

SECTION 23

**SUPPLEMENTAL USE REGULATIONS**

**2301 Purpose**

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in other sections of this Ordinance.

**2302 Supplemental Use Regulations: Residential Uses**

Table 2302

**Group Residential Density by Zoning District**

Zoning District	Terms of Permitted Use	Maximum Number of Unrelated Persons in Structure	Minimum Floor Area per Resident (square feet)	Minimum Site Area per Resident
R-3	By Right	10	400	1,000
C/L	Conditional	10	350	850
C-1	Conditional	6	350	1,000
C-2	Conditional	10	350	850

a. Mobile Home Parks in the RM District

Mobile Home Parks and mobile home residential use are permitted in the RM District. Such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall be no less than two acres nor more than ten acres.

3. Density Requirements

(a) The maximum gross density of a Mobile Home Park shall be 6 units per acre.

(b) The minimum size of an individual mobile home space shall be 6,000 square feet.

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(c) Each mobile home space shall have a width of at least 50 feet and a length of at least 70 feet.

4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 35 feet. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(b) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 25 of this Ordinance. Screening shall be provided in conformance with Section 25 for any common property line with another non-residential use.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 60 percent of the total site area.

(d) Open Space: Each Mobile Home Park shall provide a minimum of 300 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.

(f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space maintains a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

(a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 28- feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a radius at the outside of the pavement of at least 25-feet and a radius at the outside of the right-of-way of at least 40-feet. No such cul-de-sacs may exceed 600 feet in length.

(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.

(d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(e) Street and Sidewalk Standards: All internal streets shall be asphalt or concrete and sidewalks shall be concrete. Electric street lighting is required along all internal streets.

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(f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

6. Utilities

(a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

7. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.

8. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Board and City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the Board.

9. All other uses and provisions of the Carter Lake Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Carter Lake Municipal Codes.

b. Mobile Home Subdivisions in the MH District

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Land Development Ordinance of Carter Lake. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance. All units shall be installed on a permanent foundation with complete removal of wheels and towing packages.

c. Retirement Residence

1. Maximum Floor Area Ratio is 0.5 for buildings up to and including three stories, 0.75 for buildings from 4 to 6 stories, and 1.0 for buildings over 6 stories. Number of living units and occupants is determined by Floor Area Ratio rather than site area per unit regulators.

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2. Any action that would result in occupancy of the project by persons less than retirement age requires approval by the City Council following a recommendation by the Planning Board.

**2303 Supplemental Use Regulations: Civic Uses**

a. Clubs

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than fifteen feet along the common boundary with such residential use.

b. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.

**2304 Supplemental Use Regulations: Commercial Uses**

a. Auto Service, Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities, including oil drainage, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Section 25 of this Ordinance.

2. Any spray painting must take place within structures designed for that purpose and approved by the Building inspector.

3. All entrances and exits serving gasoline service station, convenience store offering gasoline sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from any intersection.

4. All gasoline pumps shall be set back at least fifteen feet from any street line.

b. Auto Washing Facilities

1. Each conveyor-operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.

2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be brick pavers, asphalt, or concrete.

2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Construction Sales and Service

Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:

1. Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
2. All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
3. All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
4. Minimum screening shall be consistent with screening standards set forth in Section 25.
5. All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt.

e. Convenience Storage

When permitted outside of the M-2 District, convenience storage facilities shall be subject to the following additional requirements:

1. The minimum size of a convenience storage facility shall be one acre.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. No storage buildings may open into required front yards.
6. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Section 25.

f. Kennels

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 100 feet from any property line and 500 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around their parameters or at the property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Section 25, establishing landscape and screening standards.

g. Marinas

A boat marina, including related commercial sales, boat service, and amphibious events of sport, skill, or exhibition, shall be located at least 100 feet from the boundary of any residential district, unless such marina is developed as part of a mixed use or planned unit development, as established by Sections 19 and 20.

h. Restricted (Adult Entertainment) Businesses

See chapter 166 of the Code of Ordinances of the City of Carter Lake, Iowa 2006 entitled "Sexually Oriented Businesses".

**2305 Supplemental Design Standards for Non-Residential Districts**

- a. Window area on each street-facing facade shall be equal to at least 20% of the area of that facade.
- b. Each site design shall provide a clear and safe method of pedestrian circulation along the street right-of-way and between the street right-of-way and a principal customer entrance of the business.
- c. Site Design Criteria
  1. Buildings shall be oriented so that drive through canopies, overhead doors, loading docks or open bays face away from the street. When utilized, such elements shall be designed as part of the overall building and screened from the highway or streets.
  2. Decorative site elements and streetscape elements, e.g. sidewalks and plazas, sculptures, monuments, fountains, clock towers, landscape lighting, brick pavers, modular paving, and decorative concrete, shall be used within the interior of developments to provide visual continuity throughout the development area and to define special purpose areas.
  3. Decorative architectural accent lighting, landscape lighting, and pedestrian light poles shall be located at primary entrances and shall be located throughout business park, mixed use, commercial, and residential developments.
  4. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining property and from public streets through fixture type, height (with a recommended limit of 35 feet), and location. Exterior lighting of buildings should be limited to low level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare upon adjacent property or public streets. Exceptions may be considered for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.
  5. Storm water detention areas should be designed to create high quality focal points or entrance features.
  6. Developments should preserve natural and scenic areas. Natural physical features, including existing vegetation and mature trees, should be preserved to the maximum extent possible and should be incorporated into new developments. Stream valleys and floodplains are encouraged to be protected and maintained as open space, greenways, and/or parks. All site designs should incorporate public access to these areas.

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7. The internal transportation network for a development should be designed to accommodate all modes of transportation and must consist of interconnecting streets and blocks with respect to the natural landscape. The internal network should provide alternate routes to every destination to diffuse traffic. Numerous linkages between properties should be incorporated into the design of development plans, unless prevented by topography or other physical conditions.
  8. All buildings and open space in each development shall be connected to adjacent developments by sidewalks or trails. An internal system of sidewalks or paths shall be provided that makes clear and direct connections between buildings, pad sites, and adjacent developments.
  9. Interior pedestrian crosswalks shall be delineated with decorative material.
- d. Building Design and Material Criteria
1. The primary materials used in the construction of primary exposure facades shall be clay face brick, glaze face brick, architectural faced concrete block (integrally colored, stained or painted,) glazed face concrete masonry units (cmu), burnished face concrete masonry units (cmu), calcium silicate masonry, or stone shapes of natural or manufactured stone.
  2. Facades facing interior distribution/loading courts, service courts or other areas generally not visible to the public, regardless of occupancy or function, may be of standard faced non-architectural concrete masonry (integrally colored, stained or painted), stacked or running bond or non-architecturally finished structural pre-cast concrete panels (integrally colored, stained or painted.) Painted metal may be used as a secondary material. (No more than 40% of the covered area.)
  3. Window canopies and awnings, where appropriate, shall be constructed of materials complimentary to the building. Materials with a synthetic or plastic appearance are discouraged. Indirect lighting of window canopies/awnings is preferred to backlighting.
  4. Architectural styles and themes should remain similar and harmonious within individual developments along the corridor. This does not mean that all buildings should look identical; rather, each should have similar qualities and architectural elements. Within each individually planned development, consistent architectural design, including building materials and colors, should be carried throughout all buildings. Designs that provide visual interest and variety, yet are consistent with the theme, are desired.
  5. Human scale shall be created by building massing and form, as well as the use of architectural elements such as canopies or porticos, arcades, colonnades, street-level window displays, raised landscape planters, pedestrian level lighting, and special building material treatments at the base of the building.
  6. Building facades or walls that face a public street shall not have a blank, uninterrupted length exceeding fifty (50) feet without including at least two (2) of the following design elements: a change in plane a minimum of five-feet, a change in texture or masonry pattern, windows, or an equivalent element, such as accent materials that subdivide the wall into human scale proportions.

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7. The roof design shall provide variations in rooflines to add interest to, and reduce the scale of buildings. Roofs shall include two (2) or more roof planes with a pitch of at least 5/12 or shall be enclosed by parapet walls if the pitch is less than 5/12.
8. Loading docks and other service areas shall be incorporated into the building design, and screened or located in a manner so as not to be readily visible from public spaces.
9. Any exterior trash receptacle areas shall be designed to be integral to the building design, of similar materials, and adjacent to the building whenever possible.

e. Screening Requirements

Site plans or landscaping plans shall include details regarding enclosure and screening methods, as required below. The phrase “screened from public view: means not visible to the extent possible, at any distance, from adjoining properties or any street right-of-way.

1. Refuse and Recycling Receptacles and Enclosures. All waste and recycling receptacles should be stored within the principal structure or within an accessory enclosure area, subject to the following:
  - a. The enclosure shall be located adjacent to the structure whenever possible.
  - b. The exterior wall treatment of the enclosure should be of similar color and materials as the principal structure. Exterior walls should be at least six (6) feet in height.
  - c. The enclosure must be accessible to waste and recycling collections vehicles.
2. Mechanical and Other Equipment. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utility meter banks, and coolers shall be screened from public view with landscaping or with an architectural treatment compatible with the building’s architecture.
3. Rooftop Equipment. All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building’s architecture and integral to the overall appearance of the building. The methods of screening rooftop equipment include, but are not limited to, encasement or partition screens. Equipment screens are required to be at a height that is as high as or higher than the equipment that is being screened. Exceptions may be permitted to the screening requirements in cases where one of the following criteria is shown to exist:
  - a. A building is located at a high elevation in relation to surrounding properties and it is clearly demonstrated that rooftop equipment will not be visible.
  - b. A building is located within the middle of an industrial development and rooftop equipment will not be visible from arterial roadways or residential properties, nor will it have a negative impact upon any sensitive areas or scenic view or vistas.
  - c. A building is sited in such a manner that the location and setback of rooftop equipment from the building edge, in relation to the elevation and visibility of surrounding properties, is such that the equipment will not be visible from any distance.

