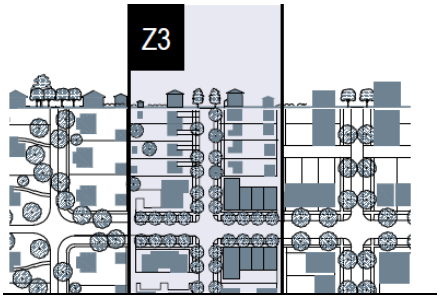
1. Shall be limited to corner lots with an edgeyard building disposition;
2. The drive through window shall be located in the second or third tier at the rear or street side of the principal building;
3. Traffic circulation and impact data shall meet the requirements of the City Engineer; and
4. The application shall receive a positive recommendation from the City Engineer.

12-11-7 Forms and Functions

See section12-8-3, “Zoning Form and Function Table” of this title.

12-11-8 Development Standards

See table 1, “Z3 Development Standards.”



Mix of houses, townhouses, small multiple flat residential, small retail buildings, corner store & office, home offices, neighborhood parks, playgrounds, mini-parks, small surface parking lots and interconnected streets.

A. BUILDING CONFIGURATION	
1. Principal Building	3 stories max.
2. Accessory Building	2 stories max.

B. BUILDING DISPOSITION (see section 12-8-4, table 3 of this title)	
1. Edgeyard	Permitted
2. Sideyard	Permitted
3. Splityard	Permitted
4. Rearyard	Permitted

C. LOT OCCUPATION	
1. Lot Width	a. 25 ft. minimum all dispositions except edgeyard
	b. 300 feet maximum to 40 feet minimum for edgeyard
2. Lot Coverage	60% maximum
3. Lot Depth	400 ft. maximum 100 ft. minimum

D. SETBACKS - PRINCIPAL BUILDING	
1. Principal Front Setback	10 feet minimum
2. Secondary Front Setback	15 feet minimum
3. Side Setback	a. 10 ft. total, 3 ft. min. one side for edgeyard disposition
	b. 0 ft. min. on one side, 6 ft. mininimum on opposite side, sideyard disposition
	c. 0 ft. minimum for splityard and rearyard dispositions
4. Rear Setback	25 ft. minimum
5. OR the predominant setback on lots fronting on the same block.	

E. SETBACKS - ACCESSORY BUILDING	
1. Front Setback	20 feet plus principal bldg. setback minimum
2. Side Setback	5 ft. min., 25 ft. min. at secondary front setback
3. Rear Setback	5 feet minimum
4. OR the predominant setback on lots fronting on the same block.	

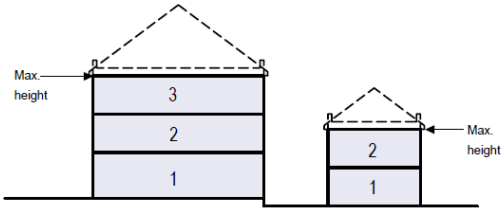
F. PARKING/TRASH PLACEMENT (see also section 12-8-5, "General Parking Provisions" of this title)	
1. Residential	1 space per dwelling
2. Lodging	1 space per room
3. Office	2 spaces per 1000 sq. ft.
4. Retail	2 spaces per 1000 sq. ft.
5. Civic	To be determined by DRC
6. Other	To be determined by DRC

12-11-8 Development Standards

TABLE 1 Z3 DEVELOPMENT STANDARDS

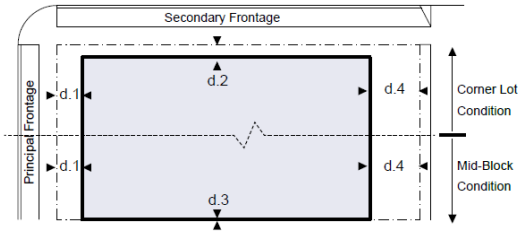
A. BUILDING CONFIGURATION

3. Building height shall be measured in number of stories, excluding attics and raised basements.
4. Stories may not exceed 14 feet in height from finished floor to finished ceiling, excluding vaulted spaces serving an assembly function, except for a first floor commercial function, which must be a minimum of 11 feet with a maximum of 25 feet.
5. The height of any accessory building shall not exceed the height of the principal building.



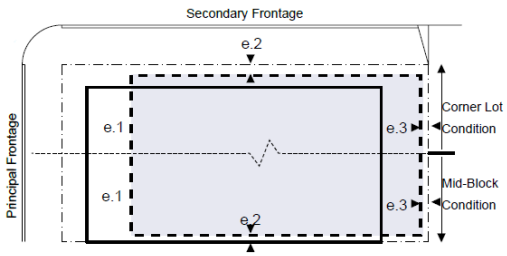
D. SETBACKS PRINCIPAL BLDG

6. An open porch or a deck shall be allowed to encroach a maximum of 10 feet within the required principal front yard, secondary front yard, or rear yard setback.



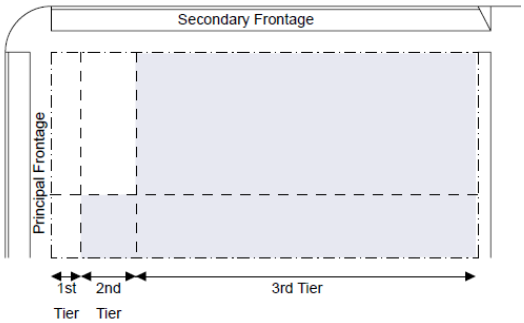
E. ACCESSORY BLDG

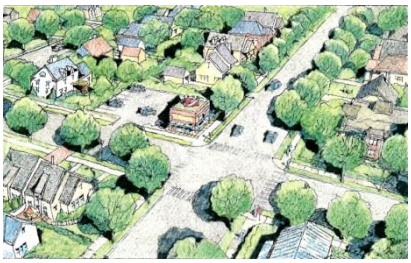
5. Detached garages may be placed in the side yard per section 12-11-4 of this chapter; all other detached accessory buildings must be placed wholly in the rear yard.



F. PARKING/TRASH PLACEMENT

7. Parking spaces shall be provided within the 3rd tier.
8. Parking spaces may also be provided within one-third of the 2nd tier as shown in the diagram.
9. Parking for one or two family residential functions is allowed in the first tier upon an improved driveway providing access to a garage, carport or parking space serving the dwelling.
10. Trash containers shall be stored only within the 3rd tier.





Chapter 12-12: Z4 MULTI-USE DISTRICT

12-12-1 Purpose

The purpose of the Z4 Multi-Use District is to provide space for a mixture of retail, personal and business service, office, lodging, automotive service, civic and medium to high density residential uses necessary to support the needs of the overall community and planned in a walkable arrangement with parks, interconnected and landscaped sidewalks, streets and parking facilities.

12-12-2 Permitted Form and Functions

Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all chapter 16 of this title have been met.

12-12-3 Conditional Form and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the Board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5-4 of this title. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

12-12-4 Accessory Buildings

A. Cumulative Area:

   1. Accessory buildings shall not exceed a cumulative total area of more than thirty-five percent (35%) of the principal building's footprint measured at the exterior dimensions of the ground floor.

   2. A maximum of two (2) buildings measuring no more than eighty (80) square feet each, such as storage or maintenance sheds, shall not be considered as part of the overall accessory building square foot calculation.

   3. Exception: Agricultural buildings serving a farm shall not be counted towards the cumulative area requirement, but shall conform to all other accessory structure requirements

B. The architectural style and building materials of all accessory buildings within the Z4 District shall be consistent with those of the principal building on the lot.

C. Structure standards for trash enclosures are defined in section 12-16-12 of this title.

12-12-5 Pre-Existing Standards

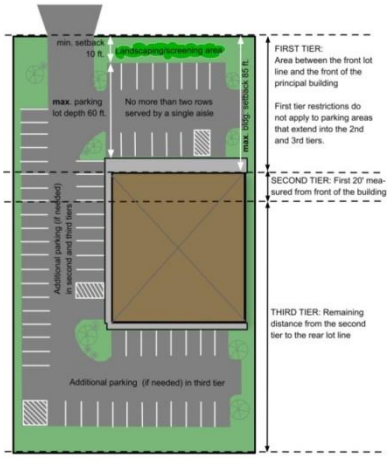
Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within the Z4 District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and

functions and development standards found within the Z4 District. Any change in form or function shall conform to permitted and conditional form and function standards as described in the Z4 District.

12-12-6 Interpretation of Standards

A. Infill: Where mansion apartments and or multiple flats are introduced, their massing and overall design shall be compatible with the character of the immediate neighborhood.

B. Residential Driveways: Residential driveways serving front and side loading attached and detached garages accessed from the street shall be no wider than twenty-six (26) feet at the property line and located in the 1st and 2nd tier except when the lot is located on a corner, it may be located in the 3rd tier. Residential driveways serving attached and detached garages accessed from an alley shall be no wider than twenty-two (22) feet at the property line. One (1) driveway maximum allowed per zoning lot unless approved by City Engineer.



Z4 District: First Tier Parking Lot Requirements

C. Parking:

1. Any deviation from the required parking standards for the Z4 District shall require a variance. In instances where parking is to be determined, the Administrative Officer or the administrative review body shall determine an adequate amount based upon the request by the applicant, information provided by the applicant related to the parking impact of the proposed function, the ITE Manual (Institute of Transportation Engineers) standards, or other applicable resource.

2. Surface parking (allowed as a permitted accessory use in Z4) to support a permitted use is allowed on an adjacent lot or a separate lot in close proximity to the permitted use.

3. Parking spaces may be located within the first tier, subject to the following: A parking lot within the first tier shall contain no more than two (2) rows of parking spaces served by a single access aisle that is parallel or tangent to the street and shall have a depth of no more than sixty (60) feet. This requirement shall not apply to a parking lot in the first tier that extends into the second tier or beyond.

4. See section 12-12-7 for parking requirements within the Z4 Overlay districts.

D. Facade: The principal facade of a building in the Z4 District shall face the street and be built parallel to the street or the tangent of a curved street, unless the primary access to the building is from an internal drive or parking lot. If the principal façade of any building in the Z4 District does not face a street, any side of the building facing a street shall be a finished façade with fenestration and architectural details similar in style and quality to the principal façade.

E. Location of Residential Development: Residential functions shall be located at least six hundred sixty (660) feet from major arterials unless they are a component of a mixed-use development.

F. Duplex, Two Flat, Sideyard/Zero Lot Line: Duplex, sideyard/zero lot line and two flat building types in the Z4 District shall meet the following standards:

1. Located at least five hundred (500) feet from a major arterial roadway, unless they are a component of a mixed-use development;
2. Component of a mixed, or multi-use neighborhood development of at least five (5) acres;
3. Shall share the block with each other or other residential building types; and
4. Other than corner store, corner office and bed and breakfast, shall not be located on the same block with other form and functions as described in section 12-8-3, table 2 of this title.

G. Seasonal Sales/Display: Seasonal sales/display in the Z4 District shall meet the following standards:

1. Be of a temporary nature;
2. Restricted to a portion of surface parking lots;
3. Not block traffic visibility triangles at street intersections or parking lot driveways;
4. Operate during typical business hours;
5. All sales materials and related display apparatus shall be removed from the premises when sales/display period ends; and
6. Subject to sign regulations per chapter 20 of this title.

H. Vehicle Sales and Rental: Vehicle sales and rental in the Z4 District shall be allowed only on lots of at least thirty thousand (30,000) square feet and shall be the only function on the lot; however, a Vehicle Sales and Rental business may also include Vehicle Repair.

I. Self Storage:

1. All access drives and parking areas adjacent to self storage buildings shall be paved with a hard and durable, dustless surface and shall provide for stormwater drainage according to city engineering standards. Paving shall extend at least eighteen feet (18') from any building wall containing storage unit access doors. Permeable non-aggregate surfaces are permitted. Areas dedicated to outdoor vehicle storage may utilize gravel or similar aggregate material.
2. Self storage units may be utilized only by the owner or lessee of the unit and may not be used for commercial purposes. A self storage unit may be used as a personal hobby building, if permitted by the owner or lessee.

12-12-7 Z-4 Overlay Districts:

A. Overlay District Requirements: Properties within a Z4 Overlay District as described below shall conform in all respects to the requirements of the Z4 Multi-Use District and all other requirements of this title, except as modified by this section.

B. Z4 Corridor Overlay District:

1. Properties: The Z4 Corridor Overlay District shall consist of the properties zoned Z4 Multi-Use District as follows:

   a. All property zoned Z4 with frontage on North Federal Avenue/US 65.

   b. All property zoned Z4 with frontage on South Federal Avenue, between 6th Street SE/SW and 15th Street SE/SW.

   c. All property zoned Z4 with frontage on the east side of South Federal Avenue zoned Z4, between 15th Street SE and 22nd Street SE.

   d. All property zoned Z4 with frontage on 5th Street SE/SW, (IA 122 westbound), between South Jefferson Avenue and South Pennsylvania Avenue.

   e. All property zoned Z4 with frontage on 6th Street SE/SW (IA 122 eastbound), between South Jefferson Avenue and South Pennsylvania Avenue.

   f. All properties zoned Z4 with frontage on the following streets, located between 5th Street SE/SW and 6th Street SE/SW:

      (1) Both sides of South Jefferson Avenue;

      (2) Both sides of South Adams Avenue;

      (3) Both sides of South President Avenue;

      (4) Both sides of South Washington Avenue;

      (5) Both sides of South Federal Avenue;

      (6) Both sides of South Delaware Avenue;

      (7) The west side of South Pennsylvania Avenue.

   g. All properties zoned Z4 on the south side of 4th Street SE/SW, between South Jefferson Avenue and South Pennsylvania Avenue.

2. Setback Requirements: Principal building, principal front setback: Zero feet (0') minimum; twenty feet (20') maximum.

3. Parking and Landscaping:

   a. Parking lots within the Z4 Corridor Overlay District shall be paved with a hard and durable dustless surface and shall provide for stormwater drainage according to city engineering standards. Permeable non-aggregate surfaces are permitted.

   b. Parking shall be allowed in any portion of the second or third tier. Parking shall not be allowed in the first tier; however, a parking lot may be located within the first tier if it is located on an adjacent lot or on the same lot as the principal building it serves, where the building has a front yard setback of ten (10) feet or less, and the parking lot is located to the side of the building.

c. Notwithstanding the parking lot setback requirements of section 12-8-5, table 4 of this title, a parking lot adjacent to a public sidewalk or street shall have a minimum setback of three feet (3'); however, this minimum shall be increased as necessary to provide adequate space to meet the landscaping requirements of this section.

d. Notwithstanding the requirements of section 12-16-5 I 4 of this title, a parking lot adjacent to a public sidewalk or street shall be screened along the entire perimeter of the parking lot where it is adjacent to the sidewalk or street as follows:

(1) A continuous shrub border or hedge, no less than three feet (3') and no more than four feet (4') in height comprised of deciduous and/or evergreen shrubs; or

(2) A decorative barrier consisting of a metal railing system with masonry columns no taller than four feet (4') in height; a solid masonry wall no taller than four feet (4') in height; or similar architectural barrier consisting of permanent and durable materials as approved by the development review committee; or

(3) Any combination of existing or proposed landscaping, decorative barrier, and architectural elements.

(4) Parking lot screening shall be approved by the development review committee and shall:

(a) Create a barrier between the parking lot and the sidewalk; and

(b) Create a pedestrian way on the sidewalk, protected from vehicles in the parking lot; and

(c) Screen the parking lot from view of the street and sidewalk; and

(d) Screen headlight glare from adjacent streets and properties; and

(e) Preserve walkability, pedestrian access, and pedestrian safety to and within the site and within the neighborhood.

C. Z4 South Federal Gateway Overlay District:

1. The Z4 South Federal Gateway Overlay District shall consist of properties zoned Z4 Multi-Use District with frontage on South Federal Avenue, located between the centerline of 27th Street SW extended east across South Federal Avenue to the Union Pacific Railroad right-of-way, and the south city limits (which is also the north right-of-way line of US 18/IA 27).

2. Forms and Functions: Notwithstanding the forms and functions allowed in the Z4 Multi-Use District as listed in section 12-8-3, table 2, "Zoning Form and Function Table," the following forms and functions shall be permitted only as conditional uses in the Z4 South Federal Gateway Overlay District, subject to approval by the zoning board of adjustment, according to section 12-5-5 of this title:

a. Any outdoor storage accessory to any permitted or conditional form or function allowed in the Z4 District, including seasonal storage and seasonal sales.

b. Self storage.

c. Cross docking facilities.

3. Setback Requirements: Notwithstanding the setback requirements in sections 12-12-9 D and 12-12-9 E of this chapter, development, redevelopment, or establishment of a form or function allowed under paragraph 2 of this subsection shall be subject to the following:

a. Principal buildings:

(1) Principal front setback: minimum eighty-five (85) feet, no maximum

(2) Secondary front setback: minimum thirty (30) feet, no maximum

b. Accessory buildings shall be subject to the same setback requirements as a principal building.

4. Parking and Access:

a. A maximum of one (1) access per frontage shall be allowed. Whenever possible, access to any development shall be from frontage roads, rear access (“backage”) roads, or from side streets other than South Federal Avenue.

b. Parking lots shall be paved with a hard and durable, dustless surface and shall provide for stormwater drainage according to city engineering standards. Permeable non-aggregate surfaces are permitted. However, parking areas dedicated to commercial vehicle storage or other storage may utilize gravel or similar aggregate material, provided that such outdoor storage areas are located and screened according to the requirements of this section.

5. Building Design Requirements: In addition to the requirements of section 12-12-6 D of this chapter, any side of any building facing a principal or secondary frontage shall:

a. Be finished with high quality materials, including natural materials such as brick, stone, wood, or architectural metals.

b. Vertical-seamed metal siding shall not be allowed on any façade facing a principal or secondary frontage; however, the development review committee may permit an architectural metal siding treatment, provided that seams, if visible, are flush with the wall surface or otherwise concealed, and hardware for joining panels is not visible.

6. Landscaping: All development shall, at minimum, meet the requirements of section 12-16-5; however, the development review committee or the zoning board of adjustment, as applicable, may require additional landscaping as necessary to ensure that:

a. All non-residential forms and functions are screened from view of adjacent streets, sidewalks and residential forms and functions;

b. Parking lots do not cause drainage issues;

c. The “heat island” effect is minimized; and

d. The South Federal Gateway is an attractive entrance to the city.

7. Signs: All signs shall conform to the requirements of chapter 12-20 of this title, except off-premise signs are prohibited.

8. Additional Standards of Review: In addition to the standards of review for a conditional use, as outlined in section 12-5-5 D of this title, the zoning board of adjustment shall consider the following before approving a conditional use in the Z4 South Federal Gateway Overlay District:

a. The arrangement of buildings, parking areas, outdoor storage areas, fences, landscaping, signs, and any other structure shall conform to one or more of the Design Guidelines outlined in Appendix A to the comprehensive plan.

b. Development shall result in an attractive gateway to the community from the Avenue of the Saints (US 18/IA 27).

12-12-8 Forms and Functions

See section12-8-3, “Zoning Form and Function Table,” of this title.

12-12-9 Development Standards

See section 12-12-9, table 1, “Z4 Development Standards.”

Mixture of retail, personal and business service, office, lodging, automotive service, civic and medium to high density residential uses necessary to support the needs of the overall community and planned in a walkable arrangement with parks, interconnected and landscaped sidewalks, streets and parking facilities.

