

ARTICLE 13 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

Sec. 29.1300. GENERAL.

This Article establishes additional specific requirements for certain specific uses in addition to the other requirements of this Ordinance and the requirements of each Zone. Wherever 2 or more requirements apply to the same use, structure or activity, then the requirement that is more restrictive upon the use, structure or activity shall apply.

Sec. 29.1301. ADULT ENTERTAINMENT BUSINESSES.

(1) **Location.**

(a) No person shall establish any adult entertainment business as herein defined within 1,000 feet from another such business, any school, place of worship, public park, public playground, public plaza or area zoned for residential use. Measurement shall be taken on a direct line from the main entrance of such adult entertainment business to the point on the property line of such other business, school, places of worship, public park, public playground, public plaza or area zoned for residential use that is closest to the said main entrance of such adult entertainment business.

(b) No person shall establish any adult entertainment business within 200 feet of the public right-of-way for any arterial street in the City, as designated on the City of Ames Arterial Street Map.

(2) **"Establishment" Defined.** The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities as described below. It shall also include any addition to or expansion of an existing adult entertainment business that causes said business to occupy over 50% more space than before such addition or expansion.

Sec. 29.1302. BED & BREAKFAST ESTABLISHMENTS.

To obtain a Special Use Permit for a Bed & Breakfast Establishment, all criteria in "Home Occupations," set forth in Section 29.1304, must be met, in addition to the following:

(1) **Guest Rooms.** A maximum of 5 per structure in the RM and RH Zones and a maximum of 2 per structure in the RL Zone. The Zoning Board of Adjustment may restrict the number of guest rooms to a lesser number.

(2) **Breakfast shall be the only meal served.** This service must occur before 11:00 a.m. Only guests residing in the structure or persons living in the premises may be served. The structure shall not be remodeled into a commercial kitchen unless required by Environmental Health rules and regulations established pursuant to Municipal Code Chapter 11.

(3) **Off-Street Parking Requirements.** One space per guest room, plus one space for the owner. The parking spaces shall meet standards established by Section 29.406 of this Ordinance.

(4) **Guests shall register** upon arrival, stating their names, current residence address and the license plate number of the vehicle that is being used by the guest. The registration form shall be kept by the owner for a period of 3 years and shall be made available for examination by a representative of the City upon one day's notice.

(5) **Guest stays** shall be limited to 2 weeks.

(6) **The Special Use Permit** is not transferable to a subsequent owner or to another property.

(7) **The establishment must comply** with local and state regulations regarding all applicable permits and licenses including, but not limited to fire, health, food service, hotel, liquor, revenue, building/zoning permits and licenses.

Sec. 29.1303. DRIVE-THROUGH FACILITIES.

All Drive-Through Facilities, whether primary or accessory uses, must comply with the following conditions:

(1) **Setbacks and Landscaping.** Stacking lanes for a Drive-Through Facility must be setback at least 5 feet from all lot lines. Where the setback abuts other than Residential Zones, the setback must be landscaped to at least the L2 standard. Where the setback abuts a Residential Zone, the setback must be landscaped to at least the L3 standard.

(2) **Design and Layout.** Stacking lanes must be designed to provide adequate on-site maneuvering, queuing and circulation area, so that stacking vehicles will neither impede traffic on abutting streets nor interfere with vehicle circulation.

Sec. 29.1304. HOME OCCUPATIONS.

This Section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations. It is not the intent to eliminate certain businesses and occupations that may be compatible with residential areas.

(1) **Permitted, Special and Prohibited Home Occupations.**

- (a) The following are Permitted Home Occupations:
- (i) Home sewing or tailoring;
 - (ii) Studios for painting, sculpturing, ceramics or other similar arts;
 - (iii) Writing or editing;
 - (iv) Telephone answering, scheduling of appointments, and other office activities where there are limited visits to the home;
 - (v) Production of crafts such as handiwork, model-making, weaving, lapidary, and cabinet-making for the purpose of selling the product;
 - (vi) Tutoring and giving lessons, limited to 4 students at any one time;
(Ord. No. 3591, 10-10-00)
 - (vii) Catering, home-cooking and preserving for the purpose of selling the product;
 - (viii) Computer programming, services provided over the Internet and other similar activities;
 - (ix) Mail order businesses where products are shipped directly from the supplier to the customer; and
 - (x) Offices for architects and engineers.
- (b) The following are Special Home Occupations:
- (i) Family day care home for the care of six or fewer preschool children and for the care of five or fewer school age children. The care of school age children shall be limited to before and after school care for less than two hours at a time. Or in the alternative a day care home for the care of six or fewer adults;
 - (ii) Physicians and other licensed medical practitioners;
 - (iii) Barbershops and beauty parlors;
 - (iv) Small repair shops (including small appliances, mower repair, blade sharpening and similar uses);
 - (v) Real estate and related services;
(Ord. No. 3591, 10-10-00)
 - (vi) Insurance agents;
 - (vii) Bed-and-breakfast operations;
 - (viii) Home professional offices, lawyers and members of similar professions, and
(Ord. No. 3591, 10-10-00)
 - (ix) All other activities not included on either the permitted or prohibited list.
- (c) The following are prohibited Home Occupations;
- (i) Animal hospitals;
 - (ii) Dancing studios or exercise studios;
 - (iii) Private clubs;
 - (iv) Restaurants;
 - (v) Stables and kennels;
 - (vi) Repair or painting of motor vehicles, including motorcycles; and
 - (vii) Firearm sales
(Ord. No. 4126, 10-23-12)

(d) Rummage/garage sales are not included in the listing of permitted, special or prohibited home occupations and are not defined as home occupations, provided no more than 3 sales per year are conducted. In addition, sale of garden produce is not defined as a home occupation provided no more than 3 sales per year are conducted.

(2) **Permit and Review Procedures.**

(a) Permitted Home Occupations. Applicants must submit an application to the Planning and Housing Department. The application will be reviewed by the staff, and the applicant will be notified of the decision of the Department. If the applicant is aggrieved, the decision may be appealed to the Zoning Board of Adjustment within 30 days.

(b) Special Home Occupations. Applicants must submit a Special Home Occupation Permit to the City Clerk for consideration by the Zoning Board of Adjustment. Applications will then be reviewed by the Planning and Housing Department. A staff report will be prepared and sent to the Zoning Board of Adjustment.