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- f. Outdoor Storage. Outdoor storage or display of merchandise, equipment, or garden center items is prohibited except for within screened display areas that are integral to the primary building. Such areas shall be screened from view of public right-of-way and surrounding residential or public use areas, as follows:
  - 1. The display area design shall be entirely integrated into the appearance of the building. The display area walls and/or columns shall be constructed of the same materials as the primary building façade.
  - 2. Screening fences or walls, when utilized, shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. The recommended fencing material for display areas is wrought iron. Chain link fencing and plastic sheeting are prohibited.

**2306 Supplemental Use Regulations: Industrial Uses**

a. Salvage Services

- 1. Screening:
  - (a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped buffer yards.
  - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
- 2. Storage of materials within any salvage services facility shall not be higher than the height of the surrounding screen fence or wall.
- 3. No new Salvage Services use may be established within the city limits.

**2307 Performance Standards in Industrial Districts**

a. Uses in the M-1 District: Performance Standards

The following performance standards apply to all industrial uses permitted within a M-1 Limited Industrial zoning district:

- 1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
- 2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Pottawattamie County and the City of Carter Lake.
- 3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the M-1 district shall generate sound levels in excess of those specified in Table 2308 at the

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boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.

4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material that is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

Particulate matter measured at the point of emission by any generally accepted method shall not be emitted in excess of 0.2 grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

6. Odor: The emission of odors determined by Health Inspector to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.

7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Maximum measurements taken at the property line of the operation shall not exceed 5 parts per million for sulfur dioxide, hydrogen sulfide, or carbon monoxide, or one part per million for nitrous fumes.

8. Vibration: All machines shall be mounted to minimize vibration. No vibration exceeding a displacement of 0.003 inch shall occur at the property line of the operation.

9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.

10. Storage of Chemical Products: If allowed by Conditional Use Permit, below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any residential, office, business park or commercial zoning district.

b. Uses in the M-2 District: Performance Standards

The following performance standards apply to all industrial uses permitted within a M-2 General Industrial zoning district:

1. Physical Appearance: Junk, salvage, auto wrecking, and similar operations shall be screened from view from streets and adjacent properties consistent with the screening standards of Section 25 and the requirements for salvage services contained in this section.

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2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the Fire Prevention Code published by the American Insurance Association and other city ordinances.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the M-2 district shall generate sound levels in excess of those specified in Table 2308 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material that is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.  
  
Particulate matter measured at the point of emission by any generally accepted method shall not be emitted in excess of 0.2 grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
6. Odor: The emission of odors determined by the Health Inspector to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Maximum measurements taken at the property line of the operation shall not exceed 5 parts per million for sulfur dioxide or hydrogen sulfide, 25 parts per million for carbon monoxide, or five parts per million for nitrous fumes.
8. Vibration: All machines shall be mounted to minimize vibration and shall not interfere with industrial operations on neighboring lots. No vibration shall be perceptible on any adjacent lot in a residential zoning district.
9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
10. Storage of Chemical Products: Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any residential, office, business park, or commercial zoning district.

**2308 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts**

Table 2308 displays the maximum permitted sound levels that may be generated by uses in the C/L, C-1, C-2, BP, M-1, or M-2 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 2308

**Maximum Permitted Sound Levels at Residential Boundaries**

<u>Originating Zoning District</u>	<u>Time</u>	<u>Maximum One Hour Leq* (dbA)</u>
C/L, C-1, C-2, BP, M-1	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
M-2	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

\* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

**2309 Supplemental Use Regulations: Miscellaneous Uses**

a. Communications, Microwave, and Cellular Towers

1. Statement of Intent. The purpose of this section is to provide for the appropriate location of communication towers and related accessory facilities to serve the needs of the community. The conditional use procedure set forth herein provides for the review and discretionary approval of communication tower sites considering conditions specific to the location while offering uniform and comprehensive standards for the development of functionally equivalent services. These regulations are designed to assure the managed development of the community’s communication infrastructure through a timely and responsible review process.

2. Applicability. Communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of 125 feet are permitted in M1 and M2 zoning districts only, subject to approval of the minimum standards in the Chapter.

(a) The following types of communication towers are subject to the standards and procedure of this Chapter.

1. UHF, VHF and cable television
2. Am, FM and two-way radio
3. Fixed point microwave
4. Wireless communications, including but not limited to paging, cellular, enhanced specialized mobile radio (ESMR), and personal communications systems (PCS).

(b) An antenna and supporting structure for the following are exempt from the development standards of this Chapter and are allowed in any zoning district, if accessory to a permitted use and in compliance with other applicable regulations of that zoning district.

1. Amateur radios licensed by the FCC
2. Citizens band radios
3. Direct broadcast satellite discs
4. Conventional home television antennas, including UHF and VHF antennas

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- (c) Towers for police, fire and emergency communications or other municipal systems are exempt from the development standards of this section.
- (d) Towers attached to utility poles located in public right-of-way are exempt from the development standards of this Section. However, placement of such towers shall be subject to review and approval by the Maintenance Department and the appropriate utility.
- (e) Communication facilities to be co-located onto an existing legally established tower with no increase in height are exempt from the review procedures of this Section. However, documentation of the capacity of the structure to support weight or wind load from the additional equipment shall be provided to the Building Inspector prior to the issuance of a building permit.
- (f) Building-attached facilities, either roof mounted antennas or antennas attached to the side of a building are exempt from the standards and conditions of this section. These structures shall be subject to review for compliance with all applicable federal, state and local regulations by the Building Inspector, prior to issuance of any local permits. The City Council shall have the authority to approve placement of communication facilities proposed to be mounted on other structures such as water tanks, steeples or other creative locations, if it is determined that the proposed location is consistent with the facilities exempted from the procedures of this Section.

3. Accessory uses.

A. Accessory structures used in direct support of a tower, including equipment cabinets and fencing shall be allowed, but not broadcast studios, vehicle storage or other outdoor storage unless otherwise permitted in the zoning district.

4. Site plan review procedure.

A. Application. The property owner or their authorized representative may submit an application for conditional use permit. The application shall be filed with the Building Inspector, along with the required filing fee. The following information shall be considered the minimum. The Building Inspector shall determine the adequacy and completeness of the application prior to scheduling the case before the Planning Board.

- 1. Legal description and location of the property with a scaled drawing with north arrow and date, showing the relationship of the parcel to the surrounding area.
- 2. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, dimensions and distances of all structures within the property and 200' beyond the property line.
- 3. Engineering information and drawings pertaining to tower design, building materials, accessory structures and attached equipment, capacity and the number and type of antennas.
- 4. A landscape plan including screening, fencing, lighting and security measures. Notice or proof of application to the Federal Aviation Administration, Federal Communications Commission and/or any other applicable state or federal regulator

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allowing a tower at the proposed location. Final notice shall be required prior to issuance of the building permit, if a conditional use permit is granted.

5. Standards and conditions for approval. Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information.

A. The type and purpose of the tower.

B. The height of the proposed tower as measured from the natural undisturbed ground surface below the center of the base of the tower to the tip of the highest antenna or piece of equipment attached.

C. Minimum setbacks from all adjoining property equal to:

1. One hundred percent of the tower height from the base of the tower to any adjoining residential dwelling, whether located upon residentially zoned property or not.

2. Twenty (20) feet from the base of the tower to any adjoining lot that is not zoned for residential use.

3. The Zoning Board of Adjustment may reduce the required setbacks on a finding that such reduction will not adversely affect adjacent properties and is consistent with the purpose and intent of this Section.

D. Operational characteristics of the facility including maintenance routines, employee access and security requirements.

E. Landscaping and other buffers proposed to screen the base of the tower from residential or commercial uses, streets, parks or other public property.

F. Other proposed measures to minimize the adverse visual effects on adjacent land including lighting, non-interference with radio and television reception or other mitigating factors.

G. Proximity to other towers and documentation of incompatibility with those towers attempts to co-locate and/or accommodate other providers of the proposed tower.

H. Towers requiring painting or lighting to meet Federal Aviation Administration requirements are permitted in any zoning district.

6. Additional regulations.

A. A conditional use permit shall become void one (1) year after the date of approval unless the applicant has obtained a building permit and is in the process of or has completed construction of the communication tower as approved.

B. A conditional use permit approved subject to these procedures shall run with the land and continue to be valid regardless of change of ownership of either the land or the approved structure; however, the owner is required to notify the City of any subleases or shared use of the tower.

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C. After proper notice of a public hearing on the matter as required elsewhere in this title, the city Council may revoke a conditional use if it finds that the use is in violation of the terms of approval.

D. All obsolete or unused towers and accessory facilities shall be removed at owner's expense within six (6) months of cessation of operation at the site. Failure to remove the unused tower within the six (6) month period of time shall be considered the basis for revoking the conditional use permit issued herein. Any new applicant for the use of the tower must reapply for a conditional use permit and comply with each and every portion of this title as amended. Additionally, if the tower is obsolete and abandoned for a period of greater than one (1) year, the city Council may notify the owner of the property and the permit holder of the proposed revocation of the conditional use permit by sending a letter addressed to the owner of the property at the address of record to which the real estate taxes are sent and to the permit holder at the address of record informing the parties that unless the tower is removed within ninety (90) days, the City Council will declare the tower a nuisance, abate the nuisance, and charge the cost of abating the nuisance to the property owner by filing a lien against the property.

b. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Board finds that the reduction is consistent with public health, safety, and welfare.