A. BUILDING CONFIGURATION	
1. Principal Building	4 stories maximum
2. Accessory Building	2 stories maximum

B. BUILDING DISPOSITION (see section 12-8-4, table 3 of this title)	
1. Edgeyard	permitted
2. Sideyard	permitted
3. Splityard	permitted
4. Rearyard	permitted

C. LOT OCCUPATION	
1. Lot Width	a. 25 feet minimum for residential function
	b. 400 feet maximum to 100 feet minimum for all other functions
2. Lot Coverage	75%
3. Lot Depth	100 feet minimum

D. SETBACKS - PRINCIPAL BLDG.*	
1. Principal Front Setback	85 feet maximum and 50 feet minimum, if parking is provided in the first tier as allowed by this chapter; 60 feet maximum and 10 feet minimum if no parking is provided in the first tier.
2. Secondary Front Setback	30 feet maximum, 10 feet minimum
3. Side Setback	a. edgeyard 5 feet minimum
	b. 0 feet minimum on one side, 6 feet minimum on opposite side for sideyard disposition
	c. 0 feet minimum for splityard and rearyard dispositions
4. Rear Setback	25 feet minimum

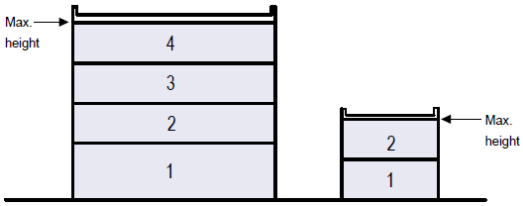
E. SETBACKS - ACCESSORY BLDG	
1. Front Setback	20 feet plus minimum principal building setback
2. Side Setback	5 feet minimum, 10 feet minimum at secondary frontage
3. Rear Setback	5 feet minimum

12-12-9 Development Standards

TABLE 1 Z4 DEVELOPMENT STANDARDS

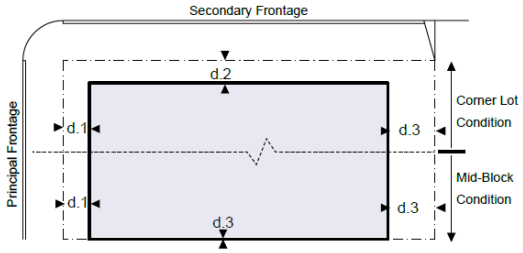
A. BUILDING CONFIGURATION

3. Building height shall be measured in number of stories, excluding attics and raised basements.
4. Stories may not exceed 14 feet in height from finished floor to finished ceiling, excluding vaulted spaces serving an assembly function, except for a first floor commercial function, which must be a minimum of 11 feet with a maximum of 25 feet



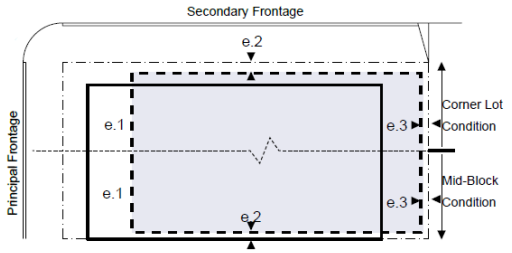
D. SETBACKS PRINCIPAL BLDG

5. On a zoning lot with a multiple principle building development, at least one principal building must meet the required principal front and secondary front setback.
6. Principal buildings shall be distanced from the lot lines as shown.



E. SETBACKS - ACCESSORY BLDG

4. Accessory buildings shall be distanced from the lot lines as shown.



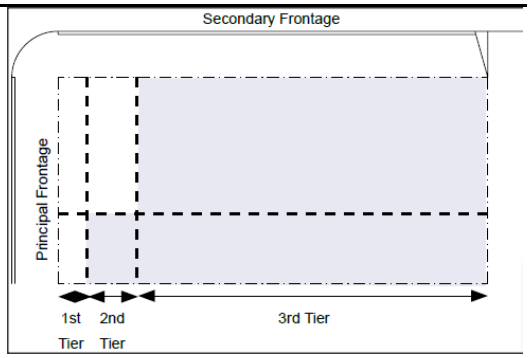
(Table 1 continues next page)

TABLE 1 Z4 DEVELOPMENT STANDARDS (cont.)

F. PARKING/TRASH PLACEMENT (See section 12-8-5 "General Parking Provisions," of this title)	
1. Residential	1.5 per dwelling
2. Lodging	1 per room
3. Office	4 per 1,000 square feet
4. Retail	4 per 1,000 square feet
5. Civic	To be determined by DRC
6. Other	To be determined by DRC

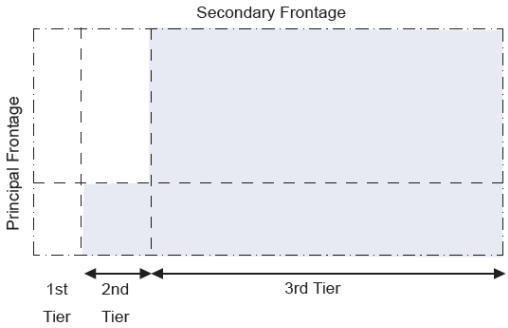
F. PARKING/TRASH PLACEMENT

7. Parking spaces may only be located in 1/3 of the second tier and all of the third tier as shown in the diagram.
8. Parking spaces may be provided in the first tier, subject to the requirements of subsection 12-12-6 C 3 of this chapter.
9. Trash containers shall be stored only within the 3rd tier.
10. Parking on properties in a Z4 Overlay District shall be subject to the requirements of section 12-12-7.



G. LOADING DOCK PLACEMENT

1. Loading docks may only be placed in 1/3 of the 2nd and all of the 3rd tiers as shown in the diagram.
2. Loading docks shall not face the principal or secondary frontage street; however, a loading dock that is set back at least 80 feet may face a principal or secondary street provided it is screened according to subsection 12-16-6 I of this title.



Chapter 12-13: Z5 CENTRAL BUSINESS DISTRICT

12-13-1 Purpose

The purpose of the Z5 Central Business District is to provide for higher density, multi-story mixed use buildings that accommodate a variety of retail, entertainment, business and personal service, office, lodging, residential and civic functions supported by public squares, plazas and miniparks within a walkable, interconnected grid of landscaped streets with sidewalks.

12-13-2 Permitted Forms and Functions

Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all zoning standards in chapter 16 of this title have been met.

12-13-3 Conditional Forms and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5-5 of this title. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

12-13-4 Accessory Buildings

A. Accessory buildings are generally not permitted within this zoning district; however, buildings measuring no more than eighty (80) square feet may be allowed subject to Development Review Committee site plan compliance review of purpose, context, location, materials and overall relationship to surrounding properties.

B. Structure standards for trash enclosures are defined in section 12-16-12 of this title.

12-13-5 Pre-Existing Standards

Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within this Zoning District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within this Zoning District. Any change in form or function shall conform to permitted and conditional form and function standards as described in this Zoning District.

12-13-6 Interpretation of Standards

A. General: Massing and overall design of new buildings shall be compatible with the character of the buildings within the immediate area.

B. Building Height: Building height shall be a minimum two (2) stories to a maximum ten (10) stories.

C. Building Materials and Design:

1. Permitted Façade Materials:

    a. Facades shall be constructed of approved materials. Approved facade materials include stone, brick, concrete, stucco, wood, architectural metal, clear glass, and tinted glass with no less than thirty-five percent (35%) visible light transmission.

    b. Artificial stucco or brick or similar overlay (e.g., EIFS, Z-Brick) may be allowed only in applications where the Administrative Officer has determined that the application is constructed with two (2) layers of reinforcing mesh or equivalent durability to withstand physical contact.

2. Prohibited facade skin materials include metal, aluminum, vinyl siding, lap siding, porcelain panels, non-textured concrete panels and asphalt shingles. However, use of these materials as trim or accent is allowed, provided they do not constitute more than ten percent (10%) of the area of any facade.

3. Design Requirements:

    a. Buildings shall have a mix of materials or design features so as to reduce the effect of long, blank walls. Design features may include, among other features, windows, doorways, cornices and indentations.

    b. Colors shall be muted or earth tone colors. Accent colors are allowed but may not exceed twenty-five percent (25%) of the unglazed area of the facade.

    c. Application of façade materials shall not substantially cover original brick, stone or punched metal facade material on an existing structure.

    d. Application of façade materials shall not alter the historic character of an existing structure.

4. Windows and Doors:

    a. The design and location of windows and doors shall consider the architectural tradition of the building.

    b. Generally clear glass, with allowance for energy efficiency, shall be used for all glazing. Tinted glass shall have no less than thirty-five percent (35%) visible light transmission. Reflective glass shall not be allowed.

    c. The replacement of windows or portions of window openings with opaque materials, such as plywood, medium density fiberboard, oriented strand board or masonry shall be prohibited. Openings originally designed as windows shall

retain the appearance of being a window. Replacement windows shall fill the entire opening.

5. Awnings and Canopies:
   a. Awnings and canopies shall respect the style and character of the structure, particularly in the material and color.
   b. The minimum height of an awning or canopy shall be eight (8) feet from the lowest point to the sidewalk.

D. Drive Through: Accessory drive through functions in the Z5 District shall meet the following standards:
   1. The drive through window shall be located in the third tier at the rear or secondary frontage of the principal building;
   2. Traffic circulation and impact data shall meet the requirements of the City Engineer; and
   3. The application shall receive a positive recommendation from the City Engineer.

E. Indoor Recreation: Facades facing the primary and secondary frontage of indoor recreation forms and functions in the Z5 District shall include vertically proportioned (taller than wider) windows and doors with the primary building entrance facing the primary street frontage.

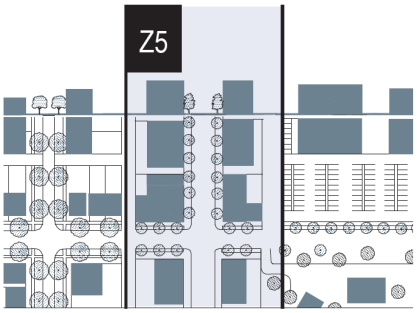
F. Seasonal Sales/Display: Seasonal Sales/Display in the Z5 District shall meet the following standards:
   1. Be of a temporary nature;
   2. Restricted to a portion of surface parking lots or, with approval, the public right of way;
   3. Not block traffic visibility triangles at street intersections or parking lot driveways;
   4. Operate during typical business hours;
   5. All sales materials and related display apparatus shall be removed from the premises when sales/display period ends; and
   6. Subject to sign regulations per chapter 20 of this title.

12-13-7 Forms and Functions

See section12-8-3, “Zoning Form and Function Table,” of this title.

12-13-8 Development Standards

See section 12-13-8, table 1, “Z5 Development Standards.



Mix of multi-story mixed use buildings that accommodate a variety of retail, entertainment, business and personal service, office, lodging, residential and civic functions supported by public squares, plazas and mini- parks within a walkable, interconnected grid of landscaped streets with sidewalks..

A. BUILDING CONFIGURATION	
1. Principal Building	2 minimum to 10 stories maximum
2. Accessory Building	With DRC compliance review

B. BUILDING DISPOSITION (see section 12-8-4, table 3 of this title)	
1. Edgeyard	Not permitted
2. Sideyard	Permitted
3. Splityard	Permitted
4. Rearyard	Permitted

C. LOT OCCUPATION	
1. Lot Width	1 block maximum, 25 feet minimum
2. Lot Coverage	100% maximum, 70% minimum
3. Lot Depth	150 ft. maximum, 100 feet minimum

D. SETBACKS - PRINCIPAL BLDG.	
1. Principal Front Setback	5 feet maximum, 0 feet minimum
2. Secondary Front Setback	5 feet maximum, 0 feet minimum
3. Side Setback	0 feet minimum
4. Rear Setback	25 feet maximum

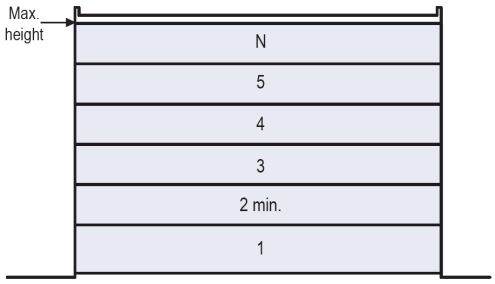
E. PARKING/TRASH PLACEMENT (See section 12-8-5, "General Parking Provisions," of this title.)	
1. Residential	n/a
2. Lodging	n/a
3. Office	n/a
4. Retail	n/a
5. Civic	To be determined by DRC
6. Other	To be determined by DRC

12-13-8 Development Standards

TABLE 1 Z5 DEVELOPMENT STANDARDS

A. BUILDING CONFIGURATION

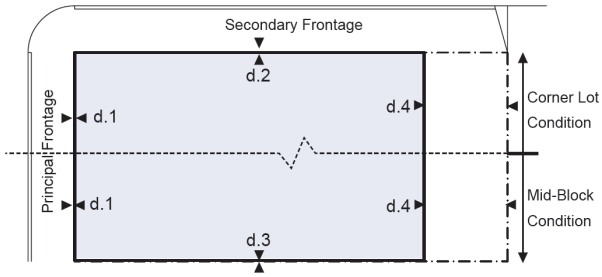
3. Building height shall be measured in number of stories, excluding attics and raised basements.
4. Stories may not exceed 14 feet in height from finished floor to finished ceiling, excluding vaulted spaces serving an assembly function, except for a first floor commercial function, which must be a minimum of 11 feet with a maximum of 25 feet.



"N" stands for any Stories above those shown, up to the maximum.

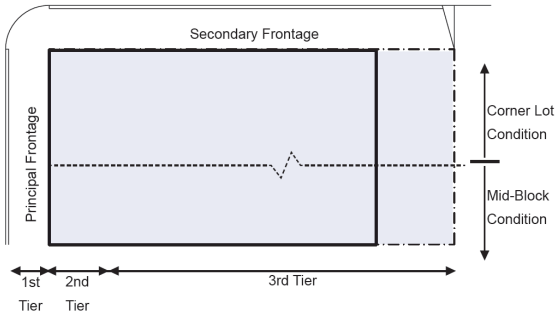
D. SETBACKS PRINCIPAL BLDG

5. Principal buildings shall be distanced from the lot lines as shown.



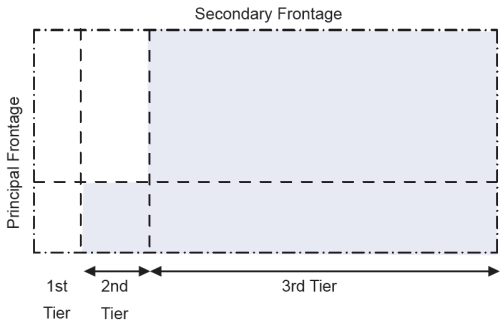
E. PARKING/TRASH PLACEMENT

7. Covered parking may be provided within the 2nd tier shown in the diagram.
8. Uncovered parking spaces shall be provided within the 3rd tier as shown in the diagram.
9. Trash containers shall be stored only within the 3rd tier.



F. LOADING DOCK PLACEMENT

1. Loading docks may only be placed in 1/3 of the 2nd and all of the 3rd tiers as shown in the diagram.
2. Loading docks shall not face the principal or secondary frontage street.



Chapter 12-14: Z6 INDUSTRIAL DISTRICT

12-14-1 Purpose

The purpose of the Z6 Industrial District is to promote the management and preservation of existing industrial facilities within Mason City as well as the development and management of new ecologically responsible, sustainable employment centers. Building forms and functions within the Z6 District require varying degrees of separation from residential and commercial/service districts due to their potential for noise, bright lighting, traffic from heavy trucks and other large vehicles, rail traffic and round-the-clock activities associated with research and development, manufacturing, warehousing, freight terminals and agribusiness.

12-14-2 Permitted Forms and Functions

Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all zoning standards in chapter 16 of this title have been met.

12-14-3 Conditional Forms and Functions

Conditional forms and functions, which are identified in section 12-8-3, table 2 of this title, are those that must be reviewed and approved by the Board for potential impact on neighboring properties. All conditional forms and functions shall conform to the standards set forth in section 12-5-5 of this title. New development or redevelopment shall be reviewed according to chapter 7 of this title to show compliance with all development standards identified herein.

12-14-4 Accessory Buildings

A. All buildings shall be considered principal buildings in this Zoning District.

B. Structure standards for trash enclosures are defined in section 12-16-12 of this title.

12-14-5 Pre-Existing Standards

Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within this Zoning District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within this Zoning District. Any change in form or function shall conform to permitted and conditional form and function standards as described in this Zoning District.

12-14-6 Interpretation of Standards

A. Forms and functions that create hazards, excessive noise, vibrations, smoke, dust, odors, glare or other objectionable influence beyond the property boundaries shall constitute an Open Industry designation and be subject to applicable standards.

B. Self Storage:

1. All access drives and parking areas adjacent to self storage buildings shall be paved with a hard and durable, dustless surface and shall provide for stormwater drainage according to city engineering standards. Paving shall extend at least eighteen feet (18') from any building wall containing access doors. Permeable non-aggregate surfaces are permitted. Areas dedicated to outdoor vehicle storage may utilize gravel or similar aggregate material.

2. Self storage units may be utilized only by the owner or lessee of the unit and may not be used for commercial purposes. A self storage unit may be used as a personal hobby building, if permitted by the owner or lessee.

12-14-7 Z6 O: Open Industry

Open industry development consists of large, relatively self-contained and isolated facilities whose potential nuisance or hazard generation from the processing, manufacturing, assembly, storage and distribution of materials and products is moderately high or higher.

Functions that produce emissions of noise, vibration, smoke, dust or other particulate matter, toxic materials, odor or glare shall not exceed the standards set by the Iowa Department of Environmental Quality. Storage, distribution or sale of gas, fuel or oil shall comply with and be approved by the Fire Chief.

12-14-8 Z6 R: Restricted Industry

A. Restricted industry development consists of facilities whose manufacturing, assembly, storage and distribution activities do not create appreciable nuisances or hazards, or that require a pleasant, hazard-and nuisance-free environment. It is intended that the permitted functions be compatible and not detrimental to adjacent properties.

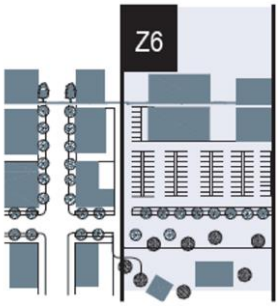
B. Live/work building functions shall only be allowed as a conditional use in Z6-R districts.

12-14-9 Forms and Functions

See section 12-8-3, "Zoning Form and Function Table," of this title.

12-14-10 Development Standards

See table 1, Z6 Development Standards.



Promote the management and preservation of existing industrial facilities within Mason City as well as the development and management of new ecologically responsible, sustainable employment centers with interconnected streets and sidewalks.

A. BUILDING CONFIGURATION	
1. All Buildings. All buildings shall be treated as principal structures.	a. Open: 75 feet maximum
	b. Restricted: 40 feet maximum

B. BUILDING DISPOSITION (See section 12-8-4, table 3 of this title)	
1. Edgeyard	permitted
2. Sideyard	not permitted
3. Splityard	not permitted
4. Rearyard	not permitted

C. LOT OCCUPATION	
1. Lot Width	100 feet minimum
2. Lot Coverage	60%
3. Lot Depth	150 feet minimum

D. SETBACKS - PRINCIPAL BLDG.	
1. Principal Front Setback	Open: 50 feet minimum Restricted: 35 feet minimum
2. Secondary Front Setback	30 feet minimum
3. Side Setback	Open: 30 feet minimum Restricted: 20 feet minimum
4. Rear Setback	20 feet minimum
5. Side or Rear Setback Abutting a non-Z7 District	50 feet minimum

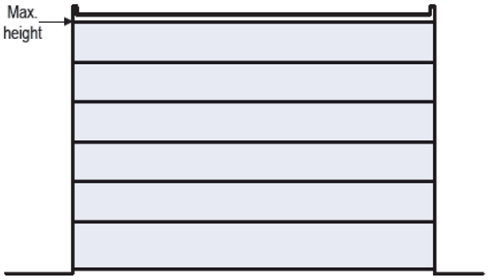
E. PARKING/TRASH PLACEMENT (See Chapter 12-8-4 Parking Provisions)	
1. Residential	n/a
2. Lodging	n/a
3. Office	4 per 1000 square feet
4. Retail	4 per 1000 square feet
5. Civic	To be determined by DRC
6. Industrial	Minimum 1 per 2 employees of largest shift plus 1 per 2,000 square feet maximum for principal building

12-14-10 Development Standards

TABLE 1 Z6 DEVELOPMENT STANDARDS

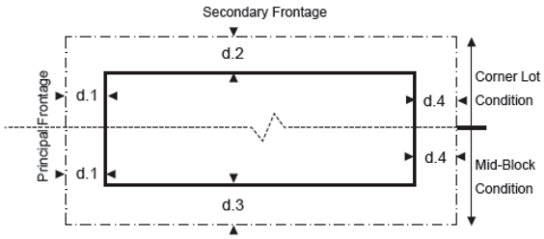
A. BUILDING CONFIGURATION

2. Building height shall be measured in feet.
3. Structures exceeding height limits shall be reviewed as a P1 for site plan approval.