The Board may grant the Special Home Occupation Permit if it reasonably concludes from the evidence that the home occupation proposed will meet the criteria set out in Section 29.1304(3). The Board may, if warranted by the evidence, impose such additional conditions as may be deemed necessary to protect the legitimate use and enjoyment of neighboring properties. Any failure to obtain such Special Home Occupation Permit when required, or to comply with the criteria and conditions set out when issued, shall constitute a violation of this Section and shall be grounds for revocation of the Special Home Occupation Permit after notice and hearing by the Zoning Board of Adjustment.

(Ord. No. 3591, 10-10-00)

(c) Prohibited Home Occupations. No person will be allowed to operate prohibited home occupations.

(3) **Criteria.** All home occupations must meet the following criteria:

(a) Area to Be Used.

(i) The activity shall be conducted in a manner that will not alter the normal residential character of the premises, or in any way cause a nuisance to adjoining residents, nor shall there be any structural alteration to accommodate the occupation. There should be no emission of smoke, dust, odor, fumes, glare, noises, vibration, electrical or electronic disturbances detectable at the lot line that would exceed that normally produced by a single residence. Special noise exceptions will be allowed for day care homes due to the nature of the clients using the facility.

(ii) The activity shall be located within the principal building or within an accessory structure. It shall occupy no more than 25% of the total floor area of the residence and shall not exceed 400 square feet of an accessory building. Exception:

For family day care homes, the entire dwelling unit may be used to serve the various needs of day care (e.g., kitchen, bathroom, napping rooms, play areas, etc.). However, the day care can provide care to no more than one person per 35 square feet of the total dwelling unit, exclusive of baths, hallways, closets, kitchens, and dining areas. The dining area may be included in the square footage calculation if used by day care participants for activities other than meals.

(Ord. No. 4101, 01-10-12)

(b) Signs. Any sign utilized at the home occupation shall be limited to one flush-mounted sign on the main residential structure, which shall not exceed one square foot in area. Such sign shall not be lighted and nonreflecting materials shall be used. The legend shall show only the name of the occupant and the type of occupation. Color shall be consistent with the residential character.

(c) Equipment. There shall be no mechanical equipment used except as customary for domestic household purposes. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in any accessory building. No storage is to be visible from lot lines.

(d) Employment. The activity shall employ only members of the household residing in the dwelling unless approval for the employment of up to two (2) non-family members is granted by the Zoning Board of Adjustment.

(e) Traffic. The activity shall not generate significantly greater traffic volumes than would normally be expected in a residential area. Not more than 10 vehicular visits per day shall be allowed. An exception to the number of visits allowed per day may be permitted for family day care homes and adult day care due to the number of children or adults allowed on-site and the need for parent or caregiver contact during the day. The delivery and pick up of materials or commodities to the premises by commercial vehicles shall not interfere with the delivery of other services to the area.

(Ord. No. 3591, 10-10-00)

(f) **Parking Criteria.**

(i) Only one delivery vehicle associated with the activity may be parked on the street near the premises for not more than 4 consecutive hours.

(ii) One additional on-site parking space is required above the normal parking requirement where 2 or more clients are likely to visit the premises concurrently.

(iii) No more than 4 client vehicles during any given hour shall be allowed on the site. This requirement shall not be construed to prohibit occasional exceptions for such events as meetings, conferences, demonstrations, or similar events that are in no way a nuisance to adjoining residences.

(Ord. No. 3591, 10-10-00)

(g) **Class Size.** If the home occupation is the type in which classes are held or instructions given, there shall be no more than 4 students or pupils at any given time. The Board may approve up to 6 students if it finds that the additional students will not generate additional traffic. Day-care homes may have up to 6 children or adults at a time. Additional children or adults will require a Special Home Occupation Permit for a day-care center.

(Ord. No. 3591, 10-10-00)

(h) **Number of Home Occupations.** The total number of home occupations within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit shall not be greater than the impact of one home occupation. This will be determined by using the home occupation criteria.

(4) **Family Day Care in Multifamily Dwellings.** In addition to the criteria of Section 29.1304(3), Family Day Care in multifamily dwellings shall comply with the following additional criteria.

(a) A defined outdoor play area is available on-site that provides not less than 75 square feet per child based on the maximum number of children that will be attending the day care at any given time, or a public or neighborhood park is located within 300 feet of the site. This provision only applies to day care provided to children five years of age and older.

(b) An area designated and posted for guest parking is provided on the site; or at least one parking space must be posted and reserved for use of the day care operation only. Parking spaces otherwise required to meet minimum parking requirements for the residents may not count toward the required guest or reserved parking spaces.

(c) The day care operator must provide evidence that the owner of the multifamily building has no objections to the day care operation, and that he or she agrees to comply with the required guest or reserved parking provisions.

(Ord. No. 4104, 01-10-12)

Sec. 29.1305. MANUFACTURED HOUSING.

This Section is intended to regulate manufactured housing in a manner consistent with the provisions of Section 414.28, Code of Iowa.

(1) **A Manufactured Home** is defined for purposes of the Ordinance as any structure manufactured or constructed under the authority of 42 U.S.C. Section 5403, and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

(2) Neither the provisions of this Section nor of Section 29.705 shall pertain to what is called the "modular home," that is housing built in whole or in part off the site of its occupancy and use and certified by the State of Iowa as meeting the State Building Code. If so certified by the State of Iowa, modular homes shall be governed by the same regulations and standards as pertain to housing that is built at the site of its occupancy and use.

(3) A manufactured home located on a lot outside a Residential Low Density Park Zone shall be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage that would apply to a site-built dwelling.

Sec. 29.1306. SALVAGE YARDS.

(1) It is found that the keeping of salvaged parts and materials and the storage of motor vehicles out of doors can detract from the beneficial use and enjoyment of neighboring properties. A salvage yard is prohibited anywhere except in the GI Zone. Such salvage yard shall be authorized only by a Special Use Permit issued after a public hearing by the Zoning Board of Adjustment in accordance with the procedures set out in Section 29.1503 and shall be subject to such protective conditions that may be warranted by the nature of the salvage operation. A salvage yard operation is also subject to all the submittal and approval requirements set out in Section 29.901.