2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Board finds that the reduction does not impede the operation of either WECS.

3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.

4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.

5. The WECS is exempt from the height restrictions of the base district.

**2310 Supplemental Use Regulations: Accessory Uses**

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:

- (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
- (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
- (c) The home occupation shall be carried on entirely within the principal residential structure.
- (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
- (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
- (f) No home occupation shall discharge into any sewer, drainage way, or the ground any material that is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.

3. Extent of Use: For all residential zoning districts, the lesser of 25% of the floor area of the principal residential structure or 400 square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.

4. Signage: See Section 27 – Sign Regulations

5. Traffic Generation and Parking

- (a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
- (b) Deliveries or service by commercial vehicles or trucks rated at ten tons or more gross empty weight is prohibited for any home-based business located on a local street.
- (c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard.

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6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:

- (a) Animal hospitals.
- (b) Beauty and Barber Shops, except with a Conditional Use Permit. Such uses shall, as part of their application, demonstrate the adequacy of the sewer system that serves the use.
- (c) General retail sales.
- (d) Mortuaries.
- (e) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses.
- (f) Stables or kennels.
- (g) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

- 1. Private garages and parking for the residential use.
- 2. Recreational activities and uses by residents.
- 3. Home occupations, subject to Section 2310 - a of these regulations.
- 4. Non-commercial convenience services for the primary use of residents of multi-family uses or mobile home parks, including laundromats, clubhouses, and post offices.
- 5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two month period or four sales during any twelve month period.

c. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the M-1 Limited Industrial zoning districts only as accessory uses to a primary industrial use.

d. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

- 1. Parking for the principal use.
- 2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.

3. Services operated for the sole benefit of employees of the principal use.

**2311 Supplemental Use Regulations: Outdoor Storage outside of the M1 and M2 Zoning Districts**

Outdoor storage is prohibited in all zoning districts except zoning district, except the M1 and M2 zoning districts, except as provided in this section.

a. Civic Use Types

Outdoor storage is permitted only where incidental to municipal maintenance facilities.

b. Commercial Use Types

1. Outdoor storage is permitted where incidental to agricultural sales and service, auto rentals and sales, construction sales and service, equipment sales and service, and surplus sales.
2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 25. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

c. Industrial and Miscellaneous Use Types

1. Outdoor storage is permitted where it is incidental to industrial uses within the M-1 zoning districts and is generally permitted in the M-2 district. Any such outdoor storage is subject to screening requirements.

**2312 Supplemental Use Regulations: Temporary Uses**

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.

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4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization or are located within a CBD or more intensive zoning district.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month and are located in commercial or industrial zoning districts.
9. Construction Batch Plants in the C-2 or M-1 Districts, provided that:
  - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
  - (b) The facility is located no more than one mile from its job site. The Building inspector may extend this distance to two miles if such extension avoids use of local streets by plant-related vehicles.
  - (c) Hours of operation do not exceed 12 hours per day or start before 7:00 AM.
  - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Building inspector determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Building inspector may establish other conditions that he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Building inspector and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Building inspector may authorize a temporary use only if he/she determines that:
  - (a) The use will not impair the normal operation of a present or future permanent use on the site.

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(b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.

3. The duration of the permit shall be explicitly stated on the permit.
4. Decisions of the Building inspector may be appealed to the City Council.

**SECTION 24  
SUPPLEMENTAL DEVELOPMENT REGULATIONS**

**2401 Purpose**

The Supplemental Site Development Regulations establish basic requirements for developable lots, including frontage requirements. They recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Ordinance and provide for specific areas of exception.

**2402 Required Street Frontage**

Except as permitted below, any lot used in whole or part for residential purposes shall provide a minimum frontage of 20 feet along at least one public street or right-of-way, or shall possess an exclusive, uninterrupted private easement of access or right of way at least 20 feet wide to a public street. There shall not be more than one single-family housing unit for such frontage or easement. A common easement of access at least 40 feet in width may be provided for two or more single-family units or for one or more duplex, two-family, townhouse, or multiple-family housing units.

**2403 Lot Size Exceptions**

In any district permitting residential use types, a single-family use type may be located on any lot or plot of official record but nonconforming in size as of the effective date of this Ordinance, regardless of its area or width, but subject to the following requirements:

- a. The sum of the widths of the side yards of such lot shall be the lesser of those required by the district regulations or 25% of the width of the lot. No single side yard shall be less than 10% of the width of the lot. This exception does not apply to street side yards.
- b. The depth of the rear yard of such lot need not exceed 20% of the depth of the lot, but shall not be less than 20 feet.
- c. If two or more such adjacent lots are combined under single ownership, the resulting combined lots shall be treated as a single lot for purposes of applying these setback requirements.

**2404 Setback Adjustments**

a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than three feet to the near side of the alley.

b. Encroachments on Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

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1. Architectural projections, including roofs that cover porches, enclosed porches, windowsills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than three feet above or below the adjacent ground level may project six feet into a required front yard or ten feet into a required rear yard. However, all such projections must be set back at least five feet from an adjacent side lot line or twenty feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards provided that they do not obstruct the light and ventilation of adjacent buildings.
4. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
5. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:
  - (a) Side Yards: An accessory building may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line and is under 15 feet in height. An additional one-foot setback is required for every two feet above 15 feet in height, up to the minimum requirements of the zoning district.
  - (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
  - (c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 5 feet. This minimum rear yard setback shall be increased to 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
  - (d) Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.
  - (e) Maximum Size: No accessory building other than a garage shall exceed 200 square feet, or 1.5% of total lot area, whichever is larger, within the R-1, R-2, R-3, R/CC, and RM zoning districts, providing that the necessary building permit is obtained. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed 720 square feet, or 25% of the building coverage of the main residential structure, whichever is larger. All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any required rear yard. Any individual accessory structure with an area over 120 square feet shall require a building permit and shall utilize exterior materials and building design consistent with the character of the primary structure.

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(f) Height: In residential districts, the maximum height shall be 16 feet for any accessory building.

(g) Separation from Other Buildings: No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.

(h) Attached Accessory Structures: Any accessory structure physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

(i) Effect on Adjacent Properties: If an adjacent lot is built upon, any accessory building that utilizes any setback adjustment permitted by this section must be entirely to the rear of the front building line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

(j) Hazards: Any accessory use that creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

(k) No accessory building shall be built upon any lot until construction of the principal building has begun.

6. Swimming pools shall be subject to the same location and setback requirements as accessory buildings.

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines. The spread of a flag when fully extended shall not extend onto public right-of-way.

8. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

c. Setbacks on State and Federal Highways

Notwithstanding any other provision of this ordinance, all buildings built or altered, or off-street parking areas developed along a state or federally designated highway shall maintain a setback equal to the greater of 50 feet from the centerline of the road or 35 feet from the front property line.

Lots of record under five acres in size; lots of record duly platted and approved prior to the effective date of this Ordinance; or lots in which a properly dedicated and accepted frontage road right-of-way exists are exempt from these provisions and are instead subject to the setback requirements of their respective zoning district.

d. Setback Adjustments

1. Setbacks on Built-Up Block faces

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These provisions apply if thirty percent or more of the buildings on that block face have front yard setbacks different from those required for the specific district.

- (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
- (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
- (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the block face.
- (d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

#### 2. Corner Lots

- (a) Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
- (b) No setback adjustment shall permit encroachment into the vision clearance triangle.

#### e. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

#### f. Double Frontage Lots

Residentially zoned double frontage lots on a major street and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

#### g. Satellite Antennas

1. Each residence shall have no more than one satellite antenna.
2. Antennas with a surface area larger than 6.3 square feet that are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
3. Antennas with a surface area of larger than 6.3 square feet are subject to the following additional regulations:
  - (a) Such antennas shall be located at least ten feet from the property line of an adjacent property line.
  - (b) The maximum diameter shall be 3 feet.

h. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be a triangle measured from the point of intersection of the curb or edge line of the streets to a point 40 feet in each direction from the intersection along such street lines. At the intersection of major streets as defined in the Comprehensive Development Plan, the 40-foot distance shall be increased to 60 feet. No landscaping shall be planted in such area that will materially obstruct the view of drivers approaching the street intersection.

**2405 Height Exceptions**

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

1. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.
2. Any such equipment or vertical projections attached to a building and exceeding the height limit shall be screened to prevent visibility from public right-of-way or adjacent property using materials or design features that are consistent with the overall design of the main building.
3. No such projection may be built which in the event of failure could constitute a hazard or fall onto either public right-of-way or property, or onto another private property

b. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

c. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are exempt from the height restrictions of the base district but are subject to the regulations of Section 2309 – b.

d. Conditional Use Approvals

The Planning Board may grant an exception from the height limit for a zoning district for a Conditional Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the Conditional Use Permit.