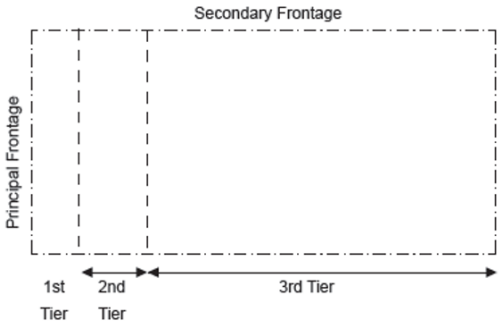
D. SETBACKS PRINCIPAL BLDG

5. Principal buildings shall be distanced from the lot lines as shown.



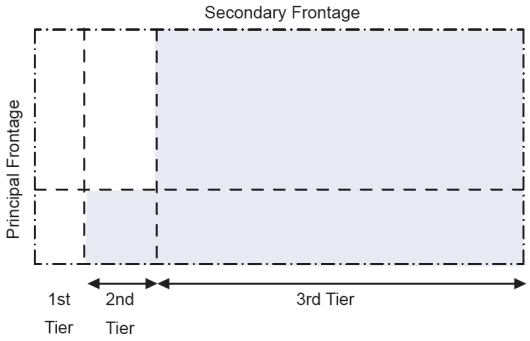
E. PARKING/TRASH PLACEMENT

7. Parking spaces may be located within any tier.
8. Trash containers shall be stored only within the 3rd tier.



F. LOADING DOCK PLACEMENT

1. Loading docks may only be placed in 1/3 of the 2nd and all of the 3rd tiers as shown in the diagram.
2. Loading docks shall not face the principal or secondary frontage; however, a loading dock that is set back at least 80 feet may face a principal or secondary street provided it is screened according to section 12-16-6(I).



Chapter 12-15: Z7 SPECIFIC USE DISTRICT

12-15-1 Purpose

The purpose of the Z7 Specific Use District is to support the ongoing operation and future expansion of specific areas within Mason City. Any future expansion within these specific districts shall require conformance to an approved site plan as outlined in chapter 7 of this title. Each Specific Use District is outlined below and is legally described within the Official Mason City Zoning Map, as amended.

Z7-1 Mercy Medical Center: The purpose of the Z7-1 District is to provide for the ongoing operations of this medical facility. The Z7-1 District consists of clinics, hospital, office buildings, accessory uses and open space.

Z7-2 NIACC: The purpose of the Z7-2 District is to provide for the ongoing operations of North Iowa Area Community College. The Z7-2 District consists of a college, office buildings, dormitory, accessory uses and open space.

Z7-3 Mobile Home Park: The purpose of the Z7-3 District is to provide for the existing forms and functions associated with a mobile home park. The Z7-3 District consists of a mobile home park and accessory buildings related to the operation of the mobile home park.

Z7-4 County Fairgrounds: The purpose of the Z7-4 District is to provide for the existing forms and functions associated with a fairgrounds. The Z7-4 District consists of agricultural, office, racetrack, grandstand and arena structures and accessory buildings and open space.

Z7-5 Conservation Subdivision: The purpose of the Z7-5 District is to allow for residential development of larger lots where City sanitary sewer is not available and is not anticipated to be provided under an orderly expansion of City services or within the foreseeable future. The Z7-5 District consists of single-family dwelling functions served by private streets and by private water, private sewer, or both.

Z7-6 Golf Course Development: The purpose of the Z7-6 District is to allow for a mix of forms and functions that add value to a golf course, including residential, mixed use, and commercial forms and functions

12-15-2 Permitted Forms and Functions

Permitted forms and functions, which are identified in section 12-8-3, table 2 of this title, and table 1 of this chapter, are those that are allowed by right within Mason City. New development or redevelopment will require a site plan drawn to scale showing that all zoning standards in chapter 16 of this title have been met and that any new development or redevelopment generally conforms to the approved master plan for the District.

12-15-3 Pre-Existing Standards

Any development, lot of record or structure legally operated prior to July 1, 2010 shall be considered a permitted use and legally conforming within the Z7 District. Any redevelopment or addition to a development, lot of record or structure shall be required to conform to the forms and functions and development standards found within the Z7 District. Any

change in form or function shall conform to permitted and conditional form and function standards as described in the Z7 District.

12-15-4 Z7-5 District

The following requirements apply to any development or subdivision within the Z7-5 Conservation Subdivision District.

A. All lots (except lots fronting upon an existing public right-of-way) shall be served by a private street approved by the City Engineer:

   1. The street shall be paved with a dustless surface;

   2. The street shall be built to support emergency vehicles as required by the Fire Department;

   3. A turnaround at the end of any cul-de-sac or dead end street shall be provided and approved by the Fire Department;

   4. Ownership and maintenance of the street shall solely be the cost and responsibility of the abutting property owners. Covenants, in a form acceptable to the City Attorney and approved by the Administrative Official, shall be recorded with the plat establishing a Property Owners' Association, outlining the ownership and maintenance responsibilities of abutting owners.

B. A tree preservation plan meeting the requirements of subsection 12-16-5D of this title shall be submitted along with the preliminary plat or development plan showing the location and species of all trees over six inches (6") in diameter and including details for protection of trees to be preserved. Trees to be preserved that are damaged or destroyed shall be mitigated according to subsection 12-16-5D3 of this title.

C. The development shall implement low impact design standards for stormwater runoff, such as rain gardens, vegetated swales and similar low impact design methods, subject to approval by the City Engineer.

D. Accessory Buildings: Accessory buildings shall conform to the requirements for accessory buildings in the Z2, Sub-Urban District. See Section 12-10-4.

12-15-5 Z7-6 District

A. In addition to the development standards in Section 12-15-6, Table 1B, any multi-family residential development (3 or more dwelling units within a building, including mixed use) and any Lodging, Office/Miscellaneous, Commercial/Retail Service, Civic, or Civic Support development (as listed in Section 12-12-6, Table 1A) shall conform to the following:

   1. A minimum buffer of fifty (50) feet shall be established between any building or outdoor activity area and any property zoned Z2, Sub-Urban District, or Z3, General Urban District. A parking area or access drive (other than a fire access drive required by the Fire Marshal) shall not be placed within this buffer. The buffer area shall include berms, landscaping, fencing, or other barriers in numbers and arrangement sufficient to form an effective visual screen. This buffer shall be determined to be in compliance by

the Development Review Committee, in accordance with chapter 7 of this title.

a. Exception: Fairways, greens and adjacent open space areas on a golf course are not subject to this requirement; however, prevention of golf-related incursions upon adjacent property in the Z2 or Z3 districts shall be implemented in the golf course design.

12-15-6 Forms and Functions and Development Standards

See Table 1A, Forms and Functions, and Table 1B, Development Standards.

12-15-6 Table 1A: Z7 Forms and Functions

	MERCY MEDICAL CENTER	NIACC	MOBILE HOME PARK	COUNTY FAIRGROUNDS	CONSERVATION SUBDIVISION	GOLF COURSE DEVELOPMENT
	Z7-1	**Z7-2**	**Z7-3**	**Z7-4**	**Z7-5**	**Z7-6**
A. Residential/Mixed Use						
Accessory Dwelling					P	P
Dormitory	P	P				
Duplex/Two Flat						P
Family home					P	
Freestanding House					P	P
Town house						P
Mixed use block building						P
Mobile Home Park			P			
Residence lodging					P	P
B. Lodging						
Bed and breakfast						P
Hotel	P					P
Inn	P					P
C. Office/ Miscellaneous						
Corner Office		P		P		
Office Building	P	P		P		
D. Commercial/retail service						
Corner Store			P			
Restaurant	P	P		P		P
E. Civic						
Auditorium	P	P		P		
Convention center	P	P		P		P
Daycare	P	P	P	P		P
Indoor Recreation		P		P		P
Outdoor Recreation						P
F. Civic Support						
Clinic	P					
Fairgrounds				P		
Hospital	P					
Parking Structure	P	P				P
G. Education						
College		P				
H. Agriculture						
Farm		P		P		
I. Accessory uses						
Active Solar Equipment	P	P	P	P	P	P
Home Occupations			P		P	P
Outdoor customer dining area	P	P		P		P
Small and Dispersed Wind Energy Conversion Systems	P	P	P	P	P	P
Accessory Surface Parking (off-site)	P					

P = Permitted
*Where adjacent to residential, then minimum rear yard equals principal building height, measured in feet, to the highest point of roof or parapet.
P = Permitted
na = not applicable

12-15-6 Table 1B: Z7 Development Standards

		MERCY MEDICAL CENTER	NIACC	MOBILE HOME PARK	COUNTY FAIRGROUNDS	CONSERVATION SUBDIVISION	GOLF COURSE DEVELOPMENT
		Z7-1	**Z7-2**	**Z7-3**	**Z7-4**	**Z7-5**	**Z7-6**
J. Configuration/Max. Height		6 stories	4 stories	1 story	2 stories	3 stories	3 stories
K. Building Disposition	Edgeyard	permitted	permitted	permitted	permitted	permitted	permitted
	Sideyard	permitted	permitted	not permitted	not permitted	not permitted	permitted
	Splityard	permitted	permitted	not permitted	not permitted	not permitted	permitted
	Rearyard	permitted	permitted	not permitted	not permitted	not permitted	permitted
L. Lot Occupation	Lot Width	N/A	N/A	N/A	N/A	150 ft. min.	**Residential Mixed Use**:** see Sec. 12-11-8 Table 1 (Z3) **Lodging, Office/Misc., Commercial Retail/ServiceCivic & Civic Support**:** see Sec. 12-12-9, Table 1 (Z4); see golf course exception*** **Accessory Uses:** per the district requirements of the principal form/function
	Lot Area	na	na	5 acre minimum of gross development area, 40 acres maximum	na	1 acre minimum or minimum needed for on-site sewage disposal system, whichever is greater; 10 acres max.	
	Lot Coverage	N/A	N/A	N/A	N/A	N/A	
M. Setbacks (minimum)	Principal Front	25 feet	25 feet	25 feet	25 feet	35 feet	
	Secondary Front	25 feet	25 feet	25 feet	25 feet	25 feet	
	Side yard	15 feet	15 feet	5 feet (7 feet building separation)	15 feet	15 feet	
	Rear yard	25 feet *	25 feet *	5 feet (7 feet building separation)	25 feet	25 feet	
N. Parking Provisions		See Chapter 12-8-5 General Parking Provisions					

*Where adjacent to residential, minimum rear yard equals principal building height, measured in feet, to the highest point of roof or parapet.
**Uses listed in the Form and Function categories in subsections A – I of Section 12-12-6, Table 1A; lot occupation and setbacks shall be per the requirements of the stated districts.
*** Fairways, greens and adjacent open space areas on a golf course are not subject to the Z4 setback requirements
N/A = not applicable

Chapter 12-16: ZONING STANDARDS

12-16-1 Lot Development - General

A. All buildings shall be placed on a lot so they will not obstruct future streets that may be constructed by the City in conformity with existing streets and according to the Comprehensive Plan and to the system and standards employed by the City. Furthermore, all buildings shall be placed on a lot so they will not obstruct future utility routes or the potential resubdivision of the property.

B. When a development is proposed that is to be located on two (2) or more contiguous lots that are required to meet the minimum district area and frontage requirement or are required to accommodate the use, the lots shall be combined in accordance with the City's subdivision ordinance, prior to the issuing of a building permit.

C. When two (2) or more contiguous lots are located in the same residential district, one (1) or more of which lacks adequate area or dimensions to qualify for residential use under the current Ordinance requirements and are held in one ownership, they shall be combined in accordance with the City's subdivision ordinance, prior to the issuing of a building permit.

12-16-2 Swimming Pools

Outdoor swimming pools shall be prohibited in the Z5 and Z6 Districts. All swimming pools shall be located in the rear yard and subject to title 10 of this code.

12-16-3 Fences

Fences shall be permitted in all yards subject to the following:

A. Location: All fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence.

B. Construction and Maintenance:

1. Every fence shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.

2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence that is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.

3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

4. The decorative side of any fence shall be faced outward from the property being fenced.

C. Access: All fences shall be provided with a gate that affords reasonable and convenient access for public safety.

D. Barbed Wire and Electric Fences: Except as specified in this Subsection, barbed wire fences and electric fences shall only be allowed when related to farming activities located within the Z1 District.

E. Drainage: Fences shall not obstruct natural drainage.

F. Grade Modifications: Any modifications to the grade or drainage of a property in conjunction with the construction of a fence shall be subject to section 12-16-7 of this chapter.

G. Z2 and Z3 District Fence Standards: All residential district fences shall be placed within the property being fenced.

1. Except in the case of a secondary front yard on a corner lot that abuts a street, fences alongside property lines shall not be more than six feet (6') in height for the distance commencing from a point on the side property line located along the rear lot line and proceeding along the side property line to a point that would be intersected by the front wall line of the existing principal structure on the lot.

2. Fences along or paralleling any rear property line shall not exceed six feet (6') in height.

3. The required screening provisions for residential districts shall supersede, where applicable, the provisions of this section.

4. Fences extending across required principal or secondary front yards shall be no greater than four (4) feet in height.

H. Z4 and Z6 Fence Standards: All commercial and industrial fences shall be placed within the property being fenced.

1. Business and industrial fences may be erected up to eight feet (8') in height. Fences in excess of eight feet (8') shall require a variance.

2. Fences within the Z6 District that are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened, commencing at a point at least seven feet (7') above the ground.

3. Fences or walls that enclose self-storage or outdoor storage areas shall meet the fencing and screening requirements of subsection 12-16-5K of this chapter.

I. Z5 Fence Standards: Fences within the Z5 District shall generally be prohibited; however, fences required for security measures or special purposes, or to meet landscaping and screening requirements, may be allowed subject to Development Review Committee site plan compliance review considering purpose, context, location, materials and overall relationship to surrounding properties. Approved fences shall not exceed six feet (6') in height.

J. Z7 Fence Standards: Fence standards for the Z7 District shall be established at the time of site plan compliance review.

12-16-4 Required Fencing and Screening

A. Fencing And Screening: Any non-residential form or function except agriculture and farming that abuts property zoned Z2 or Z3 shall provide screening along that boundary. Screening shall also be provided where a non-residential form or function is across the street from a Z2 or Z3 District. All fencing and screening specifically required by this title shall consist of either a fence or a green belt planting strip as provided for below:

   1. A green belt planting strip shall consist of coniferous trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide visual screening to a minimum height of six feet (6'). Earth mounding or berms may be used to achieve up to three feet (3') of the required screen.

   2. A required screening fence shall be constructed of masonry, brick, wood, metal or rigid polymer such as vinyl. The fence shall provide a solid screening effect at least six feet (6') in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the Administrative Officer.

   3. Self-storage and outdoor storage areas in the Z4 and Z6 districts shall meet the fencing and screening requirements of subsection 12-16-5K of this chapter.

12-16-5 Required Landscaping and Screening

Landscaping and screening shall be located in accordance with the following rules:

A. Landscaping Required:

   1. The front, side and rear yards of each site not utilized for parking (where permitted) shall be landscaped utilizing an effective combination of trees, grass, ground cover and shrubbery. Undeveloped areas in the interior of the site shall be seeded with appropriate grasses or other suitable ground cover and maintained neat and orderly. All tree trimmings, stumps, and construction debris shall be promptly removed and not be accumulated or stored on-site.

   2. Landscaping near street, alley and driveway intersections shall conform to the traffic visibility requirements of section 12-16-6 of this chapter.

B. Site Restoration and Planting: All properties within the City subject to subdividing, development or redevelopment, or renovation, where such redevelopment or renovation is in excess of fifty percent (50%) of site area or building square footage, or where a change in use or other development or redevelopment results in an increase of five (5) or more parking spaces on the site, shall be subject to the following requirements as a part of plan approval:

   1. All site areas including public rights-of-way and private lots shall be finish graded to control the quantity and quality of stormwater runoff and be restored with appropriate ground cover,

herbaceous and woody vegetation as specified in subsection N, table 1 of this section.

2. All disturbed site areas shall be finish graded with topsoil of sufficient quality and depth to ensure the health and hardiness of all landscaping materials.

C. Planting Plan:

1. A planting plan shall be submitted as part of the development plan review process per chapter 7 of this title. The planting plan shall be prepared on the proposed site grading plan or may be on a separate plan and shall indicate the location, quantity and common name of all proposed plantings as well as other pertinent landscape features such as utility easements, retaining walls, berms, swales, lighting, irrigation extents etc. Plants specified in this Section represent minimum requirements. Applicants are encouraged to exceed these requirements.

2. The planting plan shall be prepared by a landscaping professional, as follows:

a. For all developments other than one- or two-family residential, with an aggregate development site area of two (2) acres or more, or any such development where the aggregate gross floor area of the principal buildings exceed seven thousand (7,000) square feet, the planting plan shall be completed by a landscape architect licensed in the State of Iowa.

b. For all other developments other than one- and two-family residential, the planting plan shall be completed by an experienced and qualified landscape professional.

(1) For the purposes of this section, a “qualified landscape professional” shall be a nursery owner, nursery employee, or independent landscape design professional who is an Iowa Certified Landscape Professional, as certified by the Iowa Nursery and Landscape Association, or is an independent landscape design professional or the owner or experienced employee of a nursery of long standing with an established and verifiable track record of completing successful landscape designs and installations.

(2) The Administrative Officer or the Development Review Committee may require the planting plan submitted by a qualified landscape professional to be reviewed by a licensed landscape architect approved by the City, for which any cost shall be paid by the applicant. The planting plan shall be revised as recommended by the landscape architect and resubmitted for approval.

c. For certain simple site plans, the Administrative Officer or the Development Review Committee may waive this requirement and allow a planting plan that is not completed by a qualified professional, provided that all requirements of this section are met.

D. Tree Preservation Plan: With respect to existing trees in new developments, all trees on the site are to be saved unless they must

be removed for streets, buildings, utilities, drainage or public recreational purposes.

1. Existing trees and landscaping may be used to meet the requirements of this section.
2. Trees over six inches (6”) in diameter that are to remain shall be marked with a red band and be protected with snow fences or other suitable enclosure prior to excavation. The planting plan and grading plan shall include a detail and instructions for preservation of the existing trees. The City may further require that the property owner and/or developer retain a professional forester to prepare a forest inventory and management plan for the development in order to control and abate any existing or potential shade tree disease and to save trees from construction loss.
3. Any tree over twelve inches (12”) in diameter shown to be preserved that is damaged or destroyed during or as a result of construction shall be mitigated by new trees, of a similar or better species, with an aggregate diameter of at least forty percent (40%) of the diameter of the destroyed or damaged tree, subject to the following:
    a. No new tree required for mitigation need exceed two and one half inches (2.5”) in diameter.
    b. No more than three (3) new trees per destroyed/damaged tree shall be required, regardless of the size of the damaged or destroyed tree. The Administrative Officer or the Development Review Committee may allow substitution of plants other than trees for one (1) or more of the trees required for mitigation, where it can be shown that the landscape cannot accommodate the required trees due to the density of the landscaping, soil conditions or other condition that would make long term survival of new trees unlikely.

E. Performance Guarantee Required: No building permit except for one- and two-unit residential buildings shall be issued until the applicant for the building permit shall file with the City a performance bond, with a corporation approved by the City as surety thereon, or other guarantee acceptable by the City, in an amount approved by the City, but for no less than one and one-half (1.5) times the cost of completing the planting plan. The applicant shall provide an estimate for the cost of completing the plan from a landscape architect or other qualified landscape professional, qualified nursery, greenhouse or other landscape provider/installer. The performance bond must cover two (2) complete growing seasons subsequent to the completion, and release of the bond must be conditioned upon complete and satisfactory implementation of the approved planting plan. Should the applicant fail to fully comply with the approved landscape plan during the period the performance guarantee is active, the City may opt to install the landscaping and draw upon the performance guarantee for the cost thereof.