(2) The Zoning Board of Adjustment shall not grant any Special Use Permit as authorized and required in Subsection A above, unless it shall first find as a fact that the keeping of motor vehicles that are stored or displayed under their present or proposed conditions or circumstances will not:

- (a) Provide an attractive and dangerous nuisance for young children;
- (b) Be a harborage for rats and other forms of vermin; or
- (c) Be an unsightly detraction from the use and enjoyment of adjacent properties.

In granting a Special Use Permit, the Zoning Board of Adjustment may impose such time limits and other special protective conditions as it shall find useful and reasonable to the concerns expressed in Subsections a, b and c above.

Sec. 29.1307. WIRELESS COMMUNICATIONS FACILITIES

(1) **Scope, Purpose, and Policy.** The provisions of this Section apply to, and apply only to, the placement, construction and modification of that which is called "personal wireless service facilities" in Section 704 of the Telecommunications Act of 1996. It is the intent of this Ordinance not to discriminate unreasonably among providers of functionally equivalent services and not to have the effect of prohibiting the provision of personal wireless services. Any request for authorization to place, construct, or modify personal wireless service facilities shall be acted on within a reasonable time after the request is duly filed with the proper city office, taking into account the scope and nature of such request. Any decision to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(2) **Definitions.** For the purpose of this Section, the following definitions shall apply:

(a) Antenna Height means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the site shall be used in calculating the antenna height.

(b) Antenna Support Structure means any tower or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

(c) Cell Site means a tract or parcel of land that contains the wireless communication antenna, its support structure, accessory building(s), and parking and may include other uses associated with and necessary for wireless communication transmission.

(d) Tall Structure means any structure the top of which is more than 50 feet above grade.

(3) **Special Use Permit Not Required.** A cell site with antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure is permitted in all Zones. The height of the antenna shall not exceed the height of the existing tall structure by more than 20 feet. If the antenna is to be mounted on an existing tall structure, a Site Development Plan shall not be required.

(4) **Special Use Permit Required.** A cell site with antenna that is either not mounted on an existing tall structure or is more than 20 feet higher than the tall structure on which it is mounted shall not be permitted except pursuant to a Special Use Permit issued by the Zoning Board of Adjustment pursuant to both Section 29.1503 and the provisions of this Section.

(5) **Ancillary Activities.** All other uses and activities ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from a cell site, unless otherwise permitted pursuant to the zoning regulations for the Zone in which the cell site is located.

(6) **Monopoles Required.** All antenna support structures shall be "monopole." Lattice or guyed towers are prohibited in all Zones except Industrial Zones.

(7) **Standards for Special Use Permit.** The following standards and procedures, in addition to those contained in Section 29.1503, shall apply to the issuance of a Special Use Permit for a cell site with antenna:

(a) Necessity. The wireless communications company shall demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's grid system.

(b) Co-location Effort. If the wireless communications company proposes to build a tower (as opposed to mounting the antenna on an existing tall structure), it shall demonstrate that it contacted the owners of tall structures within a one-quarter-mile radius of the site proposed, asked for permission to install the antenna on those tall structures, and was denied for reasons other than failure to agree on compensation. The Zoning Board of Adjustment may deny the permit if it concludes that the applicant has not made a good faith effort to mount the antenna on an existing tall structure.

(c) **Antenna Height.** The applicant shall demonstrate, to the reasonable satisfaction of the Zoning Board of Adjustment, that the antenna is the minimum height required to function satisfactorily. No antenna or antenna support structure shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

(Ord. No. 4186, 6-24-14)

(d) **Setbacks from Base of Antenna Support Structure.** The minimum distance between the base of the support or any guy anchors and any property line shall be the largest of the following:

- (i) 50% of antenna height;
- (ii) The minimum setback in the underlying Zone; or
- (iii) 60 feet.

(e) **Antenna Support Structure Safety.** The applicant shall demonstrate, to the reasonable satisfaction of the Zoning Board of Adjustment, that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(f) **Fencing.** An opaque fence constructed of wood or masonry material, or other substantial material, that is consistent with the existing structures on the proposed site and approved by the Zoning Board of Adjustment, shall be installed around the antenna support structure and other equipment unless the antenna is mounted on an existing structure.

(Ord. No. 3629, 9-25-01)

(g) **Co-location.** In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communications companies and local police, fire and ambulance companies.

(h) **FCC License.** The wireless communication company shall provide proof that it is licensed by the Federal Communications Commission.

(i) **Required Parking.** If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

(j) **Painting.** Antenna support structures should be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.

(k) **Site Plan.** A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access.

(l) **Air Safety.** Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations.

(Ord. No. 3629, 9-25-01)

(8) **Changes.** There shall be no change in the exterior appearance of a cell site, including any change in the profile of the antenna support structure, that is a departure from what was shown or represented in the initial application for the granted special use permit. Additional antenna devices may be attached to the antenna once an antenna support structure has been certified as having been installed according to the approved special use permit. The additional antenna devices may be attached as provided for in Section 29.1307(3) as a means to accomplish the objective of co-location as specified in Section 29.1307(7)(b).

(Ord. No. 3591, 10-10-00)

(9) **Engineered Addition.** If an additional antenna is installed on an existing antenna support structure, engineering data and certification by a licensed professional engineer assuring that the installation is structurally sound within the standards of good engineering practice shall be provided to the City Building Official.

(10) **Removal.** If a cell site, or any antenna support structure, is not used for a period of one year, it shall be the duty and obligation of the party then in possession and control of the site to have the unused antenna support structure and any other unused cell site apparatus completely dismantled and removed from the site.

Sec. 29.1308. MINI-STORAGE WAREHOUSE FACILITIES.

Mini-storage warehouse facilities are self-storage spaces designed and used for the purpose of renting or leasing individual storage space to tenants who have access to such space for the purpose of storing and removing personal properties. Mini-storage warehouse facilities are permitted in the General Industrial (GI) Zone only, except that such facilities may be located in the Highway Oriented Commercial District (HOC) by virtue of a Special Use

Permit authorized by the Zoning Board of Adjustment. A Special Use Permit for a mini-storage warehouse facility shall be subject to the Zone Development Standards of the HOC Zone and also be subject to the following additional regulations:

(1) **Architectural Standards.**

(a) Architectural Theme.