**2406 Fence Regulations**

a. Location Restriction

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1. Unless otherwise provided by this Ordinance or other sections of the Carter Lake Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines or tract outside the surveyed lot lines.
2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

b. Applicability

The regulations contained in Section 2406 apply to all fences with a height above grade of 30 inches and over.

c. Required Openings

Unless otherwise provided by this Ordinance or other sections of the Carter Lake Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

d. Sight Obstruction at Street Intersections

No fence or hedge permitted or required by this article or other sections of the Carter Lake Municipal Code shall be built to a height of more than three feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone for fence construction shall include:

1. At street intersections, a triangle measured from the point of intersection of the street edge lines of the streets to a point 40 feet in each direction from the intersection along such street edge lines. At the intersection of major streets, the 40-foot distance shall be increased to 60 feet. No landscaping shall be planted in such area that will materially obstruct the view of drivers approaching the street intersection.
2. At intersections of a sidewalk and alley or non-residential driveway or parking lot access, a triangle whose legs extend 10 feet back from the sidewalk along the alley or driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting alley or driveway.

e. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

f. Effect on Adjacent Properties and Drainage

1. Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.

g. Fence Construction on Public Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request of the owner of the easement whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

h. Barbed Wire

It shall be unlawful for any person, firm, association or corporation to use barbed wire to enclose land within the City limits without the consent of the City Council unless such land consists of ten (10) acres or more and is used as agricultural land.

i. Encroachments

It is unlawful for any person, firm, association or corporation to encroach upon or to place a fence upon any City street, avenue, public way or City property. A survey shall be required and filed with the City Clerk showing that a proposed fence does not encroach upon any City street, avenue, public way or City property.

j. Protective Fences around Swimming Pools

Protective fences around swimming pools shall be compliant with the terms listed under the following section (i. Residential Fences). Any gate on a protective fence shall be lockable and maintained in a locked state when the pool is not in use.

k. Fences

1. When located within a front yard shall not exceed four feet (4') in height measured from the adjacent ground level;
2. When located in a rear yard, six-foot (6') privacy fences shall be allowed from the rear of the house to the rear property line, height measured from the adjacent ground level.
  - a. When yard abuts the lake, it is unlawful for any person, firm association or corporation to build, construct or maintain a solid six-foot (6') privacy fence in their lakeside yard. No application can be made to the Board of Adjustment for the establishment of a privacy fence on above said properties, exception for required six-foot (6') fence around pools.
3. When located in a side yard, six-foot (6') privacy fences shall be allowed from the rear of the house to the front of the house only by special permit from the Board of Adjustment. Height to be measured from the adjacent ground.
  - a. When yard abuts the lake it is unlawful for any person, firm, association or corporation to build, construct or maintain a solid six-foot (6') privacy fence in their side yard. No application can be made to the Board of Adjustment for the establishment of a privacy fence on above said properties.
4. Fences shall be located so no part thereof is within one foot (1') of any alley or street right-of-way line.
  - a. Except in areas where streets or alleys have no curb and gutter, fences shall be located no closer than five foot (5') from the edge of alley or street surface to allow for snow removal. No application to the Board of Adjustment or the City Council can be made to place such fences closer to the edge of the alley or street surface.
5. No portion of any fence shall exceed six feet (6') in height, measured from the adjacent ground.

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6. Corner lots – Privacy fences on corner lots and double corner lots shall only be allowed directly behind the residence and not be allowed along side yards.
7. Fence installation – It is unlawful for any person, firm, association or corporation to build, construct or maintain any fence of any kind unless the poles/posts are on the inside of the fence facing the property upon which the fence is being installed, and the finish side of the fence shall be placed on the side of the poles/posts facing the property other than the property of the owner.
8. Exception for the Carter Lake Club Area – In the historic and unique district known as “The Carter Lake Club” area, fences as described above may be installed where no neighbors view of the lake is impeded by said fence.
  - a. Fences installed along “Club Area” sidewalks may be installed on city right-of-way with City Council permission at a distance from said sidewalk to be determined by the City Council.
9. Swimming pools, dog runs and fence gates.
  - a. An outdoor swimming pool with a depth of eighteen inches (18”) or more, the edge of which is less than four feet (4’) above grade, shall be completely surrounded by a fence not less than six feet (6’) in height. The fence shall be so constructed as not to allow a four-inch (4”) diameter sphere to pass thru the fence. A principal or an accessory building or a retaining wall may be used as a part of such enclosure.
  - b. Dog runs shall be enclosed by a fence of sufficient height and construction to contain the dog at all times. A closed top shall be installed if necessary to contain the dog.
  - c. All gates or doors opening through an enclosure to a pool or a dog run shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any building which forms a part of the enclosure need not be so equipped. The Building inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded herein.

10. Materials

- a. Fences shall be constructed of wood, chain-link, PVC/resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots.

1. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.

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2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.

3. Electrified fences are not permitted within the jurisdiction of the City of Carter Lake.

**2407 Appeals**

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the City Council or Board of Adjustment, as set forth in Sections 29.

**SECTION 25**

**LANDSCAPING AND SCREENING**

**2501 Purpose**

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Carter Lake by addressing landscaping and screening requirements for both commercial and residential properties. They are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City of Carter Lake. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

**2502 Applicability**

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, and within 5 years of enactment of this ordinance to all existing developments.

**2503 Landscaping Depth**

For determining required landscaping depth, the lot adjacent to each street property line shall be divided into two zones as shown in Figure 1. The Row Yard is located immediately adjacent to the street and its required width is shown in the second column of Table 25-1. (Note that all widths are measured perpendicular to the property line). This zone must be 100% landscaped. The Street Yard is the area between the Row Yard and the face of any structure on the property. The percentage of required landscaping in this zone is shown in columns 3 and 4 of Table 25-1. Note that there is a different requirement for the first 80 feet of depth in the Street Yard and for depths greater than 80 feet.

Table 25-1:  
Required Landscape Depth Adjacent to Street Property Lines

Zoning District	Depth of Landscaping Adjacent to Street Property Lines (Row Yard)	% of first 80 feet of street yard that must be landscaped	% of street yard beyond first 80 feet that must be landscaped
R-1, R-1A	20 feet for residential uses 25 feet for other uses	NA	0
R-2, R-3	20 feet	NA	0
R/CC	10 feet from greenways and alleys	NA	0
RM	35 feet for mobile home parks 20 feet for other uses	40	0
C/L	10 feet	20	5
C-1	25 feet for residential uses 15 feet for other uses	20	10
C-2	10 feet	15	5
TC	No requirement	0	0
C/A	15 feet	20	5
BP	20 feet	20	10
M-1	10 feet	15	0
M-2	10 feet	0	0

**2504 Buffer yard Provisions**

These provisions apply when use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 25-2. Buffer yards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district. *See Figure 1: Zoning Concepts: Landscape Standards that schematically depicts what is found in more detail in Table 25-2, (p.4)*

- a. The buffer yard dimensions set forth in Table 25-2 apply to zoning districts, which share a common lot line or are adjacent but separated by an intervening alley.
- b. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 25-2.
- c. Each required buffer yard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

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Table 25-2  
Buffer yard requirements (in feet)

Zoning District	Width of Buffer Yard (in feet) District B (Less Intensive Adjacent District)	% of first 80 feet of street yard that must be landscaped	% of street yard beyond first 80 feet that must be landscaped
District A (More Intensive District) Note 3	R-1, R-2, R/CC, RM (Note 1)	R-3 (Note 1, Note 2)	C/L, C-1 (Note 1, Note 2)
R-3	---	20 for multi-family and permitted non-residential uses	---
RM	---	50 for mobile home parks adjacent to other residential uses	---
C/L	15 for multi-family and non-residential uses	15 for multi-family and non-residential uses	---
C-1	20 for non-residential uses	20 for non-residential uses	20 for non-residential uses
C-2	30	20	---
TC	20	20	---
C/A	30	30	30
BP	20	20	20
M-1	40	30	20
M-2	100	100	20

Notes to Table 25-2

Note 1: Applies only to residential uses previously established in the zoning district.

Note 2: Applies only to residential uses previously established in the zoning district, or to vacant land designated as residential in the city's Comprehensive Development Plan.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A.

**2505 Screening and Buffering Standards**

a. Application

Screening is required between adjacent zoning districts indicated on Table 25-2 when one or more of the following conditions in the more intensive zoning district are directly visible from the faces toward the boundary of the less intensive zoning district.

1. The rear elevation of buildings.
2. Outdoor storage areas or storage tanks, unless otherwise screened.
3. Loading docks, refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.
7. Bailing or stockpiling of cardboard or other shipping or packaging materials.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 2505 from less intensive uses. Acceptable means of providing an opaque barrier are listed below.

1. A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Location of Screening Wall

1. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.

d. Screening: Effect on Drainage - Screening shall not adversely affect surface water drainage.

e. Permitted Interruptions of Screening - Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

f. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.

1. Screening planting shall include a 20-foot minimum width-planting strip with a tall hedge as defined and recommended by the West Pottawattamie County State University Extension Office. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular pattern. Shrub species shall be selected from those that are recommended by the West Pottawattamie County State University Extension Office and conform to the minimum sizes and spacing specified therein.

g. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of 6 feet in height. The walls and fences shall be fabricated and finished using the same materials and colors as the adjacent building, and shall include a matching lockable gate that when closed, completely eliminates the view of the trash area and its contents.

**2506 Parking Lot Landscaping**

a. Landscaping and Screening Requirements

Unless otherwise noted, each unenclosed parking facility over 6,000 square feet (i.e., 30 or more parking spaces) shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature, which blocks the sight line of headlights into a residential property, may satisfy this requirement, subject to the determination of the Building Inspector.
4. All unenclosed parking facilities in non-residential and multi-family residential areas shall have curb and gutters around their perimeters as well as their internal landscaping areas (i.e. peninsula or island).