F. Types and Species of Trees: All plant species shall be non-invasive, indigenous and/or native to the appropriate USDA hardiness zone

and physical characteristics for Northern Iowa. Prohibited species include:

1. Prohibited in all parts of the City:
    a. Ornamental (Callery) Pear (Pyrus species and cultivars: Bradford, Cleveland Select, Redspire, Capital, etc.), except those varieties proven to be fire blight resistant.
    b. Ash (All species and cultivars)
    c. Poplar (Populus species)
    d. Ginkgo (Female only)
    e. Chinese Elm and Siberian Elm (Ulmus pumila). Elm species that are certified to be disease resistant may be planted.
    f. Tree of Heaven (Ailanthus altissima)
    g. Austree (Salix alba x matsudana)
    h. Box Elder (Acer negundo)
    i. Mulberry (Morus species)
2. Prohibited in Right of Way only:
    a. Catalpa (Catalpa speciosa)
    b. Common fruit and large nut bearing trees (walnut, hickory, butternut, etc.)
    c. Birch species (River Birch, White or Paper Birch, etc.)
    d. American Elm. Elm species that are certified to be disease resistant may be planted.
    e. Black Locust
    f. Soft or Silver Maple
    g. Cottonwood
    h. Willow (Salix species)
    i. Russian Olive
    j. Sumac
    k. Hawthorn
    l. Conifers (evergreens)

G. Minimum Planting Sizes And Equivalents: Plants required by Table 12-16-1 shall meet the following minimum requirements:

1. Deciduous shade trees: Two inches (2”) to two and one-half inches (2.5”) in diameter measured six inches (6”) above the ground.
2. Deciduous ornamental trees: One and one-half inches (1.5”) in diameter measured six inches (6”) above the ground.
3. Evergreen trees: Six feet (6’) in height.
4. Evergreen shrubs used for screening purposes, including those used in conjunction with berming, shall have a minimum spread

at planting of thirty to thirty-six inches (30”-36”) and reach a minimum mature height of three feet (3’).

5. The shade tree requirements specified in subsection N, table 1 of this section shall be met with long-lived deciduous shade trees; however, up to thirty percent (30%) of the shade tree requirements may be satisfied using ornamental trees and/or evergreen trees.

H. Slopes And Berms: Final slope grades steeper than the ratio of three to one (3:1) shall not be permitted without special approval of adequate slope stabilization measures such as groundcover plantings and retaining walls.

I. Landscape And Screening Of Off-Street Parking And Loading Facilities:

1. Off-street parking facilities containing five (5) or more spaces and all loading facilities shall be screened as follows:

a. Parking facilities shall be screened from abutting sidewalks and streets. Loading facilities shall be screened if abutting or visible from sidewalks and streets.

b. Parking and loading facilities shall be screened from any lot used for any residential purpose sharing a common property line; however, this shall not apply to parking or loading facilities located at least eighty feet (80’) from the common property line of any single family residential use and at least fifty feet (50’) from the common property line of any other residential or mixed residential use. Notwithstanding the above, a parking facility serving a mixed use shall not be required to be screened from an adjacent lot containing a mixed use.

2. All screening shall be arranged to be a minimum eighty percent (80%) opaque throughout the year.

3. The complement of woody shrubs and trees fulfilling requirements for the screening of off-street parking and loading described in this title shall incorporate evergreen trees and shrubs in sufficient quantities to provide year-round color and shade, in locations that meet environmental conditions.

4. Screening adjacent to public sidewalks and streets shall include at least two (2) of the following:

a. A landscape screening strip at least five feet (5’) wide, measured perpendicularly to the lot line abutting the street or sidewalk, containing a mix of shrubs and ornamental trees, in sufficient quantities and arranged to provide an adequate screen;

b. One (1) deciduous shade tree per every forty (40) linear feet of the lot line abutting the street or sidewalk;

c. A continuous shrub border or hedge no less than three feet (3’) and no more than four feet (4’) in height comprised of deciduous and/or evergreen shrubs;

d. Earth berm (if space permits); or

e. A decorative barrier consisting of a metal railing system with masonry columns or a solid masonry wall no taller than four feet (4') in height.

5. Screening to buffer single family residential dwellings within eighty feet (80') of off-street parking and loading facilities and to buffer all other residential and residential mixed-use properties within fifty feet (50') of off-street parking and loading facilities shall include a combination of at least three (3) of the following:

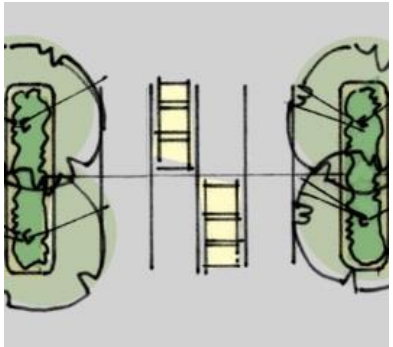
a. A landscape screening strip at least ten feet (10') wide, measured perpendicularly to the common lot line, containing a mix of shrubs and ornamental trees in sufficient quantities and arranged to provide an adequate screen;

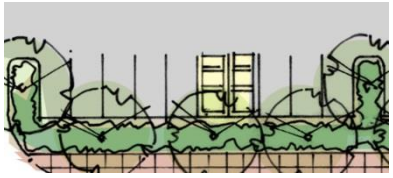
b. One (1) tree per every thirty (30) linear feet of lot line contiguous to the residential property with at least forty percent (40%) of trees being evergreen varieties;

c. A continuous shrub border or hedge no less than five (5) feet and no more than eight feet (8') in height comprised of deciduous and or evergreen shrubs;

d. Earth berm (if space permits);

e. Solid, board fence or masonry wall meeting the requirements of section 12-16-3 of this chapter.





Example illustrations for section 12-15-5J2 (upper illus.) and J3 (lower illus.), Internal Parking Lot Landscaping

J. Internal Parking Lot Landscaping:

1. Parking bays of twelve (12) spaces or more in length shall be subdivided by intermediate landscape islands or peninsulas. Landscape islands/peninsulas shall provide at least one (1) parking space width of landscape area (10 feet wide by 18 feet long island or peninsula for a single bay or 10 feet wide by 36 feet long island for a double bay). The Administrative Officer may permit peninsulas or islands of lesser length to allow for safe turning radii within parking lot aisles and drives.

2. Double parking bays with a length of six (6) or more double parking spaces shall terminate at each end with a planting area of a minimum of a double parking space of landscape area.

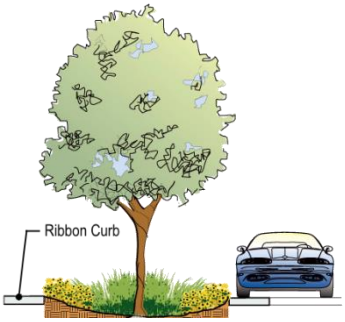
3. Parking bays greater than seven (7) spaces in length shall have one (1) landscaped island or peninsula placed at both ends.

4. Parking Lot Islands and Peninsulas: Where possible, planting islands should be depressed and surrounded by flat, ribbon curbs to facilitate stormwater filtering. Each landscaped island or peninsula shall be landscaped with perennial grasses or flowers, and at least one (1) of the following:

a. One (1) deciduous shade tree

b. one (1) ornamental tree

c. two (2) salt tolerant low shrubs,



Example illustration for section 12-15-5J4, Internal Parking Lot Landscaping

K. Landscaping Requirements For Outdoor Storage And Mini-Warehouse Self-Storage:

1. In addition to the fence requirements of sections 12-16-3 and 12-16-4 of this chapter, outdoor storage areas and mini-warehouse

self storage facilities shall be effectively screened and meet the applicable standards in this chapter, as follows:

a. A building wall may be used as a screen and may be counted towards meeting the screening requirements.

b. Z4 District: Outdoor storage areas and mini-warehouse self storage in the Z4 Multi-Use District shall be screened from view of any adjacent public street or sidewalk, and from any adjacent property in the Z2 Sub-Urban or Z3 General Urban zone districts, with one or more of the following:

(1) A fence that is at least six feet (6') in height and at least eighty percent (80%) opaque, comprised of weatherproof or treated wood or rigid vinyl or similar rigid polymer material.

(2) A freestanding masonry, wall that is at least six feet (6') in height and at least eighty percent (80%) opaque, comprised of structural foundations, clad in brick or decorative masonry units, pilasters and/or columns and protective capping. All masonry to shall be either integrally colored or painted in subdued, earth tone colors.

c. Z6 District: Outdoor storage areas and mini-warehouse self storage in the Z6 Industrial District shall be screened from view of any adjacent public street or sidewalk and from any adjacent property zoned Z2 Sub-Urban or Z3 General Urban, with one or more of the following:

(1) A fence that is at least six feet (6') in height and at least forty percent (40%) opaque, comprised of weatherproof or treated wood or rigid vinyl or similar rigid polymer material.

(2) Galvanized metal mesh (chain-link) with openings no greater than five-eighths of one inch (5/8"). A galvanized metal mesh fence with openings of up to 2" may be used if slats are integrated into the mesh, the forty percent (40%) opacity requirement can be met, and the slats are maintained in good condition.

(3) A freestanding masonry, wall that is at least six feet (6') in height and at least fifty percent (50%) opaque, comprised of structural foundations, clad in brick or decorative masonry units, pilasters and/or columns and protective capping. All masonry shall be either integrally colored or painted in subdued, earth tone colors.

2. Additional landscaping screening requirements beyond those required in subsection N, table 1 of this section are as follows:

a. One (1) additional evergreen tree reaching a height of at least twenty feet (20') at maturity shall be planted for every fifty (50) linear feet of fencing facing adjacent public rights-of-way, within the yards adjacent to the rights-of-way.

b. Two (2) additional shrubs shall be required per forty (40) lineal feet of right-of-way. The shrubs shall be planted along the outside of the fence within the yards adjacent to the

right-of-way, no closer than three feet (3') from the fence or any impervious surfaces and shall meet the applicable landscaping requirements found in this Chapter.

c. For outdoor storage areas within fifty feet (50') of a common property line with any property used for a residential purpose, a landscaped buffer shall be provided along the entire length of the property line, at least fifteen feet (15') in width, measured perpendicular to the property line. No structure or parking area, including the required fence or wall, may be located within this buffer area. The buffer area shall contain at least one (1) deciduous shade tree for each forty feet (40') of length of the buffer, one (1) evergreen tree for each twenty-five feet (25') of length of the buffer, and either one (1) ornamental tree or three (3) shrubs for each forty feet (40') of the length of the buffer.

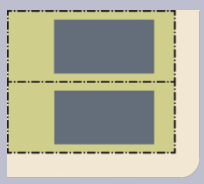
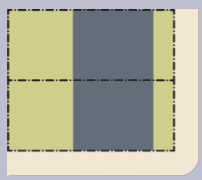
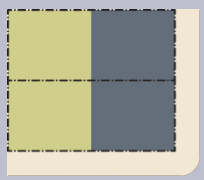
L. Installation. Landscaping as shown on the approved site development plan shall be installed prior to issuance of a final Certificate of Occupancy by the Chief Building Official. A temporary Certificate of Occupancy may be issued pending delays in landscaping installation due to seasonal change or other unavoidable delay; however, all landscaping must be completed before June 30 of the next growing season. The City may opt to utilize the Performance Guarantee required under Subsection E of this section to purchase and install the required landscaping if the owner fails to do so by the above deadline.

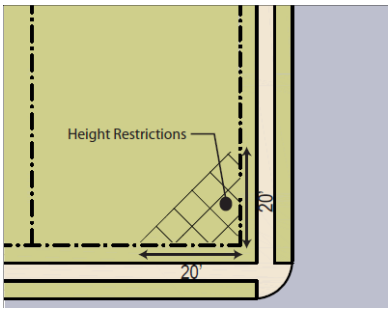
M. Landscape Maintenance: Landscaping, including plantings required by this chapter and subsection N, table 1 of this section such as lawns, groundcovers, trees, shrubs and herbaceous perennial and annual gardens, shall be kept in healthy condition, free of invasive plants and weeds, in perpetuity.

(subsection N, table 1 on following page)

N. TABLE 1: SITE RESTORATION & PLANTING

Minimum landscape standards in this table are prescribed on a per lot basis. Up to thirty percent (30%) of the shade tree requirements may be met with deciduous ornamental or evergreen trees; see subsection G5 of this section.

	BUILDING DISPOSITIONS			
	 **EDGEYARD**	**SIDEYARD**	 **SPLITYARD**	 **REARYARD**
Z2	**Right-of-way**: hardy turf grass, 1 shade tree; **Front Yard**: hardy turf grass, 1 shade tree, 5 shrubs, of which at least 2 shall be evergreen shrubs **Side yards**: hardy turf grass **Rear yard**: hardy turf grass		**Right-of-way**: hardy turf grass, 1 shade tree per 40 linear feet **Front Yard**: hardy turf grass, 1 shade tree per 4 Dwelling units, 1 deciduous or evergreen shrub per Dwelling unit **Side yards**: hardy turf grass **Rear yard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 40 linear feet of rear lot line length	Not Permitted
Z3	**Right-of-way**: hardy turf grass, 1 shade tree **Front Yard**: hardy turf grass, 1 shade tree, 3 shrubs, of which 2 shall be evergreen shrubs **Side yards**: hardy turf grass **Rear yard**: hardy turf grass	**Right-of-way**: hardy turf grass, 1 shade tree **Front Yard**: hardy turf grass, 1 shade tree, 4 shrubs, of which at least 1 shall be an evergreen shrub **Side yards**: hardy turf grass **Rear yard**: hardy turf grass		**Right-of-way**: hardy turf grass, 1 shade tree **Rear yard**: hardy turf grass
Z4 Non-residential	**Non-residential:** **Right-of-way**: hardy turf grass, 1 shade tree per 50 linear feet **Front Yard**: hardy turf grass, 1 shade tree per 50 linear feet of building frontage, 2 deciduous or evergreen shrubs per 20 linear feet of building frontage **Side yards**: hardy turf grass **Rear yard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 50 linear feet of rear lot line length			**Right-of-way**: hardy turf grass, 1 shade tree per 50 linear feet **Rear yard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 50 linear feet of rear lot line length
Z4 Residential	**Residential:** **Right-of-way**: hardy turf grass, 1 shade tree per 40 linear feet **Front Yard**: hardy turf grass, 1 shade tree per 4 Dwelling units, 2 deciduous or evergreen shrubs per Dwelling unit; **Sideyards**: hardy turf grass **Rearyard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 40 linear feet of rear lot line length			**Right-of-way**: hardy turf grass, 1 shade tree per 40 linear feet **Rear yard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 40 linear feet of lot perimeter
Z5	Not Permitted	**Right-of-way**: Sidewalk with tree well; 1 shade tree per 30 linear feet **Front Yard**: NA **Side yards**: NA **Rear yard**: NA **Roofscape:** Vegetated, green roof may be installed in lieu of yard landscaping		
Z6 Z6-O (Open) and Z6-R (Restricted)	**Right-of-way**: hardy turf grass, 1 shade tree per 50 linear feet **All yards**: New industrial developments or uses shall require 1 new tree per 1,000 square feet of gross building floor area For building sites that have over 40,000 square feet of gross floor area, the maximum number of trees required shall be 50	Not Permitted	Not Permitted	Not Permitted
Z7 All Z7 districts	**Right-of-way**: hardy turf grass, 1 shade tree per 50 linear feet **Front Yard**: hardy turf grass, 1 shade tree per 50 linear feet of building frontage, 2 deciduous or evergreen shrubs per 20 linear feet of building frontage **Side yards**: hardy turf grass **Rear yard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 50 linear feet of rear lot line length			**Right-of-way**: hardy turf grass, 1 shade tree per 50 linear feet **Rear yard**: hardy turf grass and/or herbaceous ground cover; 1 shade tree per 50 linear feet of rear lot line length



Traffic Visibility Diagram for Corner Lots

12-16-6 Traffic Visibility

A. CORNER LOTS: On corner lots in all zoning districts, except for buildings in the Z5 District, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three feet (3') and ten feet (10') within twenty feet (20') from the intersecting property lines. Any such obstruction shall not be wider than two feet (2').

B. ALLEYS AND DRIVEWAYS: Except as may be erected by a governmental agency, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') where it will interfere with traffic or pedestrian visibility from a driveway or alley to a public way. These regulations shall apply unless it can be demonstrated to the Administrative Officer that the planting, structure, or other obstruction provides an unobstructed view so as not to create a safety hazard.

12-16-7 Drainage Plans, Soil Erosion and Sediment Control

A. No land shall be developed and no form and function shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer and in accordance with storm drainage plans as may be established by the City.

B. In the case of all residential subdivisions of three (3) or more lots, business and industrial developments, the drainage plans with appropriate spot site elevations shall be submitted to the City Engineer for review and the final drainage plan shall be subject to written approval. In the case of such uses, no modifications in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.

C. The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling, or exposure of soils.

1. General Standards:

   a. The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

   b. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

   c. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

   d. The drainage system shall be constructed and operational as quickly as possible during construction.

e. Whenever possible, natural vegetation shall be retained and protected.

f. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of four inches (4”) and shall be of a quality at least equal to the soil quality prior to development.

g. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed sixty (60) days. Said time period shall be extended only if the City Engineer is satisfied that adequate measures have been established and will remain in place.

h. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. Stormwater drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of stormwater to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for stormwater shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flows, erosion damage, and construction costs.

2. EXPOSED SLOPES: The following control measures shall be taken to control erosion during any activity where soils are exposed:

a. No slope should be steeper in grade than four feet (4’) horizontal to one foot (1’) vertical (4:1).

b. Exposed slopes steeper in grade than ten feet (10’) horizontal to one foot (1’) vertical (10:1) should be contour plowed to minimize direct runoff of water.

c. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.

d. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipater should be installed to prevent erosion at the discharge end.

e. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soil material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary

seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.

f. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

3. Design Standards:

a. Man-Made Waterways:

(1) The natural above ground drainage system shall be utilized to the extent possible to dispose of runoff. Storm sewers are only to be used where it can be demonstrated that the use of the above ground natural drainage system will not adequately dispose of runoff. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. To the extent possible, the natural and constructed waterways shall be coordinated with an open space trail system.

(2) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten inch (10”) storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

(3) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

(4) The banks of the waterway shall be protected with permanent turf vegetation.

(5) The banks of the waterway shall not exceed five feet (5’) horizontal to one foot (1’) vertical (5:1) in gradient.

(6) The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

(7) The bed of the waterway shall be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt cement and concrete. The rip rap shall be no smaller than two inches (2”) square nor larger than two feet (2’) square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.

(8) If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the sidewalls. Either gravel

or rip rap may be allowed to prevent erosion at these points.

b. Water Velocity:

(1) The flow velocity of runoff in waterways shall be controlled to a velocity that will minimize erosion of the waterway.

(2) Flow velocity shall be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.

c. Sediment Control:

(1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

(2) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures may serve as temporary sediment control features during the construction stage of a development.

(3) Permanent impervious sediment control structures consist of sediment basins (debris basins, silt basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

d. Maintenance Of Erosion Control System:

(1) The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.

(2) Sediment basins shall be maintained as the need occurs to insure continuous de-silting action.

(3) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.

(4) Prior to the approval of any development, the developer shall make provision for continued maintenance of the erosion and sediment control system.

D. The top of any exterior foundation shall extend above the elevation of the street, gutter or inlet of an approved drainage device a minimum of twelve inches (12”) plus two percent (2%). Exceptions to this standard may be approved by the City Engineer when it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

12-16-8 Dark Sky Conditions and Glare Restrictions

Lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining

property and from public rights-of-way. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or the public right-of-way. Bare luminaries (light bulbs) shall not be permitted in view of adjacent property or public right-of-way.

Lighting standards for Zoning Districts Z1 through Z6 as well as the Z7 Specific Use Districts are described below. For Zoning Districts Z1, Z2, Z3 and Specific Use District Z7-3, the following standards (table 2 of this section) shall be considered dark sky guidelines. These suggested guidelines will serve as a connection between general planning practices and zoning regulations. For Zoning Districts Z4, Z5, Z6 and Specific Use Districts Z7-1, Z7-2 and Z7-4, the following standards shall be required as a part of development standards.

(Table 2 on following page)

TABLE 2: PUBLIC DARKNESS

This table outlines standards for preserving public darkness.