(i) Facilities placed in or near a shopping center or other retail uses shall be designed to be consistent with the dominant theme or design of surrounding buildings.

(ii) Building surface colors shall be restricted to muted earth tones.

(iii) All buildings, including storage units shall be surfaced in high quality materials such as stone, split face block, or brick. Smooth-faced concrete block, painted masonry, tilt-up concrete panels and prefabricated metal panels are prohibited.

(b) General Architectural Requirements.

(i) Buildings shall include design elements such as columns, ribs or pilasters, piers, quoins, and fenestration patterns to prevent a utilitarian, industrial, warehouse-like appearance.

(ii) Unit doors shall be screened or sited so they are not visible from the street.

Storage unit doors must not face the street.

(iii) Unit doors shall be integrated into the overall design theme of the site through color and texture.

(iv) Buildings greater than forty feet (40') long must include a change in wall plane, recess, or reveal every twenty feet (20').

(v) Maximum building length on the site perimeter is sixty feet (60'), except where the buildings are adjacent to an industrial land use or zone and/or Airport Clear Zone.

(vi) Interior climate controlled mini-storage facilities are mini-warehouse buildings where storage is primarily accessed from the interior of the building. Interior climate controlled mini-storage facilities may exceed the sixty feet (60') maximum building length at the perimeter. Exterior garages and/or bays may be located on interior climate controlled mini-storage facilities, but shall not be located on the building that is adjacent to and/or facing the site perimeter.

(Ord. No. 3811, 11-23-04)

(c) Roof Design.

(i) Buildings shall include a roof pitch greater than or equal to 6:12, with roofs incorporating a high quality surface such as architectural shingles, standing seam metal or tile. Flat roofs are prohibited.

(ii) Roofs shall include four (4) or more planes, and have overhanging eaves extending at least one and one-half feet (1.5') past the building wall.

(d) Height. No building shall exceed twenty feet (20') in height.

(e) Building Placement. Screening and building location shall be such that overhead doors are not visible from off the site.

(2) **Landscaping and Screening.** Visual separation is desirable between mini-storage warehouse facilities and adjacent land uses or development. Landscaping shall provide a physical and visual separation.

(a) High shrubs shall be spaced at a maximum distance of six (6) feet on center to form a screen six (6) feet high.

(b) One Landscape Tree is required per fifty (50) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area.

(c) Ground cover plants shall fully cover the remainder of the landscaped area.

(d) River rock or similar non-organic materials shall not be substituted for the landscaping area or used in combination with the minimum landscaping requirements in the zone or this section.

(3) **Fencing.** Fencing is required for additional screening and as a security measure. Fencing shall comply with Section 29.408(2), and comply with the following:

(a) Fencing shall provide a five (5) foot minimum setback from the property line.

(b) Fencing shall be wrought iron or similar material with brick or stone columns spaced at a maximum of fifty (50) feet on center. Landscaping, as required in Section 29.1308(2)(a), shall be provided on the

exterior side of the fence facing adjacent land uses. Fences containing barbed wire, electric charges, or sharp materials are prohibited.

(c) Where a setback abuts a residential zone, a six (6) foot masonry wall is required.

Landscaping, as required in Section 29.1308(2)(a), shall be provided on the exterior side of the fence facing adjacent land uses. Masonry walls must be designed and constructed to facilitate maintenance and not to modify natural drainage in such a way as to endanger adjacent property.

(4) **Building Access.**

(a) Doors providing access to individual storage units shall not be permitted on the front yard side of the building, nor on any side abutting a public street or a residential district.

(b) Storage units and drive aisles shall be sited so a truck or car parked at a unit cannot trap another vehicle and prevent it from leaving the facility.

(c) Vehicular aisles providing access to storage units on both sides of the aisles, whether interior or exterior, shall not be less than twenty (20) feet wide.

(d) Aisles providing access to storage units on only one side of the aisle shall not be less than twenty (20) feet wide provided that there is more than one aisle available for circulation around a building.

(e) Loading docks shall not be permitted as part of the storage building.

(5) **Signage.**

(a) The only types of signs permitted are wall signs and monument signs, and shall adhere to the following:

(i) Wall-mounted Signs.

A. Only one wall-mounted sign is permitted along a street frontage.

B. The number of wall-mounted signs shall not exceed two (2) signs per

facility.

(ii) Monument Signs.

A. Only one monument sign is permitted along a street frontage per

facility.

B. The number of monument signs shall not exceed two (2).

C. The base of a monument sign shall be landscaped with ground cover

plants at a minimum of three (3) feet from the base. River rock or similar non-organic materials shall not be substituted for the landscaping area or used in combination with ground cover plants.

(b) Signage Size Restrictions.

(i) A wall sign is a sign that is displayed by being affixed to the outside of an exterior wall of a building. Wall signs shall be affixed to only those walls that face a street. A wall sign shall be no larger than thirty-two (32) square feet.

(ii) Monument signs shall be no larger than sixty-four (64) square feet, excluding the base.

(c) Signage Height Restrictions. The maximum permissible height for a monument sign is eight (8) feet, including the sign base; that is, the top of a monument sign shall be no more than eight feet above the grade of the site on which it is erected.

(d) Signage Lighting Restrictions.

(i) The face of an illuminated sign shall have a dark background.

(ii) The lighting of both wall signs and monument signs shall be projected downward.

(iii) Signs that flash light in any manner are prohibited.

(iv) Internally lighted signs and computerized/digital scrolling signs are prohibited.

(6) **Lighting.** Lighting shall be in accordance with Section 29.411, and with the following conditions:

(a) Night lighting and security lighting shall be sensitively designed to ensure no off-site glare is directed to neighboring parcels and that the overall intensity of the site lighting is not in violation of the standards for Section 29.411 or unreasonably intrusive on the use of adjoining property. All lights shall be shielded to direct light onto the site and away from adjacent property.

(b) Building mounted sconces shall be used instead of freestanding light poles wherever possible.

(c) When a mini-storage facility is adjacent to a residential zone, pole mounted lights shall be turned off between 9:00 PM and 6:00 AM.

(7) **Parking.** Parking shall be situated in conjunction with an office or management structure, for use by staff, service or delivery personnel, or prospective tenants.