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5. Each unenclosed parking facility over 6,000 square feet within any street yard shall provide interior landscaped area equal to no less than 10 percent of the total paved area of the parking facility over and above what is on the street line or residential property line. The interior landscaped area is defined as landscaping within vehicular parking areas, which break up the large expanses of pavement, provides relief from reflected glare and heat, and guides vehicular and pedestrian traffic.
6. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.
7. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

**2507 Planting**

1. Because an approved list of plantings is ever changing as new information about old and new species becomes available; individuals and/or developers are required to consult with the West Pottawattamie County University Extension office as to approved species and space requirements.
2. Planting in the landscape frontage strips shall include not less than the following:
  - a. One large deciduous shade tree for each 35 feet of frontage.
  - b. Where the strip abuts a parking lot or the side of a building that does not include pedestrian entrances, a shrub hedge shall be added. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from recommended plant listing and conform to the minimum sizes and spacing recommended by the West Pottawattamie County Extension office.
  - c. A variety of tree and shrub species shall be used to provide visual four-season interest. Not more than one-third (1/3) of the required number of trees or shrubs may be comprised of any one (1) species and at least one third (1/3) of the plants should be coniferous or evergreen species.

**3. Monument Signage Landscaping**

A heavily landscaped base area shall be provided consisting of at least (100) one hundred square feet for all entry marker and monument signs and at least five hundred (500) square feet for all development complex signs. Turf grass is not considered to be landscaping for the purposes of this section.

4. Automatically controlled underground irrigation shall be installed for all lawns and plantings in the landscape frontage strips and anywhere else there is landscaping.

5. Site Planting requirements:
  - a. At least 10% of the gross site square footage (calculated without including the building coverage) shall be pervious unpaved planted surfaces. Any frontage or side street planting strips shall be included in the calculation of planted areas.
  - b. All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within 3 years of the planting date. Open mulch or rock beds without plantings that meet the spacing requirements, shall not be accepted as planting area.
  - c. Large deciduous shade trees shall be installed in parking lots in excess of 30 spaces. The trees shall be located in planting areas of not less than 50 square feet of unpaved surface per tree and at least 1 tree shall be planted for each 3,000 square feet of paving on site.
  - d. Public right-of-way areas that are disturbed by construction on private sites shall be graded smooth and planted with sod.
  - e. In any landscaped area for commercial use only required by the Minimum Depth Requirements, the Buffer yard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
  - f. Any tree of an approved species planted or maintained with a caliper of three inches or above shall count as 1.25 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section.
6. Residential Landscape Requirements
  - a. Two (2) deciduous shade or evergreen trees, one (1) in the front yard and (1) in the rear yard, shall be installed per single family, townhouse, duplex, attached single family or two-family dwelling unit. The trees shall be installed within two (2) years of the start of construction.
  - b. Multi-family (high-density residential areas) developments shall provide one (1) deciduous shade or evergreen tree, or two (2) ornamental trees, and three (3) shrubs for every dwelling unit. These requirements are in addition to street yard or buffer yard landscaping requirements.
7. Locust Street Corridor Requirements and Landscaping
  - a. Residential developments adjacent to the Locust Street Corridor shall provide, in addition to the requirements of the underlying zoning district, a 25-foot landscaped buffer yard adjacent to Locust Street, and running the length of the development.
    - i. Plant materials shall be planted in staggered rows, shall provide a screen of 70% opacity, and shall attain a minimum height of six feet (6') within four (4) years.
    - ii. Plant materials shall include a combination of deciduous and coniferous or evergreen trees with a minimum placement of 1 tree every 30 feet.

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- iii. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
  - iv. The landscaped yard shall contain only approved landscaped materials.
- b. Low or medium density residential developments backing to arterial minor arterial or collector streets shall provide, in addition to the yard requirements of the underlying zoning district, a 10 foot deep landscaped yard, the length of the development, adjacent to the street.
- i. Plant materials shall include one (1) deciduous shade or one (1) ornamental tree, and three (3) shrubs for every forty linear feet (40') of adjacent area.
  - ii. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
  - iii. No fence shall be placed within the 10-foot yard.
  - iv. The landscaped yard shall contain only approved landscaped materials.
- c. Multi-family residential, commercial, office, and mixed use developments shall provide a 25 foot deep landscaped yard adjacent to any street or highway, running the entire length of the development.
- i. Plant materials shall include a least one (1) deciduous shade or one (1) ornamental tree, and three (3) shrubs for every forty linear feet (40') of adjacent area.
  - ii. The landscaping shall include a planting screen or a random or informal screen of plant materials providing 50% opacity and attaining a minimum height of six feet (6') within four (4) years.
  - iii. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
- d. Landscaping shall include a planting screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet (6') within four (4) years.
- e. Plant materials should include one (1) deciduous shade or evergreen tree, one (1) ornamental tree, and three (3) shrubs for every forty linear feet (40') of adjacent area.
- f. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
- g. A six-foot (6') solid wood and/or masonry fence or wall may be used in combination with the plant materials, provided that the fence or wall is set back from the property line the distance of the buffer yard.

**2508 Maintenance of Required Landscaping**

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy

shall be replaced, in a timely fashion, consistent with this section and the approved landscaping plan for the project.

**2509 Obstruction of View**

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk, and shall be consistent with the provisions of the city's Vision Clearance Zone regulations.

**2510 Earth Berm Locations**

All earth berm locations shall be reviewed and approved by the Building Inspector, or his/her designee in consultation as needed with the City's Maintenance Supervisor (i.e. City Right of Way) and Park & Recreation Director (i.e. Parks), to determine how the berms shall relate to drainage and public utilities.

**2511 Use of Inorganic Landscaping Materials**

- a. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or stone decorative pavers, such as brick decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.
- b. Loose rock without plantings that meet the spacing requirements, shall not be accepted as planting area and shall not be permitted within the required depth area set forth in Table 25-1.

**2512 Removal of Trees**

2512.01 Permit required

- a. No person, firm, corporation, association or other legal entity shall remove any tree in or upon any public right-of-way or any other public property within the city limits of the city of Carter Lake without first obtaining a permit as provided herein.
- b. The application for a permit required herein shall be made to the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) of the city of Carter Lake on forms furnished by the city, setting forth the name and address of the applicant, the nature of the proposed action or work, the entity who will perform the proposed action or work, the location where such action or work will take place, the names and addresses of surrounding property owners, and any other information which the Building Inspector or his/her designee may require in order to adequately review the permit application.
- c. The application shall have attached thereto a signed indemnity agreement whereby the applicant agrees to indemnify and defend the city from all claims or causes of action, which may result as a consequence of the applicant's performance of work authorized herein.
- d. Removal of Trees. The Maintenance Supervisor shall remove, on order of the Council, any tree on the streets of the City, which interferes with the making of improvements or

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with travel thereon. The Maintenance Supervisor shall additionally remove any trees on the street, not on private property, which are dead or have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.

2512.02 Denial of permit.

- a. The proposed removing would violate any provisions of this chapter or any other law or ordinance of the city of Carter Lake or any applicable laws of the state of Iowa;
- b. The proposed removing would cause the deterioration, harm, impairment or injury to the natural aesthetic quality or symmetry of the area;
- c. The applicant is proposing to remove a tree of desirable species in a desirable location, or the applicant is proposing to remove a tree and has not presented a reasonable justification for such removal.
  1. Upon determining that a permit shall not be issued herein, the Building Inspector or his/her designee shall serve notice of such determination upon the applicant by ordinary mail, setting forth the reasons for such denial and advising the applicant of the right to appeal such denial.
  2. The applicant shall have the right to appeal to the City Council of the City of Carter Lake the denial of a permit herein by the Building Inspector or his/her designee. An appeal shall be made by filing a written notice of appeal with the Mayor within ten days of the date set forth on the denial notice received from the Building Inspector or his/her designee. Within thirty days after receiving the written appeal, the City Council shall hold a hearing on the appeal after providing notice of the time and place of such hearing upon the applicant no less than five days prior thereto. At said hearing, the City Council shall make an independent determination as to whether to confirm the denial or to grant the permit.

2512.03 Bond, deposit.

Prior to the issuance of a permit to remove any tree, the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) shall require the applicant to submit to the city of Carter Lake a cash bond or deposit to guarantee that the work performed under the permit shall be completed in accordance with the plans as approved by the Building Inspector or his/her designee and any other specifications set forth by the Building Inspector or his/her designee. The amount of the bond shall be determined by the Building Inspector or his/her designee based upon the estimated cost to restore the site to an acceptable condition. The applicant shall also be required to submit a certificate of insurance to the city clerk of the city of Carter Lake indicating the existence of insurance in such amount and with whatever coverage the Building Inspector or his/her designee in his/her sole discretion may require.

2512.04 Standards and conditions.

Any removing allowed under a permit issued herein shall be performed in accordance with the following standards and conditions, whether or not such are specified in the permit:

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1. All trees shall be removed by removing the stump thereof, filling in the resulting hole with dirt and seeding the filled area;
2. All trees, including limbs and debris there from, shall be removed from the street, parkway, sidewalk space or other public way within forty-eight hours after being cut, and the ground shall be raked clean of all chips and debris;
3. When a tree is being felled, it shall be felled away from or parallel with the roadway, when possible, and the sidewalk and street shall be guarded so as to protect pedestrians and vehicles thereon;
4. All damage to curbs, sidewalks and other public property occurring in the performance of such work shall be promptly and properly repaired at the permittee's expense.

2512.05 Certificate of completion.

Upon notification of the completion of any removing by the permittee, the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) shall perform a final inspection of the site. The Building Inspector or his/her designee may repair or clean-up the site or complete the operations as expected, if necessary, and the cost of such work shall be applied against the cash bond or deposit, and the balance thereof, if any, returned to the permittee. If the removing is completed in accordance with the plans as approved, the Building Inspector or his/her designee shall issue a certificate of completion to the permittee which shall release the permittee of further responsibility to the city and which shall entitle the permittee to the return of the cash bond or deposit.