	Z1	Z2 Z7-3 Z7-5	Z3	Z4 Z7-2	Z5 Z7-1 Z7-4	Z6
Ambient Light Levels	none	very low	low	medium	high	high
	Guidelines			Standards		
Maximum lighting standards	Minimal electric lighting; should be turned off most of the time	Minimal lighting, all Full Cutoff	Minimal lighting, all Full Cutoff	Full cutoff lighting, some low wattage non-full cutoff lighting; controlled with dimmers, time switch or motion sensors	Full cutoff lighting, some non-full cutoff lighting; controlled with dimmers, time switch or motion sensors	Full cutoff lighting, some non-full cutoff lighting; controlled with dimmers, time switch or motion sensors
Maximum allowed initial lamp lumens per square foot[1]	1.25 - 1.6 lu/sf	2.5 - 3.2 lu/sf	3.3 - 4.2 lu/sf	7.6 - 9.7 lu/sf	10.9 - 13.9 lu/sf	10.9 - 13.9 lu/sf
Maximum lamp allowance (lumens)	6500 lu	17,000 lu	24,000 lu	44,000 lu	60,000 lu	60,000 lu
Required shielding	Fully shielded Luminaire with no uplight	Fully shielded Luminaire with no uplight	Fully shielded Luminaire with no uplight	Fully shielded Luminaire[2]	Fully shielded Luminaire[2]	Fully shielded Luminaire[2]
Lighting curfew for non-residential	8:00 pm or close of business, whichever is later	10:00 pm or close of business, whichever is later	10:00 pm or close of business, whichever is later	10:00 pm or close of business, whichever is later	12:00 am or close of business, whichever is later	10:00 pm or close of business, whichever is later

1 lu = lumen. A lumen is equal to one foot-candle falling on one square foot of surface area and one foot-candle is equal to one lumen per square foot.

2 The Administrative Officer or the Development Review Committee may permit a luminaire that is partially shielded if it can be shown that a partially shielded luminaire is necessary to provide adequate light for the conditions specific to its location and that adjoining properties are not negatively affected.

12-16-9 Smoke

The emission of smoke by any use shall be in compliance with and regulated by the State of Iowa Pollution Control Standards, as amended.

12-16-10 Dust and Other Particulate Matter

The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Iowa Pollution Control Standards, as amended.

12-16-11 Air Pollution

The emission of air pollution, including potentially hazardous emissions, by any use shall be in compliance with and regulated by Iowa Statutes, as amended.

12-16-12 Refuse and Recyclable Material

A. Location and Screening:

1. New Development:

    a. All refuse and refuse handling containers, including but not limited to garbage cans, carts and dumpsters, shall be stored within the principal structure, within an accessory building, or screened from eye level view from any public right-of-way, except alleys. Exceptions shall be made for garbage cans and carts provided for public and/or customer use and convenience.

    b. Screening shall be of sufficient height to conceal the container and provide a minimum opaqueness of eighty (80) percent. Screening may be partially accomplished with landscape materials if deemed of sufficient height and opaqueness year-round.

    c. Screened containers shall generally be located in the 3rd tier of a property, being that area measured from a point twenty feet (20') back from the principal structure's front facade and extending to the rear lot line.

    d. Screened containers shall generally comply with minimum setback requirements for accessory buildings.

    e. The design, construction and location of all required screening shall be subject to Development Review Committee (DRC) compliance review. New one- and two-family residential functions shall be subject to the standards of this subsection; however, DRC review and approval is not required.

2. Existing Development:

    a. While not required, screening of existing refuse handling containers from eye level view from any public right-of-way, except alleys, is highly recommended. Every effort shall be made to locate existing containers where they will have the least visual impact while maintaining adequate vehicular circulation and parking on the premises.

b. The placement of refuse handling containers on premises where no refuse containers were previously located shall be required to meet the requirements for New Development above.

3. Development; General Requirements

a. All refuse handling containers and screening shall be kept in a state of good repair and appearance at all times.

b. In outside locations, all refuse shall be placed inside the container or within the screened area, not outside or alongside the container or screened area. Refuse handling container capacity shall be “right-sized” to handle the typical waste stream resulting from uses operating on the premises.

c. All refuse handling containers located outside of a building shall have tight-fitting lids to prevent spilling and spreading of debris. Exceptions will be made if open, no-lid containers are necessary for construction debris or for similar purposes where spreading of debris is not likely or if the use is for a temporary period of time.

d. If being used temporarily for construction, moving or similar limited purposes occurring on the premises, refuse handling containers do not have to meet the screening or location requirements. However, in no case shall a container remain on a premises for these purposes longer than three (3) months within any twelve (12) month period if located in a Z2 or Z3 zoning district or six (6) months within any twelve (12) month period if located in any other zoning district, unless a limited extension is approved for good cause by the Administrative Officer. If the container is being used for a construction purpose, a valid building permit must be issued for an active construction project on the premises.

B. Dumping And Disposal:

1. Except if associated with a permitted use, the use of land within the City for dumping and disposal of sewage, rubbish, scrap iron, junk, garbage, ashes, slag industrial waste by-products, and petroleum contaminated soil is not permitted in any zoning district of the City.

12-16-13 Outside Storage; Residential and Non-Residential Uses

A. General Standards:

1. The Administrative Officer may order the owner of the property to cease or modify open storage uses, including existing uses, provided it is found that such use constitutes a threat to the public health, safety, or general welfare.

2. Parking and storage of vehicles on private lots, including recreational and commercial vehicles, shall be subject to the requirements of sections 12-8-5 and 12-8-6 of this title.

B. Residential Uses:

1. Exceptions: The storage of materials and equipment for residential uses (excluding farms) shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following:

   a. Clothes lines, pole and wire.

   b. Patio equipment, including chairs, tables and grills.

   c. Play and recreational equipment.

   d. Off-street parking of currently registered and operable passenger vehicles and trucks owned for personal, non-commercial purposes, not to exceed a gross vehicle weight of fourteen thousand (14,000) pounds.

   e. Off-street parking of recreational vehicles and commercial vehicles in accordance with section 12-8-6.C and D.

   f. Rear or sideyard exterior storage of firewood for the purpose of consumption only by the person or persons on whose property it is stored.

C. Non-Residential Uses:

1. Exterior Storage/Display: Outside storage shall be governed by the respective zoning district in which the use is located.

2. Additional Standards: All outside storage shall be screened so as not to be visible from adjoining properties and public streets, in accordance with Section 12-16-5K, except for the following:

   a. Merchandise being displayed for sale in accordance with zoning district requirements.

   b. Materials and equipment currently being used for construction on the premises.

12-16-14 Waste Material

Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system, the sanitary sewer system or any public water body, but shall be disposed of in a manner approved by the Iowa State Fire Marshal, appropriate state or federal agencies and the Administrative Officer.

12-16-15 Bulk Storage (Liquid)

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Iowa State Fire Marshall, the Iowa Department of Agriculture and other agencies with jurisdiction, and shall have documents from those offices stating the use is in compliance.

12-16-16 Radiation Emission

All activities that emit radioactivity shall comply with the minimum requirements of the Iowa Department of Natural Resources, as amended.

12-16-17 Electrical Emission

All activities that create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission, as amended.

12-16-18 Temporary Storage of Fill

A. The temporary storage of fill from building excavations or construction projects shall be allowed in all zoning districts subject to the following conditions:

   1. Storage shall not exceed the term of the building permit.
   2. The storage shall be in compliance with requirements and approved by the City Building Official and the City Engineer.
   3. Provisions as approved by the City Building Official and the City Engineer shall be made for erosion control.

B. The storage of fill beyond that allowed in subsection A of this section shall be in compliance with the provisions of this chapter as may be applicable and allowed but only within those zoning districts of the City where outside storage is allowed.

12-16-19 Outdoor Customer Dining

A. Contiguous to Principal Building: The outdoor customer dining area must be contiguous to the building housing the principal restaurant use; however, the area may be separated from the building by a pedestrian walkway, with a width meeting the requirements of this Section and applicable regulations. The outdoor customer dining area may be located on an adjoining property so long as the contiguity is maintained.

B. Encroachment Into Setbacks: The outdoor customer dining area may encroach into the required setbacks of the principal building.

C. Encroachment into Public Right-of-Way and Public Property: An outdoor customer dining area that is located partially or completely upon public right-of-way or other public property shall be subject to the requirements of title 5, articles C and F of this code.

D. Off-Street Parking: The outdoor customer dining area cannot displace required off-street parking.

E. Roof Cover:

   1. If the customer dining area is enclosed on three sides by the same or an adjacent principal building, it cannot have a solid roof cover.
   2. If the outdoor customer dining area is enclosed by one (1) or two (2) sides of the building, the area may be roofed by a solid roof cover; however such a cover is not required.

F. Areas Serving Alcohol: If alcohol is being served, the outdoor customer dining area must be delineated by a short fence, rope or chain barrier to comply with applicable alcoholic beverage regulations.

G. Food Preparation: Food preparation is prohibited in the outdoor customer dining area.

H. Takeout or Self Service Food Sales: An outdoor customer dining area that is associated with a restaurant offering “take-out” or “self-service” food sales must provide and maintain a trash container with a self-closing lid.

I. Capacity: The capacity of the outdoor customer dining area shall not be considered as part of the occupant load used to calculate the minimum or maximum number of parking stalls required for the principal restaurant function.

12-16-20 Permitted Encroachments into Setbacks

In addition to encroachments into setbacks stated in this Ordinance for specific zoning districts, the following shall be permitted in any zoning district:

A. An access ramp meeting accessibility requirements and serving a residential function may encroach into any required setback. A ramp serving any other function may encroach into a required side or rear setback, but not into a principal front or secondary front setback.

B. A roof overhang or eave may extend up to twenty-four inches (24”) into any required setback.

C. A stoop, with an area no greater than thirty-two (32) square feet, may encroach up to six (6) feet into any required setback.

12-16-21 Height Exceptions

The following may exceed the maximum height for structures as required in each zoning district:

A. Ornamental elements, such as church spires, belfries, cupolas, domes, ornamental towers, flag poles and monuments.

B. Necessary appurtenances, such as: chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, and similar structures; provided that any such structures that exceed height limitations be limited to the minimum necessary height to meet the operational needs of the building.

C. Structural extensions appropriate to the building design, such as cornices and parapets.

D. Structures serving public utilities.

E. Wind energy conversion systems, subject to the requirements of chapter 17 of this title.

F. Communication towers, subject to the requirements of chapter 19 of this title.

G. Buildings (including accessory buildings) in the Z6 District may exceed height limitations if reviewed and approved as P1 by the Planning and Zoning Commission.

12-16-22 Home Occupations

A home occupation is a permitted accessory use to any residential function, subject to the following requirements:

A. A home occupation shall be clearly accessory and incidental to the principal residential function.

B. Only those members of the family residing within the dwelling may be employed in the home occupation.

C. A home occupation shall not have a sign, other than a nameplate not more than two (2) square feet in area, nor any display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling.

D. There shall be no stock in trade nor commodity sold upon the premises.

E. No mechanical equipment shall be used except equipment common to domestic or household purposes.

F. The home occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the residence.

12-16-23 Accessory Buildings in Residential Districts

In the Z1, Z2, and Z3 districts, on lots where a residential dwelling is the principal function, an accessory building may only be located on a lot that also contains a principal building. In addition, the following requirements shall apply:

A. An accessory building may not be erected unless a principal building is being or has been constructed upon the same lot.

B. An existing accessory building may remain on a lot where the principal building is proposed to be or has been demolished only if the owner has entered into an agreement with the City that:

   1. Requires construction of a new principal building to begin no later than six (6) months after the previous principal building was demolished; and

   2. Requires that, if construction of the new principal building does not commence no later than six (6) months as required above, the City may enter the property and demolish the existing accessory building, with all costs assessed to the property owner.

Chapter 12-17: WIND ENERGY CONVERSION SYSTEMS

12-17-1 Intent

In order 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 that these regulations are necessary in order to ensure that wind energy conversion systems are appropriately designed, sited and installed.

12-17-2 Commercial Wind Energy Conversion Systems Illegal

It shall be unlawful to erect or maintain a commercial wind energy conversion system within Mason City.

12-17-3 General Regulations

A. Permit Required: It shall be unlawful to construct, erect, install, alter or locate any wind energy conversion system until all required building and electrical permits have been issued and all conditions imposed by the Chief Building Official and (if applicable) the Board are met. The owner/operator of any wind energy conversion system must also obtain any other permits required by other federal, state and local agencies/departments prior to erecting the system.

B. Dispersed Wecs - Conditional Use: A dispersed wind energy conversion system shall be allowed only as a conditional accessory use to a permitted principal or approved conditional principal use. A dispersed WECS shall not be installed and operated until a conditional use has been approved by the board and all conditions imposed by the board are met. The conditional use permit may be revoked at any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the board.

C. Number Of Systems Per Zoning Lot:

   1. Dispersed WECS: A maximum of five (5) dispersed wind energy conversion systems may be placed on any zoning lot, provided the minimum lot size and setbacks stipulated in section 12-17-4 of this chapter are met.

   2. Small WECS: Multiple small wind energy conversion systems may be placed on a lot, but the total rated capacity of all systems shall not exceed fifty (50) kilowatts.

12-17-4 Bulk Regulations

A. Minimum Lot Size:

   1. Dispersed WECS:A dispersed wind energy system shall not be erected on a zoning lot smaller than seven (7) acres. If four (4) dispersed wind energy systems are placed on the lot, the zoning lot shall measure at least ten (10) acres. If five (5) dispersed wind energy systems are placed on the lot, the zoning lot must measure at least thirteen (13) acres.

2. Small WECS: No minimum lot size shall apply to small wind energy conversion systems.

B. Maximum Tower Height: Tower height shall be measured from the ground to the top of the tower, excluding the wind turbine generator and blades.

1. Dispersed WECS: There shall be no maximum tower height for dispersed wind energy conversion systems.

2. Small WECS: The maximum tower height for small wind energy conversion systems shall be one hundred feet (100').

C. Setbacks:

1. Dispersed WECS:

a. The minimum distance between a dispersed wind energy conversion system and any property line shall be a distance that is equivalent to one hundred ten percent (110%) of the total system height.

b. A dispersed wind energy conversion system shall be set back at least seven hundred fifty feet (750') from any public right of way.

c. The board may authorize a lesser setback distance if a registered engineer licensed by the State of Iowa specifies in writing that the collapse of the system will occur within a lesser distance under all foreseeable circumstances.

2. Small WECS: There shall be no setback required for a small wind energy conversion system.

12-17-5 Location

A. No part of a wind energy conversion system shall be located within or over drainage, utility or other established easements, or on or over property lines.

B. A wind energy conversion system shall not be located in any required principal front or secondary front setback.

C. A wind energy conversion system shall be located in compliance with the guidelines of the federal aviation regulations with regard to airport approach and clearance around VOR (VHF omnirange beacon) and DVOR (Doppler VHF omnirange beacon) stations.

D. A dispersed wind energy conversion system shall be located a minimum of one thousand feet (1,000') from the nearest inhabitable residential structure, school, hospital, park or place of worship not on property owned or controlled by the owner/operator of the dispersed wind energy system. This setback can be reduced by up to fifty percent (50%), at the discretion of the board, upon a positive determination that:

1. A noise study, prepared by a qualified professional, demonstrates that except for intermittent episodes, the dispersed wind energy system shall not emit noise in excess of the limits established by this Code. The noise study shall include:

a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.

b. A description and map of the noise sensitive environment, including any sensitive noise receptors, e.g., residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers and other facilities where quiet is important or where noise could be a nuisance within one thousand feet (1,000').

c. A survey and report prepared by a qualified engineer that analyzes the preexisting ambient noise (including seasonal variation) and the affected sensitive receptors located within one thousand feet (1,000').

d. A description and map of the cumulative noise impacts of any problem areas identified.

e. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.

2. A shadow flicker model demonstrating that shadow flicker shall not fall on, or in, any existing residential structure, regardless of distance from the WECS. Shadow flicker expected to fall on a roadway or a portion of a residentially zoned parcel may be acceptable if the flicker does not exceed thirty (30) hours per year and the traffic volumes are less than five hundred (500) vehicles on the roadway. The shadow flicker model shall:

   a. Map and describe within a one thousand-foot (1,000') radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;

   b. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations;

   c. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

12-17-6 Design and Technical Standards

The following standards are required of all small and dispersed wind energy conversion systems:

A. Color: The wind energy conversion system shall be white or light grey in color. Other neutral colors may be allowed at the discretion of the board. The surface shall be non-reflective.

B. Lighting: No lights shall be installed on the tower, unless required to meet FAA regulations.

C. Signs: One sign, limited to four (4) square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner/operator to call in case of emergency.

D. Climbing Apparatus: All climbing apparatus shall be located at least twelve feet (12') above the ground, and the tower must be designed to prevent climbing within the first twelve feet (12').

E. Fence: To limit access to the tower, a fence six feet (6') high with smooth side to the outside, with no more than one inch (1") gaps and a locking portal shall be placed around the wind energy conversion system, unless the system is a small WECS located within a fenced or otherwise secured yard, or is a small WECS mounted on a rooftop.

F. Maintenance: Facilities shall be well maintained in an operational condition that poses no potential safety hazard.

G. Displacement of Parking Prohibited: The location of the wind energy conversion system shall not result in the net displacement of required parking as specified in this Ordinance.

H. Restriction on Use of Electricity Generated: A wind energy conversion system shall be used exclusively to supply electrical power for on-site consumption, except that when a parcel on which a wind energy conversion system is installed also receives electrical power supplied by a utility company, excess electrical power generated by the wind energy conversion system and not presently needed 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.

I. Clearance of Blade Aboveground: No portion of a small wind energy conversion system blade or rotor shall extend within twenty feet (20') of the ground. No portion of a dispersed wind energy conversion system blade or rotor shall extend within fifty feet (50') of the ground. No blades or rotors may extend over parking areas, driveways or sidewalks.

J. Automatic Overspeed Controls: All wind energy conversion systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system.

K. Noise: Except during short term events including utility outages and severe wind events, a wind energy conversion system shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established by this Code.

L. Electromagnetic Interference: All blades shall be constructed of a nonmetallic substance. A wind energy conversion system shall not be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television,

wireless phone or other communication systems would produce electromagnetic interference with signal transmission or reception. A wind energy conversion system shall not be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation. If it is determined that the wind energy conversion system is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference, including relocation or removal of the facilities, subject to the approval of the board (in the case of a dispersed WECS) or the Administrative Officer (in the case of a small WECS). The board may revoke a conditional use permit granting a dispersed wind energy conversion system if electromagnetic interference from the system becomes evident.

M. Interconnection: The wind energy conversion system, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.

N. Wind Access Easements: The enactment of this Chapter does not constitute the granting of an easement by the City. The owner/operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the wind energy conversion system unless adequate accessibility to the wind is provided by the site.

O. Insurance: The owner/operator of a wind energy conversion system must demonstrate adequate liability insurance.

P. Complaint Resolution: The owner/operator of a dispersed wind energy conversion system shall develop a process to resolve complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint. The owner/operator shall make every reasonable effort to resolve any complaint.

Q. Removal: If the wind energy conversion system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. Non-function or lack of operation may be proven by reports from the interconnected utility. The owner/operator and successors shall make available to the Administrative Officer all reports to and from the purchaser of energy from the wind energy conversion system if requested. If removal of towers and appurtenant facilities is required, the Administrative Officer shall notify the owner/operator. If the City removes a tower and appurtenant facilities, it may sell the salvage to defray the cost of removal. Any remaining cost shall be reimbursed by the owner/operator.

R. Right of Entrance: By the acceptance of a conditional use permit, the owner/operator of a dispersed WECS grants permission to Mason City to enter the property to remove the wind energy conversion system pursuant to the terms of the conditional use permit and to assure compliance with the other conditions set forth in the permit.

12-17-7 Application and Approval Requirements

Approval or denial of an application for a conditional use permit to allow construction of a dispersed wind energy conversion system shall be made by the Board as outlined in chapter 5 of this title.