(a) For developments less than or equal to two hundred (200) storage units, a minimum of five (5) off-street parking spaces shall be provided.

(b) For developments greater than two hundred (200) storage units, five (5) off-street parking spaces shall be provided on the property for the first two hundred (200) units, and one additional parking space is required for every one hundred (100) storage units thereafter.

(c) Except for purposes of loading and unloading, there shall be no parking or storage of trucks, trailers, and moving vans.

(8) **Prohibited Uses.**

(a) The following uses and activities shall be prohibited:

(i) Any business activity other than the rental of storage units, including miscellaneous or garage sales and transfer-storage enterprises that utilize vehicles as part of said business is prohibited.

(ii) Servicing or repair of motor vehicles, boats, trailers, lawnmowers, or similar equipment is prohibited.

(iii) Outdoor storage of boats, vehicles, or other materials is prohibited. All items stored on the property shall be located within buildings.

(iv) Storage of hazardous, toxic, or volatile substances is prohibited.

(v) Residential uses, other than one (1) unit for a 24-hour facility caretaker not to exceed 1,200 square feet.

(9) **Changes.** Minor changes to the approved Site Development Plan may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for the purposes of keeping the Site Development Plan current.

(a) Minor changes are defined as changes that:

(i) Do not constitute a change in land use of the project; or layout and design;

(ii) Do not increase the density or intensity of use, the number of buildings, or change in number of storage units.

(iv) Do not change the overall landscape design;

(v) Do not change the height or placement of buildings, or other major features.

(Ord. No. 3794, 08-24-04)

Sec. 29.1309 SOLAR ENERGY SYSTEMS.

Purpose. Solar energy is a clean, readily available and renewable energy source. This section establishes regulations to facilitate the installation and construction of Solar Energy Systems so that systems are safe, effective, and efficient, as well as harmonious with the character of the adjacent area where located. The provisions of this Section apply to the placement, construction and use of "solar energy systems" as defined in this chapter.

The following standards shall apply to the development of Solar Energy Systems:

(1) **Allowed Use.** Solar Energy Conversion is an allowed accessory use in all zoning districts pursuant to the standards in this section.

(2) **District Classifications.**

(a) Residential Properties. As used in this subsection residential properties include those zoned

RL, RM, UCRM, RH, RLP, FS-RL, FS-RM, and also F-VR, F-PRD, and S-SMD.

(b) Non-residential Properties. As used in this subsection, all properties not zoned in the residential classifications above shall be classified as non-residential property.

(3) **Freestanding Solar Energy Systems:**

(a) Setbacks

(i) Front. Solar Energy Systems shall not be located within any required front setback. They may be located in a front yard (beyond the required front setback line) subject to approval of a Solar Energy System Special Use Permit by the Zoning Board of Adjustment.

(a) Front yard, as used in this section, is the space between the principal building on the lot and the front lot line. See definition and graphic in Section 29.406(7)(e).

(ii) Side and Rear. Six (6) feet from all property lines and other structures.

(iii) Corner and Through Lots. The definition and requirements for a front yard in Section 29.406(7)(e) shall prevail when the subject lot is not an interior lot.

(iv) Easements, Utilities, Rights of Way. No portion of any solar energy system shall extend into any easement, right of way or public way, regardless of above stated exceptions and regulations for setback and yard requirements.

(b) Location. Systems shall be located on the same lot as the building being served. Where there is no principal building, the system is not allowed.

(c) Height. Six (6) feet in height maximum in side and rear yards. Four (4) feet in height maximum in front yards. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

(d) Freestanding System Size:

(i) Residential Properties. Systems shall not exceed one-tenth (1/10) the footprint of the principal building served or one hundred (100) square feet, whichever is greater.

(ii) Non-Residential Properties. Systems shall not exceed one-half (1/2) of the footprint of the principal building served.

(iii) Lot Coverage. Freestanding systems shall be included in the maximum lot coverage or minimum landscaped area calculations except that up to 40 square feet is allowed regardless of total lot coverage.

(iv) Measurement of the system shall be based upon the area of the solar receiving panel, regardless of the adjustment angle of the panel.

(v) A freestanding system, or portion thereof, not visible from abutting street rights of way at any time of the year is exempt from maximum size and coverage calculations.

(4) **Residential Attached Solar Energy Systems** are permitted to be located on the roof or attached to a building, subject to all of the following:

(a) In the case of wall mounting, no part of the system shall project more than five (5) feet from the building.

(b) In the case of front wall mounting, attached systems are only allowed subject to approval of a Solar Energy System Special Use Permit by the Zoning Board of Adjustment. The front wall, as used in this section is defined as any wall coincident with the front yard as defined in Section 29.406(7) (e).

(c) No part of the system shall extend more than 50 percent into any required side or rear setback. No part of the system shall extend into any required front setback.

(d) No portion of any solar energy system shall extend into any easement, right of way or public way, regardless of above stated exceptions and regulations for setback and yard requirements.

(e) Systems shall not exceed the maximum height in the zone, for the structure to which it is attached.

(f) The building must have a conforming principal use.

(g) Roof attached systems may be mounted on principal and accessory building roofs

provided

they conform to the maximum height standards established in the zone. Additionally, systems shall be mounted parallel to the pitch of the roof and be no higher than 6 inches from the roof surface except that systems not meeting the flush mount requirement may be allowed subject to approval of a Solar Energy System Special Use Permit, provided they do not project more than 5 feet from the roof surface. A system or a portion of a system not visible from abutting street rights of way is exempt from the flush mount requirement, but no part of the system shall project higher than 5 feet from the roof surface.

(h) Section 29.401(5), pertaining to height exceptions for architectural features and projections shall not apply.

(i) Section 29.402(2), pertaining to exceptions for projections into required setbacks shall not apply.

(j) There is no surface area size limitation on attached systems, unless otherwise required by a Solar Energy System Special Use Permit.

(5) **Non-Residential Attached Solar Energy Systems** are permitted on the roof of, or attached to a non-residential building, subject to all of the following:

(a) For wall mounting, no part of the system shall project more than five (5) feet from the wall.

(b) For roof mounting, no part of the system shall project more than ten (10) feet from the roof.

(c) No part of the system shall extend more than 50 percent into any required side or rear setback. No part of the system shall extend more than 20 percent into any required front setback.