2512.06 Responsibilities of property owners.

The owner or owners of private property in the city of Carter Lake, Iowa, shall be responsible for the maintenance, care and preservation of all trees, shrubs, and hedges growing in or upon such private property and growing in or upon the part of the public right-of-way abutting such private property in such a manner so that such trees, shrubs and hedges shall not interfere with:

1. The normal and customary usage of sidewalks, streets or alleyways and other public improvements situated in the public right-of-way;
2. The diffusion of light from any street light;
3. The visibility of traffic at any intersection of streets;
4. The visibility of any traffic sign, warning sign, warning device or traffic control device;
5. The public safety and general welfare through the spread of diseases or insects among trees, shrubs or hedges in the area. Such responsibility shall include, but not be limited to the following:

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- a. All shrubs, hedges, flowers, plants or other vegetation shall be kept trimmed back from all streets, sidewalks or alleyways so that vehicular and pedestrian traffic thereon is not impaired.
- b. All shrubs, hedges, flowers, plants or other vegetation in the public right-of-way shall be kept trimmed to a height not greater than thirty inches above the street pavement level and shall be trimmed at least three feet back from the edge of the pavement of a street.
- c. All branches of trees projecting over any sidewalk shall be trimmed to a height not less than *nine* feet above the sidewalk.
- d. All branches of trees projecting over any primary road extension within the city shall be trimmed to a height not less than fifteen feet above the pavement level.
- e. All branches of trees projecting over any other street or alleyway shall be trimmed to a height not less than twelve feet above the pavement level thereof.
- f. Any tree, shrub, hedge, flower, plant or other vegetation on private property which is infected with a disease or with insects which may spread to other trees, shrubs, hedges, flowers, plants or other vegetation in the area shall be sprayed or otherwise treated, if possible, or removed if spraying or treatment will not remedy the situation.
- g. The root of a tree projecting under or into a sidewalk or other public improvement in the public right-of-way causing damage thereto shall be cut and removed from the tree, and the sidewalk or other public improvement shall be repaired at the owner's expense.

2512.07 Prohibited acts.

A. No person shall injure, destroy or prevent the growth of any tree, shrub or hedge in or upon any public right-of-way or any other public property within the city limits of the city of Carter Lake, Iowa, or deviate from accepted methods of good forestry practice with respect thereto, including, but not limited to the following acts:

1. Pouring or spraying an injurious matters such as salt, brine, white wash or toxic chemicals on or around any tree or on the ground around it;
2. Posting any sign on a tree, tree stake or guard, and fastening any electrical wire, conduit, guy wire, cable or rope to any tree, tree stake or guard;
3. Piling materials around any tree which would, in fact or potentially, cause injury to a tree or damage the tree, tree stake or guard;
4. Using concrete, asphalt, brick or gravel around trees so as to shut off air, light, or water from the roots;
5. Cutting or girdling completely around the main trunk of a tree as a means to destroy the tree;
6. Trimming a tree by cutting its limbs or branches except at proper crotches of the tree;
7. Trimming a tree without uniformly and symmetrically rounding its shape to conform to its natural shape and form prior to trimming;
8. Removing limbs or branches from a tree in such a manner as to place the tree in a state of physical imbalance without installing necessary cables or braces;
9. Using climbing spurs in scaling a tree;
10. Using dull or improper tools upon a tree or making otherwise rough, jagged or unnecessarily large wounds upon such tree;
11. Splitting the wood in or around wounds of a tree;
12. Tearing, splitting or otherwise damaging the bark around wounds of a tree;

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13. Chopping, hacking or mutilating in any manner any live tree, except for the purpose and at the time of felling and removing such tree as permitted herein;
14. Excavating any ditch, tunnel or trench or laying any driveway near a tree in such a manner as will cause damage to such tree;
15. Building a tree house or other structure in a tree or otherwise driving a nail into a tree for any reason;
16. Spraying any chemical in such a manner as to cause undue deterioration, harm, impairment or injury to the growth and natural development of any tree, shrub or hedge.

B. No person shall plant any tree, shrub or hedge in or upon any public right-of-way within the city limits of the city of Carter Lake, Iowa, unless it is done so in accordance with the following standards and conditions:

1. Any tree planted shall be one inch or more in diameter at one foot above the ground surface;
2. After any tree, shrub or hedge is planted, it shall be and remain the property of the city of Carter Lake subject to the provisions of this chapter;
3. No tree, shrub or hedge shall be planted within thirty inches of the edge of the pavement of a street;
4. No trees which are expressly prohibited herein or which are not included in the master street tree plan as provided herein shall be planted;
5. No tree shall be planted in such a location as would impair the normal growth and development of such tree or of any existing tree in the vicinity thereof, or in such a location as would destroy the natural aesthetic quality or symmetry of the area, or in such a location as would cause damage to any public improvements or to any property of city franchisees. The director of parks, recreation and public property or his/her designee, is authorized to develop standards and guidelines for applying the above-mentioned general restrictions to particular situations which shall be set out in the master street tree plan as provided herein.

C. No person, shall allow any tree, shrub, hedge, flower, plant or other vegetation in or upon any public right-of-way abutting the person's real property or on the persons' private property lying within an isosceles triangle having sides of thirty-five feet each running along the edge of the pavement of intersecting streets with the apex thereof at the point of the intersection of the edges of the pavement of such streets to grow to or exist at a height in excess of thirty inches from the pavement.

2512.08 Abatement and assessment of costs.

A. The failure of a private property owner to fulfill a responsibility imposed by this chapter or the performance by a private property owner of an act prohibited by this chapter shall be deemed to create a nuisance which may be abated as such. Whenever the Building Inspector in consultation as needed with the City's Maintenance Supervisor (i.e., City Right of Way) and Park & Recreation Director (i.e., parks) determines that such a nuisance exists, the Building Inspector or his/her designee shall order appropriate remedial action to be taken by the private property owner involved.

B. When action is ordered to be taken as authorized herein, the Building Inspector or his/her designee shall serve written notice upon the property owner that such action is required. The notice required herein shall be directed and sent by certified mail to the

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name and address of the property owner as shown by the records of the Pottawattamie County auditor's office. The notice shall set forth with particularity the nature of the property owner's failure to comply, the specific remedial action required, the time within which the property owner must perform the required remedial action, the procedures for appealing the order of the Building Inspector or his/her designee, and the consequences of the owner's failure to perform the required remedial action in the time allowed, including abatement and assessment of costs. If the remedial action required is removal of a tree, the property owner shall make application for a permit to do so as provided in this chapter prior to removing such tree.

C. Except in cases of extreme emergency, the owner shall have the right to appeal to the City Council of the City of Carter Lake the determination and order of the Building Inspector or his/her designee. An appeal to the City Council shall be made by filing a written notice of appeal within ten days of the date set forth on the notice received from the Building Inspector or his/her designee. Within thirty days after receiving the written appeal, the City Council shall hold a hearing on the appeal after providing notice of the time and place of such hearing upon the appellant no less than five days prior thereto. At said hearing, the City Council shall make an independent determination as to whether the property owner has failed to exercise a responsibility imposed herein or has performed an act prohibited herein and whether remedial action is required.

D. The property owner shall have fifteen days from the date of receipt of notice herein or fifteen days from the adverse decision of the City Council after appeal to perform the required remedial action; provided, however, if the remedial action required is removal of a tree which has been planted by the property owner contrary to the standards set out herein, then the property owner shall have ninety (90) days from the date of receipt of notice herein or ninety (90) days from the adverse decision of the City Council after appeal to remove such tree. If the owner fails to perform the required remedial action in the time allowed, the Building Inspector or his/her designee shall perform the action or contract for the performance of the action and assess the cost thereof against the owner's property.

2512.09 Trimming by franchisees

Any franchisee of the city of Carter Lake which owns, operates or maintains any overhead or underground wires, cables, electric distribution or transmission lines, or pipelines within the public rights-of-way of the city shall have the right to trim the branches or root system of any tree growing on or projecting over or through any public right-of-way of the city which may at anytime interfere or come in contact with any such wires, cables, lines or pipelines; provided, that such trimming shall be done in accordance with the requirements and specifications set out, and further provided that such right to trim trees shall not include the right to remove trees without first making application for and obtaining a permit to do so as required by this chapter; however, in the event of an emergency which requires immediate removal of a tree, the permit required herein may be acquired after the fact.

2512.10 Trimming of trees to be supervised.

It shall be unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

2512.11 Fees

An application for a permit shall be accompanied by a fee as set forth in the prevailing schedule of fees as most recently adopted by the city council of the City of Carter Lake.

2512.12 Enforcement

Trimming of trees. If the abutting property owner fails to trim the trees as required in this chapter, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

2512.13 Dutch Elm Disease, Pine Blight and other tree related diseases

- a. Trees subject to removal. The Council, having determined that the health of the elm trees within the City is threatened by a fatal disease known as the Dutch elm disease, hereby declares the following shall be removed:
  1. Living or Standing Trees. Any living or standing elm tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is *scolytus multistriatus* (eichb.) or *hylurgopinus rufipes* (marsh.).
  2. Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.
- b. Duty to Remove. No person or entity shall permit any tree or material as defined in Section 2512.13 a. (above) to remain on the premises owned, controlled or occupied by such person or entity within the City.
- c. Inspection. The Maintenance Supervisor shall inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infected with the elm bark beetles.
- e. Removal from City Property. If the Maintenance Supervisor, upon inspection or examination, determines that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the City and that danger to other elm trees within the City is imminent, the Maintenance Supervisor shall immediately cause such condition to be corrected so as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.
- f. Removal from Private Property. If the Maintenance Supervisor, upon inspection or examination, shall determine with reasonable certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the City is imminent, the Maintenance Supervisor shall immediately notify by certified mail the owner, occupant or person in charge of such property to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the

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Council may cause the nuisance to be removed and the cost assessed against the property.