A. Application: An application for a conditional use permit for a dispersed wind energy conversion system shall be made on the forms provided by the Administrative Officer and shall be accompanied by the following information:

1. A site plan showing the following:

    a. Complete property dimensions.

    b. Location and full dimensions of all buildings existing on property including exterior dimensions, height of buildings and all uses on property. Location and full dimensions of all buildings within two hundred feet (200') of the property including exterior dimensions, height and uses on property.

    c. Location and dimensions of any other natural or manmade features within two hundred feet (200') of the property such as trees, ridges, highways, streets, bridges and underpasses.

    d. Proposed location of tower including height, setbacks and distance to all buildings on the property and all buildings within two hundred feet (200') of the base of the tower.

2. A map showing the location of the tower and all property within a one thousand-foot (1,000') radius of the base of the tower, showing lot lines and the location of all habitable residential structures, schools, hospitals, parks, or places of worship within that radius, along with the distance to such functions from the base of the proposed tower, or showing that none of the above listed functions are located within the indicated radius.

3. Drawings, to scale, of the structure, including the tower, base, wind turbine generator, rotors footings and guywires, if any, including dimensions necessary to show compliance with the requirements of this chapter. The drawings and any necessary calculations shall be certified by a licensed engineer as meeting the requirements of the Mason City Building Code.

4. Line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation will meet the Mason City Electrical Code.

5. Certification from a licensed engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site.

6. Evidence that the applicant has notified the utility that the customer intends to install an interconnected customer owned generator, and that the generator meets the minimum requirements established by the utility and the Iowa Utilities Board. Off grid systems shall be exempt from this requirement.

7. Evidence from a qualified individual that the site is feasible for a wind energy conversion system, or that covenants, easements

and other assurances to document sufficient wind to operate the wind energy conversion system have been obtained.

8. Evidence that the proposed wind energy conversion system will comply with applicable federal aviation regulations, including any necessary approvals from the federal aviation administration.
9. Evidence that the applicant can obtain and maintain adequate liability insurance for the facility.
10. A noise study, if applicable.
11. A shadow flicker model, if applicable.
12. A site specific electromagnetic compatibility analysis assessing the impact to existing microwave bands with frequencies between nine hundred megahertz (900 MHz) and forty gigahertz (40 GHz). The report shall include the following elements:
    a. An inventory of existing microwave links operating in the nine hundred megahertz (900 MHz) to forty gigahertz (40 GHz) range within ten (10) miles of the dispersed wind energy system.
    b. An obstruction analysis of these links including the Fresnal zone of the microwave path.
    c. Any recommended mitigation actions necessary to ensure that the dispersed wind energy system will not obstruct the first Fresnal zone.
    d. An inventory of licensed television stations in a one hundred fifty (150) mile radius of the proposed dispersed wind energy system that are providing programming services to Mason City.
    e. A baseline measurement of signal strength and picture quality.
    f. Recommended means of mitigation, avoidance or remedy to minimize or eliminate signal degradation or interference.
13. Any other evidence or information as required by the Administrative Officer or board.
14. An application fee plus charge for each additional public notice sign.

B. Public Notice: The Administrative Officer shall cause notice to be published in the time and manner set forth in section 12-5-5 of this title. Notices shall be mailed to the owners of all properties within one thousand five hundred feet (1,500') of the zoning lot on which the dispersed WECS would be constructed.

Chapter 12-18: FLOODPLAIN MANAGEMENT

12-18-1 Statutory Authority, Findings of Fact, and Purpose

A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

1. The flood hazard areas of the City of Mason City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

3. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. Statement of Purpose: It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Mason City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 12-18-1.B.1 of this Ordinance with provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

3. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

12-18-2 Definitions

The following terms and definitions are unique to this chapter. Unless specifically defined below, words or phrases used in this Ordinance shall

be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

APPURTENANT STRUCTURE: A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

BASE FLOOD: The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood”).

BASE FLOOD ELEVATION (BFE): The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

BASEMENT: Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

ENCLOSED AREA BELOW LOWEST FLOOR: The floor of the lowest enclosed area in a building when <u>all</u> the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 12-18-13.B.5.a of this Ordinance, and

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

D. The enclosed area is not a "basement" as defined in this section.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before November 17, 1980, the effective date of the first floodplain management regulations adopted by the community.

EXISTING MOBILE HOME PARK OR SUBDIVISION: A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 17, 1980, the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK: A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FIVE HUNDRED (500) YEAR FLOOD: A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

FLOODPLAIN: Any land area susceptible to being inundated by water as a result of a flood.

FLOODPLAIN MANAGEMENT: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODWAY: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

FLOODWAY FRINGE: Those portions of the Special Flood Hazard Area outside the floodway.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

HISTORIC STRUCTURE: Any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

MAXIMUM DAMAGE POTENTIAL DEVELOPMENT: Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

MINOR PROJECTS: Small development activities (except for filling, grading and excavating) valued at less than $500.

NEW CONSTRUCTION: (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after November 17, 1980, the effective date of the first floodplain management regulations adopted by the community.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION: A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 17, 1980, the effective date of ~~the effective date of~~ the first floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE: A vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REPETITIVE LOSS: Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty five percent (25%) of the market value of the structure, excluding the value of the land on which the structure is located, before the damage occurred

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES: Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

C. Basement sealing;

D. Repairing or replacing damaged or broken window panes;

E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SPECIAL FLOOD HAZARD AREA (SFHA): The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, A99, and those areas of Shaded Zone X excluding those Shaded Zone X areas within the Winnebago River floodplain and those shaded Zone X areas within the Cheslea Creek floodplain extending from Cross Section J to the confluence with Willow Creek.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of

the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.)

SUBSTANTIAL IMPROVEMENT:

A. Any repair, reconstruction or improvement of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the first improvement of the structure, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after November 7, 1980, the effective date of the first floodplain management regulations adopted by the community, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE: A grant of relief by a community from the terms of the floodplain management regulations.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

12-18-3 Lands to Which This Chapter Applies

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Mason City shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, and General Floodplain (Overlay) Districts, as established in 12-18-11.

12-18-4 Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Map (FIRM) for Cerro Gordo County and Incorporated Areas, City of Mason City, Panels 19033C0142D, 0144D, 0161D, 0162D, 0163, 0164D, 0166D, 0167D, 0169D, 0188D, 0215D, 0252D, dated June 5th, 2020, which were prepared as part of the Flood Insurance Study for Cerro Gordo County, are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

12-18-5 Rules for Interpretation of District Boundaries

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an

interpretation is needed as to the exact location of a boundary, the Administrative Officer shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrative Officer in the enforcement or administration of this Ordinance.Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations that apply to forms and functions within the City of Mason City.

12-18-6 Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

12-18-7 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

12-18-8 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

12-18-9 Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Mason City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

12-18-10 Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

12-18-11 Establishment of Zoning (Overlay) Districts

The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

A. Floodway (Overlay) District (FW): those areas identified as Floodway on the Official Flood Plain Zoning Map;

B. Floodway Fringe (Overlay) District (FF): those areas identified as Zone AE and Shaded Zone X, excluding those Shaded Zone X areas within the Winnebago River floodplain and within the Cheslea Creek floodplain extending from Cross Section J to the confluence with Willow Creek, on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;

C. General Floodplain (Overlay) District (GF): those areas identified as Zone A on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

12-18-12 Floodway Overlay District (FW)

A. Permitted Forms and Functions: All forms and functions permitted in the underlying Zoning District, as identified in Title 12-8, Table 2 (Form and Function Table) shall be permitted to the extent that they are not prohibited by any other ordinance and provided they meet the applicable performance standards of the Floodway District.

B. Performance Standards: All Floodway District development shall meet the following standards.

1. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All development within the Floodway District shall:

   a. Be consistent with the need to minimize flood damage.

   b. Use construction methods and practices that will minimize flood damage.

   c. Use construction materials and utility equipment that are resistant to flood damage.

3. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying

capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

12-18-13 Floodway Fringe Overlay District (FF)

A. Permitted Forms and Functions: All forms and functions permitted in the underlying Zoning District, as identified in Title 12-8, Table 2 (Form and Function Table) shall be permitted to the extent that they are not prohibited by any other ordinance and provided they meet the applicable performance standards of the Floodway Fringe District.

B. Performance Standards: All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. Fill: Fill shall be allowed subject to the following standards:

   a. No more than twenty percent (20%) of the area of the lot located in the Floodway Fringe District shall be filled above the grade depicted on the City's 2006 Topographic Maps.

   b. The fill material must be compacted to at least ninety five percent (95%) of Standard Laboratory Maximum Dry Density (Standard Proctor), according to ASTB Standard D-698. Fill soils must be fine grained soils of low permeability such as those classified as CH, CL, SC or ML according to ASTM Standard D-2487, "Classification of Soils for Engineering Purposes". The fill material must be homogenous and isotropic.

   c. The fill cannot alter existing drainage patterns on the lot.

   d. All fill added to the lot since May 1, 2006, shall be added to the proposed fill in determining whether more than twenty percent (20%) of the lot has been filled.

   e. A certification from an accredited soil testing professional, certifying that the requirements of this subsection are met, shall be submitted prior to issuance of any permits for further construction on the site.

2. All new and substantially improved structures shall:

   a. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.

b. Use construction methods and practices that will minimize flood damage.

c. Use construction materials and utility equipment that are resistant to flood damage.

3. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of three (3) feet above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 3.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to approval by the Zoning Board of Adjustment, where the Board finds that existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

   All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

4. Non-residential structures: All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of three (3) feet above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

5. All new and substantially improved structures:

   a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

      (1) A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less

than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

(4) Such areas shall be used solely for parking of vehicles, building access and low damage potential storage. Where the distance between the floor and ceiling of the fully enclosed area below the “lowest floor” is five (5) feet or more, the applicant shall be required to sign and record with the Cerro Gordo County Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in Title 12-18-13.B.5.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities elevated or floodproofed to a minimum of three (3) feet above the base flood elevation).

6. Factory Built Homes:

a. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of three (3) feet above the base flood elevation.

b. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

7. Utility and Sanitary Systems:

a. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than three (3) feet above the base flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than three (3) feet above the base flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

8. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of three (3) feet above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

9. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of six (6) feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

10. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

11. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

12. Accessory Structures to Residential Uses

    a. Detached garages, sheds, and similar structures that are incidental and accessory to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

        (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.

        (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited

storage. The structure shall not be used for human habitation.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

(6) The structure’s walls shall include openings that satisfy the provisions of (12-18-13 (B) 5a) of this Ordinance.

b. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

13. Recreational Vehicles:

a. Recreational vehicles are exempt from the requirements of 12-18-1. B. 6 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

b. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 12-18-13.B.6 of this Ordinance regarding anchoring and elevation of factory-built homes.

14. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

15. Maximum Damage Potential Development: All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be

maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

12-18-14 General Floodplain Overlay District (FP)

A. Permitted Forms and Functions.

1. All forms and functions permitted in the underlying Zoning District, as identified in Title 12-8, Table 2 (Form and Function Table) shall be permitted to the extent that they are not prohibited by any other ordinance and provided they meet the applicable performance standards of the General Floodplain District.
2. Any development which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
3. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
   a. The bridge or culvert is located on a stream that drains less than two (2) square miles, and
   b. The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

B. Performance Standards:

1. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources, shall meet the applicable provisions and standards of the Floodway (Overlay) District (12-18-12).
2. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources, shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (12-18-13).

12-18-15 Administration

A. Appointment, Duties and Responsibilities of Local Official

1. The Administrative Officer is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

c. Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

d. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

e. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

h. Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Mason City Planning and Zoning Commission of potential conflict.

i. Maintain the accuracy of the community's Flood Insurance Rate Maps when:

(1) Development placed within the Floodway (Overlay) District results in any of the following:

1. An increase in the Base Flood Elevations, or

2. Alteration to the floodway boundary

(2) Development place in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

(3) Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

j. Perform site inspections to ensure compliance with the standards of this Ordinance.

k. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the

information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

B. Floodplain Development Permit:

1. Permit Required: A Floodplain Development Permit issued by the Administrative Officer shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

2. Application for Permit: Application shall be made on forms furnished by the Administrator and shall include the following:

   a. Description of the work to be covered by the permit for which application is to be made.

   b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

   c. Location and dimensions of all buildings and building additions

   d. Indication of the form or function for which the proposed work is intended.

   e. Elevation of the base flood.

   f. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

   g. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

   h. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

3. Action on Permit Application: The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Zoning Board of Adjustment.

4. Construction and Use to be as Provided in Application and Plans: Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a

professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

12-18-16 Duties of the Zoning Board of Adjustment

A. Appointment and Duties of Board of Adjustment: The Mason City Zoning Board of Adjustment, as authorized by Title 2-3 of the Municipal Code, shall hear and decide (i) appeals and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

B. Appeals: Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

C. Variance: The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Applications for a Variance shall follow the review process and approval standards in Title 12-5-4 and must also meet the following applicable standards.

   1. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

   2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

   3. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

   4. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

D. Factors Upon Which the Decision of the Zoning Board of Adjustment: In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. 5.The importance of the services provided by the proposed facility to the City.
6. The requirements of the facility for a floodplain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this Ordinance.

E. Conditions Attached to Variances: Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are

deemed the only practical alternative to achieving the purpose of this Ordinance.

5. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

12-18-17 Nonconforming Uses

A. A structure or the use of a structure or premises that was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
3. If any nonconforming use or structure is damaged by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.
4. If any nonconforming structure that has been designated as a repetitive loss structure by the federal emergency management agency or the national flood insurance program is damaged by any means, including flood, it shall not be reconstructed if the cost is more than twenty-five percent (25%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.

B. Except as provided in subsection A.2 of this section, any use that has been permitted as a conditional use or variance shall be considered a conforming use.

Chapter 12-19: COMMUNICATIONS TOWERS AND ANTENNAS

12-19-1 Existing Antennas and Towers

A. Nonconforming Antennas And Towers: Antennas and towers in existence as of July 1, 2010, that do not conform to or comply with this chapter, are subject to the requirements of chapter 6 of this title. In addition, if a nonconforming tower is hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining required permits; provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Chapter.

B. Substantial Changes: Any modification to wireless telecommunication equipment associated with an existing tower or an existing support structure shall be approved, unless the modification is a substantial change. A “substantial change” shall mean any one (1) or more of the following:

1. Increase in the height of an existing tower, other than a tower in the public right-of-way, by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna, not to exceed twenty feet (20’), whichever is greater.
2. Increase in the height of existing support structures by more than ten percent (10%) or more than ten feet (10’), whichever is greater.
3. Addition of an appurtenance to the body of the tower, other than a tower in the public right-of-way, that would protrude from the edge of the tower more than twenty feet (20’), or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
4. Addition of an appurtenance to an existing support structure that would protrude from the edge of the structure by more than six feet (6’).
5. Installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets.
6. Installation of any new equipment cabinets on the ground, if no pre-existing ground cabinets are associated with the existing support structure or the existing tower.
7. Installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with an existing support structure or an existing tower.
8. Excavation, construction or deployment of wireless telecommunication towers or equipment outside the current site.

9. Removal or reduction of any element of the existing support structure designed or intended to camouflage or conceal the tower or equipment.

10. Noncompliance with conditions associated with the siting approval of the construction or modification of the tower or the existing support structure, unless the change does not exceed the thresholds identified in this subsection.

12-19-2 General Requirements

A. Antennas Mounted to Existing Towers or Existing Support Structures: An antenna may be mounted to an existing tower or may be mounted on an existing support structure; however, if the installation of the equipment results in a “substantial change” as outlined in subsection 12-19-1B of this chapter, it shall be considered a new tower and shall be subject to the review process for a new tower as outlined below.

B. Zoning District Requirements

1. Z2 and Z3 Zoning Districts:

   a. Towers supporting amateur radio antennas, television antennas, broadcast radio antennas, citizen band radio antennas, and shortwave listening antennas, etc., and conforming to all applicable provisions of this chapter and the requirements of the zoning district shall be allowed only in the rear yard and/or side yard.

   b. Freestanding towers or existing support structures supporting wireless telecommunication antennas and conforming to all applicable provisions of this chapter shall be allowed only in the following sites in the Z2 and Z3 districts:

      (1.) Church sites, when mounted on existing support structure and camouflaged as a steeple or bell tower;

      (2.) Park sites, when compatible with the nature of the park; and

      (3.) Government, school, utility, and hospital sites.

2. Z5 District: New towers are not permitted within the Z5, Central Business District. Antennas in the Z5 District may be located on existing support structures.

3. Z7 Specific Use District: A freestanding tower is permitted in the Z7-2 (NIACC) and Z7-4 (County Fairgrounds) districts. In the Z7-1 (Mercy Medical Center) and Z7-3 (Mobile Home Park) districts, antennas may only be mounted to existing support structures; however, where at least thirty-five (35) percent of contiguous property under the same ownership in the Z7-1 or Z7-3 District is maintained in open space, a freestanding tower may be erected, provided that all other requirements of this chapter are met. In the Z7-5 District (Conservation Subdivision), only those towers permitted in the Z2 and Z3 districts, as noted in subsection B.1 of this section, may be erected.

4. All Other Districts: A new tower may be erected on any lot within the Z1 Agricultural District, Z4, Multi-Use District or Z6 Industrial District, except upon a lot where the principal function is residential.

C. Maximum Height: The maximum height of any tower or tower and antenna(s) in combination shall be subject to the setback and fall zone requirements outlined below; however, in no case shall any tower or tower/antenna combination exceed the following:

1. Z1, Z6, Z7-2 and Z7-4 districts: three hundred feet (300').
2. Z2, Z3 Z7-1, Z7-3, and Z7-5 districts: one hundred feet (100'); however, on land in the Z7-1 district where at least thirty-five percent (35%) of contiguous property under the same ownership is maintained in open space, a tower may have a maximum height of three hundred feet (300').
3. Z4 district: two hundred feet (200').

D. Setback and Fall Zone Requirements

1. The setback and fall zone shall be measured between the base of the tower located nearest the property line and the actual property line.
2. A tower or antenna in the Z1, Z2, Z3, Z7-3, or Z7-5 districts shall not encroach into any easement or required yard setback in those districts as specified by this title.
3. A tower or antenna in the Z4, Z5, Z6, Z7-1, Z7-2 or Z7-4 districts shall not encroach upon any easements. The minimum distance to the nearest property line shall be equal to the height of the tower.
4. In any zoning district, the minimum fall zone distance from the base of the tower to the nearest point of the nearest habitable building shall be one and one-half (1.5) times the height of the tower.
5. A tower shall not be located within the first tier of the lot; however, on sites adjacent to public rights-of-way on three (3) or more sides, a tower may be placed within a secondary front yard abutting a public right-of-way if the setbacks are met from all other property lines as specified by this title.
6. The required setback may be reduced or its location in relation to a public street varied at the discretion of the Administrative Officer to allow the integration of an antenna or tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.
7. A lesser setback or fall zone distance may be permitted if a registered engineer licensed by the State of Iowa specifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances; but in no case shall the setback or fall zone be less than one-half (½) the height of the tower.

12-19-3 Design Requirements for New Towers

A. Type: A tower shall be a monopole or other structure that is stabilized at the base. Guy wires may not be used.

B. Colors: Towers shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).

C. Tower Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower, or if required by the Administrative Officer for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.

D. Signs And Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. Upon completion of tower site construction, a placard containing the name, address, and telephone number of the principal owner or operator of the tower structure is required. This placard shall be affixed in a location so that it is clearly visible at the perimeter of the site. Said placard shall not exceed four (4) square feet in area. The pertinent ownership information on the placard shall be kept current and updated as needed. No additional signage shall be allowed other than those required by the FCC.

E. Accessory Utility Buildings: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. Acceptance of design from a registered engineer licensed by the State of Iowa shall be left to the discretion of the Administrative Officer.

F. Collocation On New Towers: New towers shall be designed to support at least three (3) wireless telecommunications providers, including the initial provider (3 total).

12-19-4 New Towers and Antennas: Review Process

A. New Antennas on Existing Towers and Existing Support Structures: A new antenna to be collocated on an existing tower or mounted on an existing support structure (with or without collocation) shall be reviewed administratively for compliance with this chapter by the Development Services Department.

   1. A request for an antenna that is to be collocated on an existing tower or an existing support structure shall be reviewed and a decision rendered in no less than ninety (90) days from the date the application is determined to be complete.