(d) No part of the system shall exceed the maximum height permitted in the zone, for the structure to which it is attached.

(e) The building must have a conforming principal use.

(f) Section 29.401(5), pertaining to height exceptions for architectural features and projections shall not apply.

(g) Section 29.402(2), pertaining to exceptions for projections into required setbacks shall not apply.

(6) **Zoning Permit-Exempt systems.** The following systems are exempt from zoning permit requirements:

(a) Systems in which the cumulative surface area of the system is four (4) square feet or less

(b) Systems or building parts integral to the structure, that are passive (Passive Solar Energy Systems) in nature and do not project from the structure

(7) **Code Compliance.** Solar Energy Systems shall comply with all applicable building codes and are not exempt from any such inspections and permits. The applicant or designee is encouraged to meet with the regulatory and utility agencies before purchasing equipment to understand feasibility and code requirements prior to applying for a zoning permit.

(8) **Solar Access.** A property owner who has installed or intends to install a solar energy system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement. The granting of a zoning permit or Special Use Permit by the City does not constitute solar access rights.

(9) **Historic Districts.** All solar energy systems within a historic overlay district are not permitted unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission pursuant to Chapter 31, Municipal Code. None are exempt.

(10) **Application for Solar Energy System Zoning Permit (SES ZP)**
The Planning & Housing Director shall prescribe the application form and any necessary submittal requirements, as needed, to determine compliance with this section. The Zoning Permit application shall include, but not be limited to:

(a) A plot plan drawn to scale, showing:

(i) Existing structures on the lot

- (ii) Proposed system
- (iii) Property lines
- (iv) Setbacks of existing and proposed structures
- (v) Rights of way
- (vi) Utility diagram applicable to proposed system

- (b) Elevation views and dimensions
- (c) Manufacturer's photographs
- (d) Manufacturer's spec sheet including capacity
- (e) Demarcation of dimensions. For systems claiming exemption due to "no-visibility" from abutting street rights of way, the applicant shall place demarcation posts, rods or balloons and schedule an appointment for staff to confirm no visibility.

- (f) Certificate of Appropriateness from Historic Preservation Commission, if applicable

(11) Issuance of Solar Energy System Zoning Permit (SES ZP)

The Planning & Housing Director shall review the permit application. If the application is compliant, an approval shall constitute a Solar Energy System Zoning Permit (SES ZP) and the applicant shall then be authorized to seek any other necessary building permits and approvals before installation. Any decision of denial shall be in writing and supported by substantial evidence contained in a written record. The Zoning Permit can be revoked if there is evidence that the system does not comply with the permit.

(12) Solar Energy System Special Use Permit (SES SUP):

- (a) Application. The Planning & Housing Director shall prescribe the application form and any

necessary submittal requirements, as required in this Section and Section 29.1503. The Director can waive any of the submittal requirements of a SES SUP upon request of the applicant, which the Director deems not applicable.

(b) Procedure. The procedure shall follow Section 29.1503(a), Special Use Permits. Sections 29.1503(b-d), (Residential Zone Standards, Commercial Zone Standards and Functional Families) shall not apply to the review of SES SUP applications.

- (c) Review Criteria. To approve a SES SUP, the Zoning Board of Adjustment must find that the

proposal conforms to all of the following five criteria (i-v) and either vi. OR vii.:

- (i) The system will be harmonious with the character of the neighboring properties as

they exist on the date of approval, which is defined as properties within 200 feet of the system property

- (ii) Access to open space (air and light) from the neighboring properties is not

significantly reduced

- (iii) If in a historic district, a Certificate of Appropriateness has been granted by the Historic Preservation Commission

- (iv) The predominate pattern of building placement, height, orientation and scale among

the neighboring properties and general area beyond the neighboring properties will not be negatively impacted or altered by the system

- (v) The system conforms with all other city, state and federal regulations

AND EITHER

- (vi) Unique topography, vegetation or lot conditions exist which help to shield the system from the view of neighboring properties and from the street.

OR

- (vii) Placement of the principal building allows the system to be located and operated in a way that helps to shield the system from the view of neighboring properties and from the street.

(d) Review and Approval. The Zoning Board of Adjustment can request additional information if insufficient information is presented to determine conformance with the criteria. If approved, the SES SUP can be revoked after a public hearing, if there is evidence that the system does not comply with the provisions of the Special Use Permit. The Board may impose conditions as it deems necessary for the general welfare of the

public and for ensuring that the intent and objectives of this Ordinance will be observed. The application shall include the same information required for a SES ZP, and shall also include statements addressing how the application meets the criteria of subsection C above.

When a Solar Energy System Special Use Permit is approved, it shall constitute the equivalent of the Solar Energy System Zoning Permit.

(13) **Site Development Plan Exemption.** A Freestanding Solar Energy System is exempt from Site Development Plan requirements if the surface area of the system is less than 150 square feet as measured in this Section.

(14) **Exception Provisions Not Applicable.** An Exception for a Minor Area Modification, as defined in Section 29.1506 shall not be allowed or applicable to Solar Energy Systems.

(15) **Interconnection:** Interconnected Solar Energy Systems are allowed subject to the standards in this section. Evidence of a signed interconnection agreement with the applicable electric utility shall be submitted to the Department of Planning & Housing prior to approval of any interconnected solar energy system. The applicant is encouraged to work with the applicable utility before purchasing equipment. The maximum allowable rated capacity of an Interconnected Solar Energy System is 10 kW, or 10,000 Watts unless evidence from the applicable utility has demonstrated that safe interconnection can be achieved and the need is for on-site usage for the principal use of the property. Any system over 100 kW is not allowed.

(16) **Abandonment:** System use shall be determined abandoned under the provisions of Section 29.307, which requires notice by the Zoning Enforcement Officer to the property owner. The system shall be removed within 90 days of the termination date, at the cost of the property owner.

(17) **Signage:** Any signs on the system shall be limited to one square foot.

(18) **Commercial systems:** A Commercial Solar Energy System is not allowed in the City of Ames.

(19) **Appearance.** The property owner of any solar energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall also maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any associated structures remain quality in appearance.

(20) **Underground Wire Requirement.** Wires shall be underground or otherwise concealed, to the greatest extent possible, where crossing open areas.