If the Maintenance Supervisor is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch elm disease, the Maintenance Supervisor is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

**SECTION 26  
PARKING REGULATIONS**

**2601 Purpose**

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

**2602 Non-residential Off-street Parking, Loading and Unloading Ordinance**

a. At the time of major repair, replacement, construction or enlargement of a structure or enlargement of the parking surface or change in use of a structure, a hard-surfaced parking area, other than the street or public way, shall be provided for use in the parking and/or storage of passenger automobiles and commercial vehicles. Buildings or structures to be constructed or substantially altered that will receive and distribute materials by trucks, shall provide and maintain hard-surfaced off-street loading and unloading spaces in sufficient number and size to adequately handle the needs of the particular use. Minimum off-street parking space and loading and unloading requirements shall be observed in accordance with the following provisions:

1. Whenever an addition to an existing structure is proposed, all of the applicable provisions contained within this chapter regarding the number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface shall be complied with.
2. With prior recommendation by the Planning Board and approval by the City Council, contractual agreements may be made between uses that generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met.

All required parking spaces shall be located a distance not to exceed four hundred (400) feet measured in a straight line from the principle entrance of the building which they are required to serve.

3. In the event several uses occupy a structure or parcel of land, the total requirements for off-street parking or loading and unloading spaces shall be the sum of the requirements of the several uses computed separately.
4. Loading or unloading spaces shall not be located in a required front yard, but they may be located within a required side or rear yard. Once designated these spaces cannot be converted to passenger car parking to satisfy parking requirements.
5. All such off-street parking lots or areas, sales lots, apron space and loading and unloading spaces shall be so drained as to prevent damage to abutting properties and/or public streets or areas.
6. All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete or hot-mix asphalt to prevent mud, dust or loose material. Asphalt grindings

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and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards. Only concrete shall be used within the public right-of-way (sidewalks and drive approaches).

7. All parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be set back a minimum of five (5) feet from the property line unless a greater setback is required for approved access.
  8. Raised curb and gutter (6 inches high and a minimum of 2 feet wide) must extend all around the perimeter of the parking area and drain into storm sewers. Such curb and gutter and other interior features shall be constructed of concrete. A raised walkway or green area at least six (6) feet wide and 6 inches high must be constructed between parking lanes in which cars would otherwise be abutted. Such areas may be used to defray requirements for green space as specified in *Landscaping, Screening and Planting Standards*.
  9. When a computation of required parking spaces results in a fraction of 0.5 or greater, the requirement shall be rounded up the next whole number.
  10. No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading unless such building, and its addition, conform with the regulations for parking and loading contained herein.
  11. When employees or customers may occupy buildings after dusk, lighting adequate to guide and protect them during access to and egress from automobiles shall be provided. All lighting shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists and pedestrians.
  12. The use of portable curb-stops of any type is prohibited.
  13. The use of asphalt paving is not acceptable for sidewalks or fuel-dispensing areas.
- b. Design Standards, off-street parking lots and areas, sales lots, loading and unloading areas, vehicle storage facilities and residential uses other than one and two family residences shall, observe the following design guide lines:
1. General use parking and traveled areas including all required and non required parking, driveways, entrances and exits, vehicles or sales.
    - (a) Required parking and aisle widths  
Each automobile space shall be not less than one hundred seventy one square feet in area, with dimensions of nine feet by nineteen feet.

<u>Type</u>	<u>Minimum Aisle Width</u>
Two-way traffic angled parking	27'
Two way traffic perpendicular parking	27'
One-way traffic angled parking	27'
One-way traffic perpendicular parking	27'

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- (b) Parking areas must provide adequate entrance and exit driveways to connect each parking space with a street or alley open to use by the public except where vehicles are parked by attendants. One-way entrance and exit driveways shall not be less than 13' nor exceed 16' in width. Two-way entrance and exit driveways must be 24-30' in width. Driveways to accommodate semis shall be 30-40' in width.
- (c) Parking spaces including loading and unloading areas shall be located in such a way that maneuvering of vehicles to enter or exit can be accomplished entirely on private property and does not require backing into or other use of a public street or alley.
- (d) **Pavement Requirements**  
Six (6) inches of Portland cement concrete or asphalt or 4 inches of rock base with 4 inches of asphalt on a prepared sub-base or sub-grade. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
- (e) **Layout/Markings**  
The developer/owner shall submit to the Building Inspector for review and approval a detailed and accurately scaled parking lot layout clearly showing the location of parking spaces and aisles, all conforming to said standards. Upon construction of the parking lot, the parking spaces must be marked on the parking lot surface according to the extent that those spaces are required in connection with the development. Parking aisles should be designed to reduce pedestrian-vehicular conflicts by placing them perpendicular to the structure. Handicapped parking stalls shall be designed, installed and signed as required by Chapter 18 of the Iowa Administrative Code and all ADA requirements.
- (f) **Required Green Space**  
All landscaping must conform to *Landscaping, Screening and Planting Standards of the City*.
- (g) **Screening Requirements**  
All parking lots shall be screened along the boundary of the parking lot adjacent to residential uses. This screening shall consist of a landscaped area no less than 20 ft in width, measured perpendicular to the property line. No screen is required between abutting parking lots.
- (h) **Bicycle Parking**  
(1) Any type of use that is likely to have bicycle traffic shall provide parking accommodations for bicycles as provided by Table 26-3 at a minimum:

Table 26-3: Bicycle Parking Requirements

Number of Parking Stalls	Required Bicycle Spaces
1-50	2
51-100	5
101-150	8
151-200	10
Over 200	10 + 2 additional spaces for each 50 parking stalls

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- (2) Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.
  - (3) The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.
  - (4) Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.
- (i) Stacking Requirements for Drive-Through Services
- (1) Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distance as provided by Table 26-4.

Table 26-4: Off-Street Stacking Requirements

Type of Operation	Minimum Stacking Space
Financial services with drive-up tellers	3 vehicles per window or kiosk
Financial services with drive-up ATM	3 vehicles per ATM station
Self-service or automatic car wash	Entrance: 4 vehicles per bay Exit: 1 vehicle per bay
Fast food restaurant*	Behind menu board: 4 vehicles Behind first service window: 2 vehicles
Photo processing, dry cleaning, or other drive-up personal services	2 vehicles per service window
Gas stations	2 vehicles per pump
Gated parking lot, community entrance, or overhead door	1 vehicle per gate or door

Note: Minimum vehicle lane shall be 12 feet. Vehicle length=20 feet.

\*May be increased based on Site Plan review.

- (2) The City Council may reduce these requirements for specific projects, provided that the applicant can present a traffic study prepared by a professional traffic engineer demonstrating that such reduction is appropriate to the function of the project.
2. Tractor/trailer terminals, service centers, intermodal operations and open storage areas including but not limited to vehicle entry paths, apron space, all driveways and other traveled areas.
- (a) Surface Layout  
The developer shall submit to the Building Inspector for review and approval a detailed and accurately scaled hard surface layout clearly showing the location of parking spaces and aisles, truck entry paths, apron space, driveways and other traveled areas, all conforming to the codes in this Design Standards Section.
  - (b) Pavement Requirements  
Seven (7) inches of Portland cement concrete or 9 inches of asphalt or 6 inches rock base with 6 inches of asphalt on a prepared sub-base or sub-grade. The

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standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

(c) Required Green Space

A minimum of twenty (20) feet of landscaped area is required between a parking lot, loading and unloading spaces and the property line. All landscaping must conform to *Landscaping, Screening and Planting Standards of the City*.

(d) Screening

All parking spaces and aisles, truck entry paths, apron spaces, driveways and other traveled areas shall be screened along the boundary adjacent to residential uses. This screening shall consist of a landscaped area no less than 20 ft in width, measured perpendicular to the property line.

c. Submission of plans. A plan drawn to scale and indicating how the off-street parking or loading and unloading requirements are to be fulfilled shall accompany an application for a building permit. Said plan shall show all elements necessary to indicate fulfillment of said requirements, inclusive of the following:

1. Delineation of individual parking and loading spaces;
2. Circulation area necessary to serve spaces;
3. Ingress and egress;
4. Material specifications and locations for paving, barriers, lighting and landscaping;
5. Dimensions, continuity, and substance of screening;
6. Grading drainage, surfacing, and subgrading details;
7. Delineation of obstacles to parking and circulation in finished parking areas;
8. Specifications as to signage;
9. Delineation of handicapped parking spaces and sidewalks;
10. An overall site plan showing lot boundaries and building and parking locations.