   2. A request for a new antenna that is the first or only antenna to be mounted on an existing support structure shall be reviewed and

a decision rendered no less than one hundred fifty (150) days from the date the application is determined to be complete.

3. Any installation that results in a “substantial change” as outlined in subsection 12-19-1B of this chapter shall be considered a new tower and shall be reviewed according to the process outlined for a new tower.

B. New Towers: All new freestanding towers or any antenna installation that meets the requirements for a “substantial change” as outlined in section 12-19-1B of this chapter shall be reviewed by the Development Review Committee as outlined in chapter 7 of this title. A decision on a new tower shall be rendered in no less than one hundred fifty (150) days from the date the application is determined to be complete.

C. Required Submittals for New Towers: In addition to the required submittals for a concept plan or major site plan as outlined in chapter 7 of this title, a request for a new tower shall include the following:

1. A report from a registered engineer licensed by the State of Iowa indicating the following:

   a. Description of the tower/antenna height and design including a cross section and elevation;

   b. Documentation of the approximate height above grade for potential mounting positions for the initial and the collocated antennas (minimum of 3 total) and the approximate minimum separation distance between antennas; and

   c. Description of the tower’s general capacity including the number and type of antennas that can be accommodated on the tower (minimum of 3).

2. A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including, without limitation, reasonable rental rates for such shared use.

3. Documentation showing that the applicant has completed a survey of existing collocation opportunities within one-half (½) mile of the proposed new tower location and, if collocation opportunities exist, a statement regarding the reason for choosing the proposed location instead of collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the tower, attesting that one or more of the following exists:

   a. Collocation within the half-mile radius would not result in the same mobile service functionality, coverage, and capacity.

   b. Collocation within the half-mile radius is technically infeasible.

   c. Collocation within the half-mile radius is economically burdensome to the applicant.

4. The tower owner, if he/she is not the wireless telecommunication provider, shall provide proof of a lease agreement with a wireless

telecommunication provider for the location of at least one (1) antenna on the proposed structure.

D. Approval: Construction of an approved new antenna or new tower must commence within two (2) years of the date of approval, and shall be diligently pursued until completion. Failure to meet this requirement voids the approval and any associated permits.

E. Denial: If an application is denied, the reasons for denial shall be provided to the applicant in writing, along with minutes of meetings and other documents that support the denial.

12-19-5 Abandoned or Unused Towers or Portions of Towers

The operator/owner of a tower shall provide the City with a copy of the notice to the FCC of intent to cease operations. All abandoned or unused towers and associated aboveground facilities shall be removed within twelve (12) months of the cessation of operations of an antenna facility at the site unless the Administrative Officer approves a time extension. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the City may remove the tower and associated facilities and the costs of removal shall be assessed against the property.

12-19-6 Telecommunications Operations

No new or existing telecommunications service shall interfere with public safety telecommunications or private telecommunications, including, without limitation: radio, television, and personal communications. Any violation shall be enforced in accordance with rules and regulations of the Federal Communications Commission (FCC).

Chapter 12-20: SIGN REGULATIONS

12-20-1 Introduction

A. Purpose: The purpose of this chapter is to promote, preserve and protect the health, safety, and general welfare of the city, to alleviate the congestion of public streets, to provide for the promotion of traffic safety, to conserve the value of buildings, and to enhance and protect the appearance of the community by providing reasonable regulations and standards relating to the type, placement and physical dimensions of signs. This chapter recognizes and subscribes to the right of businesses to advertise and the right of advertising companies to pursue their business, subject to reasonable regulations as adopted in this chapter.

B. SCOPE: This chapter shall apply to all on premises signs and off premises signs within the City. All signs erected, repaired, altered, relocated or maintained within the City shall comply with the provisions of this chapter.

12-20-2 Definitions

The following terms and definitions are unique to this chapter. Other terms not included may be found in the general definitions of this title or in any standard dictionary, or may be inferred by context.

ABANDONED SIGN: A sign which, for more than ninety (90) days, does not display any advertisement, copy or message or any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer provided or available at the indicated location or for which no legal owner can be found.

ABANDONED SIGN STRUCTURE: A sign support, frame, pole or structure which, for more than ninety (90) days, does not support a sign.

ANIMATED SIGN: A sign that uses movement or change of light to depict action or to create a special effect or scene. This definition does not include message center or time and temperature signs.

ATTACHED SIGN: A sign attached to any building or habitable structure. Types of attached signs include wall, window, projecting and blade signs.

BALLOON SIGN: A transient sign consisting of graphics or any three-dimensional figure erected for the purposes of advertising, that is inflated with or supported by air or other gas.

BANNER SIGN: A transient sign made of fabric or other nonrigid materials with no enclosing framework. This definition includes “feather” signs or similar banner signs that are supported on fewer than three (3) sides with a rigid post or similar support.

BLADE SIGN: A small attached sign mounted perpendicularly to a building and projecting no more than fifteen inches (15”) from the wall, intended to direct pedestrian traffic to specific locations or businesses.

CAMPUS COMPLEX: An agglomeration of industrial, commercial, or professional office parcels that may, because of ownership, proximity of location or arrangement of buildings, be considered a single premises by the administrative officer for the purpose of allowing a multi-tenant sign.

CHANGEABLE COPY SIGN: A sign on which copy is changed manually in the field, such as a reader board with changeable letters or changeable pictorial panels.

CIVIC BANNER: A temporary sign erected or permitted by a government agency on rights of way or other city property.

CLEARANCE (OF A SIGN): The vertical distance between the prevailing, natural surface grade and the lowest point of any sign, including framework and embellishments, extending over that grade.

DETACHED SIGN: A sign permanently affixed to the ground and otherwise not attached to a building or structure. It may be supported by poles, uprights, braces, or placed on a base mounted directly to the ground. Detached signs include monument signs and pole signs.

DIRECTIONAL/INFORMATION SIGN: An on premises sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

DOUBLE HEAD SIGN: An off premises sign that contains two (2) sign faces when viewed head on. A double head sign may be a side by side or a stacked (“double decker”) sign.

EXPRESSWAY SIGN: A detached on-premises sign structure with one (1) or more signs, advertising a business or businesses on the same parcel, with frontage on the US Highway 18 – IA Highway 27 expressway and placed to be visible from that expressway.

FACADE, OTHER: The exterior walls of a building other than the primary facade or secondary facade.

FACADE, PRIMARY: A single exterior wall of a building that faces the front line of the lot or the exterior wall of a building that contains the primary entrance to the building. The designation of a primary facade shall be at the discretion of the owner.

FACADE, SECONDARY: A single exterior wall of a building other than the primary facade. The designation of a secondary facade shall be at the discretion of the owner.

FACE (OF A SIGN): The area of a sign on which the copy is placed.

FESTOONS: A string or series of ribbons, tinsel, small flags, pinwheels or similar devices.

FLIER SIGN: A temporary sign or poster affixed to a tree, utility pole, fence, etc.

FLASHING SIGN: A directly or indirectly illuminated sign that contains an intermittent flashing light source. This does not include message center or time/temperature signs.

HEIGHT (OF A SIGN): The vertical distance measured from the highest point of the sign or sign structure to the prevailing natural surface grade beneath the sign.

ILLEGAL SIGN: A sign erected without a permit required by this chapter, or in violation of any of the limitations, prohibitions or requirements of this chapter.

ILLEGAL SIGN STRUCTURE: A sign structure erected without a permit required by this chapter, or in violation of any of the limitations, prohibitions or requirements of this chapter.

ILLUMINATED SIGN: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL SIGN: A small sign, emblem, or decal informing the public of information (such as hours of operation, credit cards accepted, etc.), goods, facilities or services available on the premises.

LOT WIDTH: The average width of a zoning lot measured parallel to the front lot line.

MAINTENANCE: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic size, design, or structure of the sign.

MESSAGE CENTER: All or a portion of an attached or detached sign consisting of an electronically or computer controlled reader board where different copy changes are shown on a lamp bank or other electronic displays. This definition includes a sign or portion of a sign that displays only current time and temperature.

MONUMENT SIGN: A detached sign where the base of the sign is on the ground or a maximum of no more than twelve inches (12") above the adjacent grade or with no more than twelve inches (12") of clearance from the ground.

MULTI-TENANT SIGN: A sign advertising a shopping mall, shopping center, strip mall or campus complex depicting multiple tenants and/or the name of the shopping center.

NONCONFORMING SIGN: A sign that was erected legally but does not comply with subsequently enacted sign regulations and restrictions.

NONCONFORMING SIGN STRUCTURE: A sign structure that was erected legally but does not comply with subsequently enacted sign regulations and restrictions.

OFF PREMISES SIGN: A sign that directs attention to a business, profession, product, service, activity or entertainment that is not conducted, sold or offered on the premises upon which the sign is located. An off premises sign shall be considered a principal use in the zoning districts in which it is allowed.

ON PREMISES SIGN: A sign that directs attention to a business, profession, product, service, or activity conducted, sold or offered on the same premises where the sign is located. An on premises sign shall be considered an accessory use in the zoning districts in which it is allowed.

POLE SIGN: A detached sign that is affixed, attached or erected on a pole that is not itself an integral part of or attached to a building or structure.

PORTABLE SIGN: A sign which, by its construction or nature, may be, or is intended to be, freely moved from one location to another. The removal of the wheels or undercarriage does not place the sign in another category. Signs mounted on trailers, vehicles or connected to vehicles with hitch mechanisms are also considered to be portable signs.

POSTER PANEL SIGN: A transient sign placed outside of a business, usually on the adjacent sidewalk, that is oriented to pedestrians and

provides information about the business (e.g. products and services offered, daily specials etc.) and is not permanently attached to the ground or structure.

PREMISES: An individual zoning lot, parcel or campus complex, together with the buildings and structures thereon.

PROJECTING SIGN: An attached sign supported by uprights, braces, or other devices, or otherwise attached to a building or structure and projecting perpendicular to the face of the building.

PUBLIC SIGN:

A. A temporary or permanent sign erected and maintained by the City, County, State or Federal government for traffic control or direction.

B. A temporary or permanent sign erected for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

ROOF SIGN: An attached sign erected, constructed, or maintained wholly or partially upon or over the roofline of any building, with the principal structural support on the roof or building structure.

ROOFLINE: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

SIGN: An object, device, graphic design or part thereof, visible outdoors, that is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, illuminated neon tubing, and projecting images.

SIGN AREA:

A. Area of signs not requiring a permit, detached on premises signs, attached on premises signs with frames, and off premises signs:

    1. For a sign composed of one face: The sign area is the area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights.

    2. For a sign composed of more than one face: The sign area is the areas enclosed by a continuous line connecting the extreme points or edges of each face and shall be totaled. The area shall be determined using the total sign area or silhouette, but excluding the necessary supports or uprights.

    3. For a sign composed of two (2) faces constructed back to back, or at less than a forty five degree (45°) angle to each other: The sign area shall be determined using the sign area or silhouette of the largest face, but excluding the necessary supports or uprights.

    4. For a sign composed of two (2) faces constructed at more than a forty five degree (45°) angle to each other: The sign area shall be determined using the total area of all faces, but excluding the necessary supports or uprights.

B. Area of attached on premises signs without frames, or attached on premises signs that are inscribed, painted or otherwise directly

affixed to the wall surface: The sign area is the area including all lettering, wording, and accompanying design or symbols together with any background.

C. Area of a sign composed of individual letters or figures: The area of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

SIGN SEPARATION: The horizontal distance between sign faces when measured along the centerline of a public right of way from a point on the centerline of the public right of way at a right angle to the center of one sign face to a point on the centerline of the same public right of way at a right angle to the center of another sign face.

SIGN STRUCTURE: The supports, uprights, bracing, or framework of any structure exhibiting a sign.

SINGLE HEAD SIGN: An off premises sign that contains a single sign face when viewed head on.

STREET FRONTAGE: The length of the property line of any one premises abutting the public right of way.

SWINGING SIGN: A sign installed on an arm, mast or spar that is by design intended to allow the sign to swing due to wind action or other force.

TRANSIENT SIGN: A sign, banner, pennant, placard, valance or advertising display or sign constructed of light fabric, plastic, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, e.g., garage sale, rummage sale, real estate, open house, product sign, vendor sign and similar types of signs, but not including political signs advocating for a candidate, issue, or point of view.

WALL SIGN: An attached sign that is mounted, inscribed or painted directly on a wall of any building or structure.

WINDOW SIGN: A non-temporary, on premises attached sign installed in, on, or behind a window and intended to be viewed from the outside.

12-20-3 Sign Approval and Permits

A. Permit Required:

1. Zoning Permit: Except as specifically exempted in this chapter, no sign may be erected, painted or otherwise installed or inscribed on a lot or onto a building unless a zoning permit has been issued that ensures that the proposed sign is in compliance with this chapter.

2. Sign Permit: Any sign requiring a permit in accordance with title 10, chapter 2, article G of this Code shall not be erected, painted or otherwise installed or inscribed on a lot or onto a building unless a sign permit has been issued that ensures that the proposed sign is in compliance with the building code adopted under title 10 of this Code.

B. Zoning Review and Approval Required: Except for signs exempt from zoning permits according to this chapter, a zoning permit to erect, alter or relocate any sign subject to the provisions of this chapter shall be issued only after zoning review and approval.

Review and approval shall be required for each sign or signs regulated by this chapter, whether erected concurrently or not.

1. Off-premises signs shall be reviewed by the Development Review Committee, according to the process outlined in chapter 7 of this title.
2. All other signs subject to zoning permits under this chapter shall be reviewed and approved by the Administrative Officer before issuance of a zoning permit.

C. These regulations shall not be construed to require zoning review and approval or a zoning permit for a change of copy on a sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which zoning approval has previously been granted, provided that the sign or sign structure is not modified in any way.

12-20-4, TABLE 1: PROHIBITED SIGNS

Signs prohibited in all zone districts:
Abandoned and/or obsolete signs
Abandoned and/or obsolete sign structures
Any sign not expressly permitted by this Chapter
Any sign that is not a public sign that is located in, on, under or over a public right-of-way, except as allowed in section 12-20-6D of this chapter and title 5, chapter 1, article C of this Code
Any sign that violates or advertises activities that violate City, State or Federal law
Flashing signs, other than allowed message centers
Flier signs
Off premises advertising signs mounted to the wall or roof of a building
Signs bearing or containing statements, words or pictures that describe or depict specified anatomical areas or specific sexual activities, as defined in title 13 of this Code
Signs imitating or resembling official traffic or governmental signs or signals
Swinging signs

12-20-4 Prohibited Signs

The signs listed in table 1 of this section are expressly prohibited in all zoning districts:

12-20-5 Signs Allowed But Not Requiring a Zoning Permit

A. General regulations for signs not requiring a zoning permit:

1. Signs shall not be illuminated unless otherwise provided in this chapter.
2. Signs shall not be located in, on, under or over any public right of way except as allowed in title 5, chapter 1, article C of this Code.
3. The sign area shall not be applied to the total sign area allowed by the zoning district, unless otherwise provided in this chapter.
4. Signs are not subject to the setback requirement unless specifically stated in this chapter.
5. Signs shall not be placed in the traffic visibility zone, per section 12-16-6 of this title.
6. Signs must be constructed of a rigid material, or erected tightly so as to appear of a rigid material, and securely mounted without the use of guywires, ropes, strings, or cords.

B. The signs listed in table 2 of this section are allowed and are exempted from the zoning permit requirements:

12-20-5, TABLE 2: SIGNS ALLOWED BUT NOT REQUIRING A ZONING PERMIT

	Z1 Z2 Z3 Z7-3 Z7-5	Z4 Z5 Z6 Z7-1 Z7-2 Z7-4
Transient Signs		
Area (max sq. ft.)	Per individual sign: 6 sq. ft.	Lots with <200 ft. of street frontage: Cumulative area of all signs: 16 sq. ft.
	Cumulative area of all signs:12 sq. ft.	Lots with ≥200 ft. of street frontage: Cumulative area of all signs: 32 sq. ft
Height (max. ft.)	6 ft.	8 ft.
Location	May be placed within the required setbacks, but not within the traffic visibility zone (see Sec. 12-16-6)	May be placed within the required setbacks, but not within the traffic visibility zone (see Sec. 12-16-6)
Time limits	Shall be removed within 10 days after the precipitating project, event, sale, or promotion is concluded	No limitation
Balloons, Festoons and Other Promotional Devices		
Time limits	No more than 10 days per calendar year	No more than 30 days per calendar year
Restrictions	On single family and two-family properties, may be used for noncommercial purposes only	
Others (Allowed in all zone districts)		
Civic banners		
Directional/Informational signs. One (1) per street access, not to exceed 4 sq. ft. in area per sign. May be illuminated but may not flash.		
Holiday decorations		
Home occupations sign. One (1) attached sign per lot, advertising an allowed home occupation. Maximum area = 2 square feet. May not be illuminated.		
Incidental signs		
Public signs. Signs may be illuminated but may not flash; however, time/temperature and message centers are allowed.		
Signs mounted inside a building, that are not visible from the exterior of the building.		
Temporary window signs. May not be displayed for more than 30 consecutive days.		

12-20-6 Performance Requirements For All Signs Requiring a Zoning Permit

A. General Regulations:

1. Signs shall not be placed in a drainageway, ingress/egress easement, utility easement or other easement of record.
2. Signs shall not be located in, on, under or over any public right of way except as allowed in subsection D of this section and in title 5, chapter 1, article C of this Code.
3. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exitway, window or door opening used as a means of egress or to prevent free passage from one part of a roof to another part thereof or access thereto.
4. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
5. Signs shall not be suspended by chains, hooks or cables or other devices that will allow the sign to swing due to wind action or other force. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
6. Signs shall not have moving, rotating or animated parts.
7. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

8. Detached signs shall be self-supporting structures and be permanently attached to sufficient foundations as required by the city building code. Supporting posts shall be painted in a neutral color.
9. An attached sign must derive all of its structural support from the building to which it is attached.
10. A mural painted directly upon a building wall shall not be considered a sign and therefore not subject to regulation, unless the artwork or graphics contain letters, logos or other representations that constitute advertising. Any portion of a mural that constitutes advertising shall be subject to the requirements for wall signs as outlined in section 12-20-8, table 3 of this chapter.
11. After any sign that requires a zoning permit is constructed, affixed or erected, the sign owner or sign contractor performing the work or service shall notify the Administrative Officer for final inspection of the sign.
12. Signs shall not be placed in the traffic visibility zone, per section 12-16-6 of this title.

B. Electrical and Illumination Requirements:

1. Electrical service to on-premises and off-premises signs shall be concealed to the greatest extent feasible.
2. External lighting used in conjunction with or the lighting of any sign, shall be directed only upon the sign to be illuminated. Any illumination of a sign, whether internal or external, shall not be directed onto adjoining property or constitute a hazard to vehicles upon a street or highway.
3. Any sign that is allowed to be illuminated shall not have any flashing elements, unless a message center is allowed.
4. In the Z2 and Z3 Zone Districts, only signs for multiple family developments and allowed non-residential uses may be illuminated.

C. Maintenance Standards:

1. Every sign, including signs for which zoning permits are not required, shall be maintained in a safe, representable and good structural and aesthetic condition at all times, including replacing of defective parts and lettering, repainting, cleaning and other acts required for the maintenance of the sign.
2. The ground area around any detached sign shall be kept free and clean of weeds, trash and other debris. Landscaping at the base of the sign, if required, shall be maintained in a healthy and hardy condition.

D. Encroachment Standards:

1. Wall signs attached parallel to the face of a building and blade signs may encroach into an adjacent right of way up to fifteen inches (15").
2. Projecting signs, canopy and awning signs that encroach into the public right-of-way are allowed after review and approval by the

city council per title 5, chapter 1, article C of this Code and after confirmation that the signs meet the requirements of this section.

3. A poster panel sign on a public sidewalk or plaza shall not require an encroachment permit from the City Council, provided that the requirements of subsection E3 of this section are met.

4. Detached signs shall not be allowed to encroach into any right of way.

E. Specific Sign Requirements

1. Projecting Signs

a. A projecting sign must be constructed to provide a minimum height above grade at least ten feet (10') above any pedestrianway and fourteen feet (14') above any vehicularway.

b. A projecting sign may not project more than four feet (4’) from the face of the building.