(21) **Industry standard:** Before any Solar Energy System zoning permit is issued for a Solar Energy System, evidence shall be shown that the system and parts meet industry standards, such as Underwriters Laboratories (UL), or another standard applicable to the technology and materials of the system.

(Ord. No. 4013, 11-10-09)

Sec. 29.1310. WIND ENERGY SYSTEMS.

(1) **Intent.**

(a) Purpose. Wind energy is a clean, readily available and renewable energy source. This section establishes regulations to facilitate the installation and construction of Wind Energy Systems so that systems are safe, effective, and efficient and have minimal impact on surrounding development. The provisions of this Section apply to the placement, construction and use of "wind energy systems" as defined in this section.

(2) **Definitions.** See Sec. 29.201

(3) **General Regulations.**

(a) A Small Wind Energy System (SWES) shall be allowed only as an accessory use to a permitted principal use on the same legalized lot. Commercial systems are not allowed. Non-electric systems are not regulated by this chapter.

(b) Zoning: SWES are allowed only in PRC (Planned Regional Commercial), HOC (Highway-Oriented Commercial), GI (General Industrial) and PI (Planned Industrial) zoning districts subject to the provisions contained herein and elsewhere within the *Municipal Code*.

(4) **Permit Required:**

(a) It shall be unlawful to construct, erect, install, alter or locate any SWES within the City of Ames, unless both a SWES Zoning Permit and a Building Permit have been obtained. The Zoning Permit may be revoked by the City of Ames any time the approved system does not comply with the rules set forth in this Section.

(b) After a Zoning Permit has been issued, the owner/operator of the SWES shall obtain a

building permit from the City of Ames Building Official prior to commencing construction of the system. Authorization for interconnection is independent of the approval for the SWES zoning and building permits. If an interconnected system is planned, the utility's interconnection requirements must also be satisfied, and no building permit shall be issued until the Building Official has been provided with the utility's written authorization.

(c) In order to obtain a SWES Zoning Permit, a SWESZP application must be submitted to the Planning and Housing Department, in conformance with the Minor Site Development process and submittal requirements. The Planning and Housing Director, upon request of the applicant, may waive any of the submittal requirements that he or she deems not applicable. The Director may also require additional information as minimally needed to determine compliance with the *Municipal Code*. In addition to the requirements of Section 29.1502, the following information shall be submitted:

- (i) Manufacturer specifications of the proposed system
- (ii) Photographs or renderings of the proposed system
- (iii) Elevation drawings of the proposed system, including as applicable:
 - (a) Elevation of building to which attached
 - (b) Distance to other objects on the property, such as trees,

power lines and buildings

(5) **Tower:** Only monopole towers are permitted for freestanding Small Wind Energy Systems in the HOC, PRC, and PI zones. Either monopole or lattice towers are permitted in GI zones. Guyed towers or any other types of towers are not permitted.

(6) **Color and Surface:** Freestanding SWES shall be a neutral color such as white, sky blue, or light gray. Supporting structures for building mounted SWES shall match the color of the building on which they are mounted. Surfaces of the SWES and building mounted supporting structures shall be non-reflective

(7) **Lighting:** No lights shall be installed on the tower, unless required to meet FAA guidelines.

(8) **Signage:** Any signs on the system shall be limited to one square foot.

(9) **Climbing Apparatus:** The tower must be designed to prevent climbing within the first ten feet (10').

(10) **Maintenance:** Facilities shall be well maintained in accordance with manufacturer's specifications. The property owner of any SWES shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall also maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any associated structures remain quality in appearance.

(11) **Displacement of Parking Prohibited:** The location of the SWES shall not result in the net loss of required parking or landscaping as specified elsewhere in the zoning code.

(12) **Utility Notification:** The City of Ames shall notify the utility of receipt of a SWESZP application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement. This is only to inform the utility. A response from the utility is not required to approve or deny the SWESZP application.

(13) **Interconnection:** The SWES, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility. Off-grid systems shall be exempt from this requirement.

(14) **Restriction on use of Electricity Generated:** A SWES shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the SWES and not presently needed for use by the owner may be used by the Utility in accordance with laws and regulations governing interconnection and utility approval.

(15) **Noise and Vibration:** A SWES shall be designed, installed and operated so that any noise or vibration has minimal impacts on adjacent properties. No noise or vibration above the ambient sound level shall be detected from a property within a zoning district where an SWES is not allowed. A SWES shall utilize only manufacturer designs in which the turbine sound level, when installed according to manufacturer's specifications, shall not exceed 55 decibels, at the base of the turbine tower. Additionally, a SWES shall comply with noise control regulations in Chapter 16 of Municipal Code.

(16) **Low Frequency Sound:** No SWES or combination of SWESs shall emit low frequency sound at or below 20 Hertz.

(17) **Shadow Flicker:** No SWES shall be installed and operated so to cause a shadow flicker to fall on or in any residentially zoned dwelling unit existing at such time that the application to install a SWES is received by the city.

(18) **Safety Controls:** Each SWES shall be equipped with both an automatic and manual braking, governing,

or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said system shall also be capable of stopping power generation in the event of a power outage so as to prevent back feeding of the grid.

(19) **Shut Off:** A clearly marked and easily accessible power disconnect will be required as determined by the Building Official.

(20) **Wind Access Easements:** The enactment of this chapter or granting of an SWES Zoning Permit does not constitute the granting of an easement by the City of Ames. The SWES owner/operator shall have the sole responsibility to acquire any easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWES.

(21) **Engineer Certification:** Submittal requirements for SWES building permits shall be determined by the Building Official. The Building Official, upon review of the proposed SWES, may require certification by an Iowa Professional Engineer, prior to completing review or issuing building permits.

(22) **Installation:** Installation must be done according to manufacturer's recommendations. All wiring, electrical, and construction work must be completed according to applicable codes. All electrical components must meet industry standards as determined by the Building Official and the utility.

(23) **Abandonment:** System use shall be determined abandoned under the provisions of Section 29.307, which requires notice by the Zoning Enforcement Officer to the property owner. The system shall be removed within 90 days of the termination date, at the cost of the property owner.

(24) **Bulk Regulations.**

(a) Setbacks:

(i) The minimum distance between any Freestanding SWES and any property line shall be a distance that is equivalent to 1.1 times the total system height. The setback shall be measured from the property line to the closest point of the swept area.

(ii) The required setback for any Building-Mounted SWES shall be equal to the required setback of the principal building to which the SWES is to be attached at such time that the application to install a building mounted SWES is received by the city. Section 29.402(2) regarding allowable minor projections into required setbacks is not applicable.

(25) **Maximum Height:** Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades. Known as the "total system height," as defined in this section.

(a) For lots up to three (3) acres, the maximum height shall be 80 feet.

(b) For lots of three (3) to seven (7) acres, the maximum height shall be 100 feet.

(c) For lots of more than seven (7) acres the maximum height shall be 120 feet.

(d) Building-Mounted SWES may project a maximum of 10 feet higher than the point of attachment to the building on which they are attached, based upon the definition of total system height in this section. However, the combined heights of the building and the system may not exceed the maximum principal building height by more than five (5) feet. Section 29.401(5) regarding maximum heights for allowable roof projections is not applicable.

(26) **Minimum Lot Size:** None.

(27) **Ground and Swept Area Clearance:** No portion of the SWES Swept Area shall be closer than 10 feet to the ground. Clearance of 15 feet is required over parking areas, driveways, sidewalks, decks, and balconies. No portion of the Swept Area shall extend closer than 20 feet horizontally to the nearest tree, structure, or above ground utility facility.

(28) **Location:**

(a) No part of a SWES shall be located within or over drainage, utility, or other established easements.

(b) No SWES shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

(c) No SWES shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five (5) feet.

(d) No part of the SWES, including the swept area, shall be within or overhang any portion of the property that is within a required building setback.

(29) **Number of Systems per Lot/parcel:**

(a) Additional building mounted SWES may be allowed within the parameters of this section.

(b) In no case shall the generating capacity of aggregated SWES exceed anticipated energy needs for on-site consumption, based upon analysis from the utility.

- (c) Vertical axis (Building-Mounted or Freestanding): No limit on number.
 - (d) Horizontal axis (Building-Mounted): No limit on number.
 - (e) Horizontal axis (Freestanding): Limited to a maximum of two (2) per acre. At least one is allowed per lot/parcel, but not more than two (2) per acre. Systems collocated on existing poles or towers that serve another primary purpose are exempt from the two (2) per acre limit.
- (Ord. No. 4040, 6-22-10)*

Sec 29.1311. Temporary Concrete and Asphalt Batch Plants.

(1) It is recognized that certain large private and public projects require the establishment of temporary facilities for the preparation of Portland cement concrete or asphaltic cement concrete. These facilities have been constructed rarely within or near the City and it is anticipated that they will continue to be a rare occurrence. However, it is necessary to accommodate them on a temporary basis and in a manner that will reduce their expected impacts on surrounding properties.

(2) The Zoning Board of Adjustment can authorize a Special Use Permit for a temporary concrete or asphalt batch plant only after a public hearing in accordance with the submittal and approval procedures set out in Section 29.1503.

(3) The Special Use Permit shall not be granted:

- a. If the tract, parcel or lot on which the proposed use is located is less than 500 feet from a tract, parcel or lot containing a residential use.
- b. If the tract, parcel or lot on which the proposed use is located is less than 250 feet from a tract, parcel or lot containing a commercial use.
- c. For more than six months although an approved use can receive a single extension of up to an additional three months by the Board provided the initial approval has not expired.

(4) Additional Requirements

a. All temporary principal and accessory structures and storage of materials shall meet the setbacks of the zone in which it is located. The temporary establishment of such a use is exempt from the General Development Standards of Article 4 of the Zoning Ordinance. However, the Board may apply such standards, or any other appropriate standard, as a condition of approval as it seems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

(Ord. No. 4085, 09-27-11)

Sec 29.1312. Delayed Deposit Services.

(1) **Words and Terms Defined**

a. Delayed Deposit Service Provider: Means every person who for a fee does either of the following:

- (i) Accepts a check dated subsequent to the date it was written.
- (ii) Accepts a check dated on the date it was written and holds the check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representations made to, the maker of the check, whether express or implied.

(2) **The following shall apply to delayed deposit service providers:**

a. Location: No person, whether as principal or agent, clerk, or employee, either himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any delayed deposit service business in the following locations:

- (i) Within 1000 feet of any parcel of real property upon which is located any of

the following facilities:

- a. Existing delayed deposit service facilities;
 - b. A children's daycare, nursery school, preschool, elementary school, junior high school, senior high school;
 - c. Park or recreational facilities operated and improved by the city, story county, the story county conservation board or the state of Iowa;
- (ii) Within 1000 feet of any residentially zoned or used property, or any property designated on the city's land use policy plan as residential oriented;
- a. Within 1000 feet of any arterial street;
 - b. In the highway-oriented commercial zones;
 - c. In gateway overlay zoning districts.

(3) **Measurement of distance:**

The distance between any two delayed deposit service facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any delayed deposit service facility and any daycare, school, public park, or any property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the delayed deposit service facility to the closest property line of any daycare, school, public park or any property designated for residential use or used for residential purposes. The distance between any delayed deposit service facility and any arterial street shall be measured in a straight line, without regard to intervening structures, from the closest property line of the delayed deposit service facility to the closest edge of the arterial street pavement.

(Ord. No. 4111, 5-8-12)

Section 29.1313. Clubhouses

(1) **Location on a lot.**

- a. The clubhouse shall meet the minimum principal building setbacks established in the Zone Development Standards table for that Zone.
- b. Clubhouses shall be located off a main access to the development near a public street and shall allow for access and visibility around the structure for safety purposes.
- c. Primary access to a clubhouse shall be oriented to a parking lot or to a primary pedestrian walkway circulating through a site.

(2) **General Requirements.**

- a. Area supporting a clubhouse shall not be excluded from minimum lot area requirements for calculating density.
- b. Clubhouses shall not be used as a dwelling unit or for short term lodging.
- c. Clubhouse construction shall not precede the construction of the principal building on the same lot.
- d. Clubhouses shall be compatible with adjacent residential buildings in the development through similarities in scales, proportions, form, architectural detailing, materials, color and texture.

(Ord. No. 4167, 12-17-13)