2. Blade Signs

a. A blade sign shall not extend more than fifteen inches (15”) from the face of the wall.

b. Maximum area: Three (3) square feet. The area of the blade sign shall be counted toward the cumulative maximum area of allowed signs.

c. Minimum clearance from the sidewalk: seven feet (7’).

d. One (1) blade sign shall be permitted for each business accessed from a building frontage. A blade sign shall be located near the business entrance. A business fronting on two or more streets or streets and a parking lot in combination may have one (1) blade sign per frontage, but in no case may a business have more than two (2) blade signs.

e. Blade signs shall have no more than two (2) faces, placed back to back to each other in the same plane, and shall be no more than three inches (3”) thick.

f. Blade signs shall be constructed of rigid and permanent materials, such as wood, metal, or rigid polymer.

g. A blade sign may be illuminated only by an internal light source or by a low intensity light source that is not directly visible from the ground and is directed only upon the sign, or indirectly illuminated by a shielded, wall-mounted building light or other ambient light source.

3. Poster Panel Signs

a. The sign shall be located at least two feet (2’) from an adjacent curb and shall not impede passage of pedestrians along the sidewalk.

b. The sign shall be anchored or weighted to prevent it from being affected by wind or other force.

c. A poster panel sign shall be removed from the sidewalk and stored indoors whenever the business is not in operation or open to the public.

d. The holder of the sign permit for the poster panel sign shall provide proof of insurance sufficient to hold the City harmless from and indemnified against all damages arising from or growing out of the placement of the sign.

4. Message Center Signs.

a. A sign permit application for a message center sign shall be accompanied with all data and information necessary to show compliance with the requirements of this section.

b. The sign may not display commercial messages related to products or services that are not offered on the same premises.

c. No more than seventy percent (70%) of the area of any detached sign may be dedicated to a message center. Up to one hundred percent (100%) of an attached sign may be dedicated to a message center.

d. No more than one (1) message center sign is allowed per property, regardless of sign type (attached or detached).

e. No element of the display may flash more than one (1) time per second. Foreground elements, including text, may be animated, but shall not move or change size in a manner that simulates blinking or flashing (such as rapid increase or decrease in the size of elements or rapid movement of elements from one part of the display to another).

f. Full motion video or film display via an electronic file imported into the message center software or streamed into the message center is prohibited.

g. Transition from one message to the next shall be smooth; transitions that simulate flashing (such as spinning transitions, simulated flying in and out of the display, rapid zooms, or similar) are not permitted. Transitions shall not exceed one (1) second.

h. The minimum message display duration shall be seven (7) seconds.

i. The sign must be equipped with brightness controls that automatically adjust the intensity of the light, based on ambient light levels.

j. A message center shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance, calculated using the following formula: Measurement Distance = √Area of Sign X 100 (the measurement distance can be rounded to the nearest whole number).

k. In the Z5 District, a message center sign is permitted only on lots with frontage on those segments of Delaware Avenue and Washington Avenue under the jurisdiction of the Iowa Department of Transportation as US Highway 65.

Such message center signs must be placed so as to be visible from Highway 65.

5. Expressway signs. In addition to any other sign structures and signs permitted by this chapter, one (1) expressway sign structure may be erected on a lot in the Z4 or Z6 District which has at least seventy-five (75) feet of frontage on the US Highway 18 – IA Highway 27 expressway, subject to the following:

   a. Number Permitted. Only one (1) expressway sign structure is permitted per parcel with frontage on the expressway. More than one (1) sign may be mounted to the sign structure, provided that the cumulative height and area of all signs conform to the requirements of this section.

   b. Setbacks: Minimum setback from any right-of-way shall be fifty (50) feet to the leading edge of the sign; maximum setback from any right-of-way shall be one hundred fifty (150) feet from the trailing edge of the sign.

   c. Area: The maximum area of an expressway sign shall be two hundred fifty (250) square feet. The area of an expressway sign shall not be counted towards the cumulative square footage allowed for all other detached signs.

   d. Height: The maximum height of an expressway sign shall be seventy (70) feet. Restrictions related to type of street and proximity to Z1, Z2, or Z3 districts shall not apply.

   e. Illumination: An expressway sign may be internally illuminated, but may not include a message center; however, a gas/convenience function may display gasoline prices that are changed electronically.

12-20-7 On Premises Campus Complex Signs

A. A campus complex may be designated by the Administrative Officer in the Z4, Z6 and Z7 Districts where several parcels are located and arranged so that they give an appearance to the general public of an institutional or commercial center. A designation of a campus complex allows the various parcels to be considered a single premises for the purpose of meeting the requirements for a multi-tenant sign.

B. The designation of several parcels as a campus complex allows a single sign structure to support the detached signs of the various parcels. The formula for determining detached sign allowances in the zoning district shall be applied to each individual parcel. A single sign structure, located on any one of the parcels, may be used to support the various detached signs of each individual parcel. In no case shall more total or individual sign area be allowed under the campus complex designation than would be allowed using the sign area requirements of each individual premises.

C. A sign designating the name of the campus complex may be attached to the campus complex sign structure. The total sign area allowed on the campus complex sign structure, including the sign designating the name of the campus complex, shall not exceed the sign area allowed above.

12-20-8 On Premises Sign Requirements

A. Allowed Signs: Attached, detached and portable on premises signs are permitted in each zone district according to tables 3, 4 and 5 of this section.

(12-20-8, tables 3, 4, and 5 begin on following pages)

12-20-8 TABLE 3: ON PREMISES SIGN REQUIREMENTS – ATTACHED SIGNS

	Z-1 Z7-5	Z2 Z3 Z7-3	Z4 Z7-1 -2 -4	Z5	Z6
Attached Signs					
Type allowed:	Wall, window	Wall, window	Wall, window, projecting, blade, message center	Wall, window, projecting, blade, message center, poster panel	Wall, window, projecting, message center
Cumulative Area (maximum square feet)	**Residential uses**: 2 **All others**: 32 Lots with 3 or more frontages: 64, but no more than 32 per any frontage (1)	**Residential uses**: 2 **All others**: 32 Lots with 3 or more frontages: 64, but no more than 32 per any frontage (1)	20% of the area of the primary façade 10% of secondary façade (2) (3)	10% of any façade (3)	10% of the area of the primary façade 10% of secondary façade (3)
Location	Shall not be placed above the first floor	Shall not be placed above the first floor	Shall not be exceed a height greater than 125% of the height. of the roofline	Area of wall signs placed above the first floor may not exceed 15% of allowed sign area	Shall not be exceed a height. greater than 125% of the height. of the roofline
Additional Req'ts			(4)	(4)	(4)

Notes to Table 3:

(1) The required maximum area stated is cumulative for all signs, including both attached and detached signs

(2) A portion of the allowed attached sign area may be placed on other facades, provided that the cumulative area of attached signs on any other façade does not exceed 10% of the area of that façade

(3) There is no limit to the number of attached signs per façade, provided that the cumulative area for all attached signs does not exceed the required maximum.

(4) See subsection 12-20-6E of this chapter for specific requirements for projecting signs, blade signs, message centers, and poster panel signs.

(12-20-8 tables 4 and 5 on following page)

12-20-8 TABLE 4: ON PREMISES SIGN REQUIREMENTS – DETACHED SIGNS

	Z-1 Z7-5	Z2 Z3 Z7-3	Z4 Z7-1 -2 -4	Z5	Z6
Detached Signs					
Number	n/a	n/a	1 per street frontage	1 per lot	1 per street frontage
Type allowed	Monument signs only	Monument signs only	Monument, pole, message center, expressway	Monument, message center	Monument, pole, message center, expressway
Area (maximum square feet)	**Residential uses**: 2 **All others**: 32 Lots with 3 or more frontages: 64, but no more than 32 per any frontage (1)	**Residential uses**: 2 **All others**: 32 Lots with 3 or more frontages: 64, but no more than 32 per any frontage (1)	1 sq. ft. per ea. 1 foot of lot width; minimum 30 sq. ft. allowed; Cumulative maximum area=250 sq. ft. per lot (4) (6)	1 sq. ft. per ea. 1 foot of lot width; minimum 20 sq. ft. allowed; Maximum area=100 sq. ft.	1 sq. ft. per each 1 foot of lot width; minimum 30 sq. ft. allowed; Cumulative maximum area=200 sq. ft. per lot (4) (6)
Location (feet)	May be within required setbacks	5 feet from right-of-way	**Monument signs** may be within required setbacks **Pole sign** structure setback=5 ft. from right-of-way (5) (6)	May be within required setbacks	**Monument signs** may be within required setbacks **Pole sign** structure setback=5 feet from right-of-way (5) (6)
Height (feet maximum)	6	4	On an arterial street: 35 All other streets: 25 Within 100 ft. of Z1, Z2 or Z3 districts: 25 (6)	15	On an arterial street: 35 All other streets: 25 (6)
Add'l Req'ts		(2) (3)			

Notes to Table 4:
(1) The required maximum area shown is cumulative for all signs, including both attached and detached signs
(2) Not permitted for single family and two family uses
(3) The area around the sign shall be landscaped to accent and enhance the sign. Detailed site and landscape plans shall accompany the zoning review application.
(4) The area of a monument sign may be increased by 10% of the formula amount
(5) Setback measured from lot line to base of pole structure. The leading edge of an allowed pole sign may extend to the right-of-way line, but may not encroach into the right-of-way
(6) See Section 12-20-6.E.5 for specific requirements for expressway signs.

12-20-8 TABLE 5: ON PREMISES SIGN REQUIREMENTS – PORTABLE SIGNS

	Z-1 Z7-5	Z2 Z3 Z7-3	Z4 Z7-1 -2 -4	Z5	Z6
Portable Signs					
Number per lot	Not permitted	1	1	Not permitted	1
Area (max sq. ft.)		32	32		32
Setback (ft.)		10 feet from any lot line	10 feet from any lot line		10 feet from any lot line
Height (ft. max)		6	6		6
Time limits (days)		Up to 7 (1)	Up to 30 (1)		Up to 30 (1)
Add'l Req'ts		(2) (3)	(3)		(3)

Notes to Table 5:
(1) There shall be a minimum of 60 days between the date of removal of a portable sign and the first day allowed by a new permit for a portable sign
(2) Permitted only on a non-residentially-used parcel that has at least 400 feet of frontage on a principal arterial
(3) Portable signs may not displace any parking spaces required by this title

12-20-9 Off Premises Signs

A. An off premises sign shall be considered a principal use in the zoning districts in which it is allowed.

B. Off-premises signs are permitted according the requirements of table 6 of this section.

TABLE 12-20-9 TABLE 6: OFF-PREMISES SIGNS

Off Premises Sign Requirements	
Districts Allowed	Z4,Z6,Z7-4
Types Allowed	Single head Double head Electronic digital display message centers (1)
Area (maximum)	300 square feet
Height (ft. maximum)	Z4 and Z7-4 districts: 25 feet. Z6 District: 35 feet
Setbacks (ft. minimum)	Leading edge(s) of the sign must meet minimum setbacks of zoning district (2) From property in a Z2 or Z3 district: 1,000 feet From an at grade intersection of any street and railroad: 300 feet
Separation Requirements	From an off-premises sign on the same side of the street: 1,000 feet From an off-premises sign on the opposite side of the street or on any other street: 500 feet

Notes to Table 6

(1) Electronic digital display message centers shall be subject to the requirements of subsection E of this section

(2) If a minimum and maximum setback range is indicated for the district, the off-premises sign shall meet the maximum setback required for the district

C. All off-premises signs hereafter erected or remodeled shall bear a permanent, legible identification plate stating the name of the owner of the sign or corporation responsible for the construction or erection of the sign.

D. All off-premises signs shall be constructed on steel supports and such supports shall have a neutral color.

E. Electronic Digital Display Message Center Off-Premise Signs. An off-premises sign meeting all other requirements of this section may consist of an electronic digital display message center, subject to the following:

1. Each message shall be static and not animated in any way.
2. Minimum duration of a message shall be seven (7) seconds.
3. Transition from one message to the next shall be instantaneous and shall not fade, scroll or otherwise be animated.
4. Maximum brightness of the electronic graphic display message center shall not exceed illumination of 5,000 nits (candelas per square meter) during daylight hours, nor 540 nits between dusk and dawn, as measured from the sign's face at maximum brightness.
5. An electronic graphic display message center shall be equipped with automatic dimmer features to adjust brightness levels for ambient light during daylight hours. The illumination system shall be set to "automatic" in order to comply with levels of brightness as set forth in this section.

6. The electronic graphic display message center shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one-half hour before sunset and one-half hour after sunrise.
7. An off-premises sign with an electronic graphic display message center may only be constructed to replace an existing off-premises sign.

12-20-10 Nonconforming and Abandoned Signs and Sign Structures

A. On Premises Signs: All signs legally erected and in existence on the adoption date of this chapter and which do not conform to the provisions of this chapter shall be deemed a nonconforming sign and may continue in existence until:
   1. The sign is deemed abandoned.
   2. The sign is damaged or destroyed in excess of fifty percent (50%) of its replacement cost at the time of damage or destruction.

B. On Premises Sign Structures: All sign structures legally erected and in existence on the adoption date of this chapter and which do not conform to the provisions of this chapter shall be deemed a nonconforming sign structure and may continue in existence until:
   1. The sign structure is deemed abandoned.
   2. The sign structure is damaged or destroyed in excess of fifty percent (50%) of replacement cost at time of damage or destruction.

C. Off Premises Signs And Sign Structures: All off premises signs and sign structures legally erected and in existence on the adoption date of this chapter and which do not conform to the provisions of this chapter shall be deemed a nonconforming off premises sign or sign structure and may continue in existence until:
   1. The sign or sign structure is deemed abandoned.
   2. The sign or sign structure is destroyed in excess of fifty percent (50%) of replacement cost at time of destruction.

D. Abandoned Signs and Sign Structures: An abandoned sign and/or sign structure, regardless of nonconforming status, shall be removed within 90 days after abandonment.

12-20-11 Public Nuisance Declared:

A. Unmaintained Signs:
   1. The owner of any unmaintained sign is prima facie responsible for the maintenance of that sign upon public or private property in violation of this chapter. Any owner, occupant or person in possession of real property within the city upon which one or more unmaintained signs are found is prima facie responsible for permitting the unmaintained sign upon the property in violation of this chapter. No person shall be charged with more than one

Chapter 12-21: ACCESS TO SOLAR ENERGY

12-21-1 Requirements and Process for Easements

The commission is established as the Solar Access Regulatory Board for Mason City, pursuant to Chapter 564A, Code of Iowa. The Solar Access Regulatory Board may grant solar access easements upon application, following a public hearing, and subject to the following requirements:

A. An owner of property may apply for a solar access easement by filing an application with the secretary of the Planning And Zoning Commission, which shall contain the following:

   1. A statement of the need for the solar access easement by the owner of the dominant estate.
   2. A legal description of the dominant and servient estates.
   3. The name and address of the dominant and servient estate owners of record.
   4. A description of the solar collector to be used.
   5. The size and location of the collector including heights, its orientation with respect to south and its slope from the horizontal shown either by drawings or in words.
   6. An explanation of how the applicant has done everything reasonable, taking cost and efficiency into account, to design and locate the collector in a manner to minimize the impact on development of servient estates.
   7. A legal description of the solar access easement that is sought and a drawing that is a spatial representation of the area of the servient estate burdened by the easement illustrating the degrees of the vertical and horizontal angles through which the easement extends over the burdened property and the points from which those angles are measured.
   8. A statement that the applicant has attempted to voluntarily negotiate a solar access easement with the owner of the servient estate and has been unsuccessful in obtaining the easement voluntarily.
   9. A statement that the space to be burdened by the solar access easement is not obstructed at the time of filing of the application by anything other than vegetation that would shade the solar collector.
   10. Appraisal prepared by a qualified appraiser, establishing the difference between the full market value of the servient estate prior to and after the existence of the solar access easement sought.
   11. A filing fee to defray the cost of copying and mailing the application and notice.

B. Upon receipt of the application, the Solar Access Regulatory Board shall determine whether the application is complete and contains the information required under subsection A of this section. The Solar Access Regulatory Board may return an application for correction of

any deficiencies. Upon acceptance of an application, the Solar Access Regulatory Board shall schedule a hearing. The Solar Access Regulatory Board shall cause a copy of the application and a notice of the hearing to be served upon the owners of the servient estates in the manner provided for service of original notice and at least twenty (20) days prior to the date of the hearing. The notice shall state that the Solar Access Regulatory Board will determine whether and to what extent a solar access easement will be granted, that the Solar Access Regulatory Board will determine the compensation that may be awarded to the servient estate owner if the solar access easement is granted and that the servient estate owner has the right to contest the application before the Solar Access Regulatory Board.

C. After the hearing on the application, the Solar Access Regulatory Board shall determine whether to issue an order granting a solar access easement. The Solar Access Regulatory Board shall grant a solar access easement if the Solar Access Regulatory Board finds that there is a need for the solar collector, that the space burdened by the easement was not obstructed by anything except vegetation that would shade the solar collector at the time of filing of the application, that the proposed location of the collector minimizes the impact of the easement on the development of the servient estate and that the applicant tried and failed to negotiate a voluntary easement. However, the Solar Access Regulatory Board may refuse to grant a solar access easement upon a finding that the easement would require the removal of trees that provide shade or a windbreak to a residence on the servient estate. The Solar Access Regulatory Board shall not grant a solar access easement upon a servient estate if the Solar Access Regulatory Board finds that the owner, at least six (6) months prior to the filing of the application, has made a substantial financial commitment to build a structure that will shade the solar collector. In issuing its order granting the solar access easement, the Solar Access Regulatory Board may modify the solar access easement applied for and impose conditions on the location of the solar collector that will minimize the impact upon the servient estate.

D. The Solar Access Regulatory Board shall grant a solar access easement only within the area that is within three hundred feet (300') of the center of the northernmost boundary of the collector and is south of a line drawn east and west tangent to the northernmost boundary of the collector.

E. The Solar Access Regulatory Board shall determine the amount of compensation that is to be paid to the owners of the servient estate for the impairment of the right to develop the property. Compensation shall be based on the difference between the fair market value of the property prior to and after granting the solar access easement. The Solar Access Regulatory Board may request the assistance of a professional appraiser to determine the fair market values; any costs thereof shall be paid by the applicant. The parties shall be notified of the Solar Access Regulatory Board's decision within thirty (30) days of the date of the hearing. The owner of the dominant estate shall have thirty (30) days from the date of notification of the Solar Access Regulatory Board's decision to deposit the compensation and any other relevant costs with the Solar Access Regulatory Board. Upon

receipt of the compensation, the Solar Access Regulatory Board shall issue an order granting the solar access easement to the owner of the dominant estate and remit the compensation awarded to the owners of the servient estate. The owner of the dominant estate may decline to deposit the compensation with the Solar Access Regulatory Board and no order granting the solar access easement shall then be issued.

F. When the order granting the solar access easement is issued, the owner of the dominant estate shall have it recorded in the office of the county recorder who shall record the solar access easement and list the owner of the dominant estate as grantee and the owner of the servient estate as grantor in the deed index. After being recorded, the solar access easement shall be considered an easement appurtenant in or on the servient estate.

G. The owner of a servient estate may apply to the Solar Access Regulatory Board for an order removing a solar access easement granted by the Solar Access Regulatory Board under this chapter under any of the following conditions:

1. If the solar collector is not installed and made operational within two (2) years of recording the easement.
2. If the dominant estate owner ceases to use the solar collector for more than one (1) year.
3. If the solar collector is destroyed or removed and not replaced within one (1) year.

The procedure for filing an application with the Solar Access Regulatory Board under this section and for notice and hearings on the application shall be the same as that prescribed for an application for granting a solar access easement. An order issued by the Solar Access Regulatory Board removing a solar access easement may provide for the return by the servient estate owner of compensation paid by the dominant estate owner for the solar access easement after the deduction of reasonable expenses incurred by the servient estate owner in proceeding for the granting and removal of the easement.

Chapter 12-22: Adult Uses

12-22-1 Requirements

In addition to the zoning regulations herein, adult uses shall meet the requirements of title 13 of this Code.