The parking plan must be part of the building plan and specifications and must be reviewed and approved as described in Ordinance 557.

d. Completion time for off street parking, loading and unloading areas. Required parking lots and areas, sales lots, loading and unloading areas, personal and recreational vehicle parking, truck terminals and intermodal facilities shall be improved as required and made available for use before the final inspection is completed by the Building Inspector and before issuance of a certificate of occupancy.

e. Parking spaces required. The number of off-street parking spaces required shall be no less than as set forth in the following:

<u>1. Institutional Types*:</u>	
College/Technical schools	1 space for every 3 full-time equivalent students
Cultural Service	1 space per each 500 square feet
Hospitals	1 1/2 spaces for each bed
Convalescent and nursing homes	1 space for every three beds

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Religious assembly	1 space per 6 person capacity in the main auditorium
Day care services	1 space for every six children
Schools – Elementary and Junior High	2 spaces per classroom
Schools - High School	12 spaces per classroom
<u>2. Places of Public Assembly*:</u>	
Clubs and lodges	1 space per 4 person capacity
Commercial recreation (Indoor)	1/2 space per capacity of the occupant load of the facility
Public assembly	1 space per 4 person capacity
Sports arena or auditorium	1 space per 4 person capacity
Theaters	1 space per 4 person capacity
Commercial recreation (outdoor)	Parking spaces equal to 50% of the occupant load of the facility
<u>3. Service and Retail Sales*:</u>	
Agricultural sales and service	1 space per 1,500 square feet of floor area
Automobile repair, minor	1 space per 500 square feet of floor area
Automobile repair, major	1 space per 750 square feet of floor area
Automobile service establishment	1 space per 750 square feet of floor area
Automobile sales and leasing	1 space per 500 square feet of floor area
Consumer service establishment	1 space per 200 square feet of floor area
Equipment sales and rental	1 space per 400 square feet of floor area
Financial services	1 space per 400 square feet of floor area
Funeral services	1 space per 6 person capacity
Hotels and motels	1 space per each guest room
Laundry and dry cleaning	1 space for every 150 square feet of floor area
Medical and dental offices	2 spaces for each office, examining room and treatment room
Professional offices	1 space for every 400 square feet of floor area
Restaurant, general	1 space per 3 person capacity
Restaurant, drive-in or carry-out	1 space per 3 person capacity
Retail sales, including grocery stores	1 space for every 200 square feet of floor area

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Retail sales, including bulky merchandise, household furniture, appliances	1 space for every 400 square feet of floor area
Tavern	1 space per 3 person capacity
Veterinary services	1 space for each office, examining room and treatment room
<b>4. Industrial Types:</b>	
Contractor and construction yards	1 space per employee
Laboratories and research facilities*	1 space for every 400 square feet of floor area
Printing and publishing*	1 space for every 400 square feet of floor area
Wholesale and distribution*	1 space for every 500 square feet of floor area
Manufacturing*	1 space for every 500 square feet of floor area
<b>5. Any other use</b>	As specified by the Planning Board and City Council
* Additional parking spaces for employees shall be one per each employee on the working shift that has the largest staff scheduled.	

- f. Loading spaces required. Any use that involves the receipt or distribution of freight, merchandise supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading. Loading space shall meet the following requirements:
  1. Loading and unloading berths shall each contain at least nine hundred (900) square feet measuring twelve feet in width and seventy-five feet in length, and shall have a clearance of at least fourteen feet.
  2. Off-street loading space may not be located in any required yard adjacent to a residential district.
  3. Circulation and access to loading spaces must allow maneuvering into or out of the space to occur outside of any public street or right-of-way.

**2603 Residential Off-street Parking.**

- a. At the time of major repair, replacement, construction or enlargement of a structure or major repair, replacement or enlargement of the parking surface, a hard-surfaced parking area, other than the street or public way, shall be provided for use in the storage of passenger automobiles.
- b. Parking provisions for personal vehicles. All vehicles in one, two family and multi-family residential uses shall be parked or stored in the following manner, unless otherwise permitted herein:
  1. All residential drives required and non-required parking surfaces shall be hard surfaced, i.e., concrete, asphalt or brick pavers. However, all sidewalks and driveway approaches need to be concrete.

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2. All required parking spaces shall be a minimum of two hundred square feet in area, with dimensions of ten (10) feet by twenty (20) feet.
3. **Pavement Requirements**  
Four (4) inches of Portland cement concrete or 4 inches of granular sub-base with brick pavers or use of asphalt material under current City Code and ordinances but in any event not less than 4" of asphalt shall be used. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications. All asphalt overlay shall be in lifts of at least one and one-half inches (1 ½"). A permit shall be obtained prior to starting any overlay project.
4. Parking is permitted in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway. However, this provision is not intended to prohibit the permitted parking in the driveway.
5. Parking requirements must be met without use of public right-of-way.
6. Parking requirements must be met before a certificate of occupancy is issued.
7. Driveways shall have a maximum grade of ten (10) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side. Curb cuts shall be prohibited within fifty (50) feet of an intersecting corner.

c. Parking spaces required. The number of off-street parking spaces required shall be no less than as set forth in the following:

<u>1. Residential Types:</u>	
Boarding, lodging, rooming houses, or bed and breakfasts	112 space for each rooming unit
Dormitories	1 space each 300 square feet of floor area
Dwelling, single-family attached and detached dwelling, townhouse	2 spaces per dwelling unit
Dwelling, two-family and multi-family	
Efficiency and 1 bedroom	2 spaces per dwelling unit
2 bedroom or more	2 spaces per dwelling unit
Government sponsored elderly housing*	1/2 space per resident
Group care home*	1/2 space per resident
Family home*	1/2 space per resident
*Additional parking spaces for employees shall be one per each employee on the working shift that has the largest staff scheduled.	

d. Parking for Personal vehicles, Recreational Vehicles, Boats and Commercial Vehicles and Equipment.

1. Applicability

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This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. In order to be parked in a residential area, the vehicles must be in working order and have applicable licenses and/or registrations.

- A. Personal vehicles include: passenger cars; vans; pick-up trucks; camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle
- B. Commercial vehicles and/or equipment include but are not limited to tow trucks, semi-tractors and/or trailers, backhoes, end loaders, and similar items, of gross vehicle weight of six (6) tons or more, shall be prohibited from being parked in a residential district except as provided herein. Residents currently owning and parking commercial vehicles in excess of six (6) tons shall obtain a permit to continue parking said commercial vehicle at their primary residence in a residential area within ninety (90) days of the effective date of this Ordinance. See Section 2604 of the permitting requirements.
- C. Recreational vehicles, trailers and boats may be parked in off-street, hard surfaced areas in residential districts as provided herein.

2. Location of Parking for Personal Vehicles

- (a) Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
- (b) Parking is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.

Parking may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the building inspector determines that such parking conforms to the provisions of the Zoning Ordinance and the parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.

3. Location of Parking and Storage for Commercial Vehicles and Equipment

Parking for commercial vehicles and equipment within a residential district is subject to the following additional conditions. These conditions are in addition to those requirements for parking of personal vehicles.

- (a) Commercial vehicles and equipment must be maintained in a clean, well-kept state.
- (b) Commercial vehicles and equipment must be parked outside of required front yard and side yard setbacks.
- (c) No parts or accessories, attachments, or similar items may be stored on the residential lot, unless in an enclosed structure.
- (d) At no time shall the commercial vehicle and equipment be parked on the street or public right of way.
- (e) A special permit is obtained under Section 2605 of this Ordinance.

4. Location of Parking for Recreational Vehicles, Trailers and Boats

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Parking and storage of recreational vehicles, trailers and boats within residential districts is subject to the following additional conditions. These conditions are in addition to those requirements for parking of personal vehicles.

- (a) Recreational vehicles, trailers and boats must be maintained in a clean, well-kept state and owned by owner of the primary residence.
- (b) Recreational vehicles, trailers and boats equipped with liquefied petroleum gas containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers regarding use of such containers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
- (c) Recreational vehicles and trailers may be used as temporary lodging by non-paying guests of a resident for a maximum of thirty (30) days total during any calendar year.
- (d) Recreational vehicles, trailers and boats may not be permanently connected to utility lines.
- (e) Recreational vehicles, trailers and boats may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.
- (f) Recreational vehicles, trailers and boats shall be parked outside of required front yard and street side yard setbacks.

**2604 Supplementary Regulations: Storage and Parking of Unlicensed or Other Vehicles.**

The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Carter Lake, except for motor vehicles held for sale by a licensed motor vehicle dealer at his or her place of business in a zoning district that permits such use. Nothing in this provision shall be deemed to limit enforcement of storage of unlicensed or abandoned vehicles under the ordinances of the City.

**2605 Special Permitting Provisions for Otherwise Prohibited Commercial Parking.**

Subject to compliance with Section 2603 of the City Code, a Special Parking Permit will be issued to individuals that have, at the time this ordinance was enacted, routinely parked commercial vehicles at their primary residence in residential zones and have obtained a permit as provided herein within ninety (90) days of the enactment of the Ordinance. The Special Parking Permits are issued to the qualified individuals at their primary residence and are not in any way attached to the ownership of the land. If a qualified individual moves from their current address, the Special Parking Permit allows the individual to park commercial vehicles at their new address subject to compliance with this Section and Section 2603 of the City Code. No more than two commercial vehicles and/or equipment may be permitted at any one location, regardless of ownership. In other words, whether the commercial vehicle and/or equipment is leased, owned by a corporation, partnership, spouse, etc., only two items will be allowed on any residential premises regardless of the underlying ordinance. When the owner of the primary residence dies, no permit shall be renewed for that vehicle and/or equipment. Further, when the vehicle or equipment is disposed of and not immediately replaced, no further permits shall be issued. A replacement of the items will be allowed upon return of the permit to the City for the item being replaced and the replacement be obtained within ten (10) days.

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Special Parking Permits under this section will be issued by the City Clerk upon application by the qualified individual and the payment of an annual fee of \$20.00 per vehicle to be parked under permission of the permit. The Special Parking Permit must be displayed on each vehicle. Application for the Special Parking Permit shall be considered as the granting of consent for the City Police Officers to come upon the property and inspect the commercial vehicles for the required Special Parking Permit.

In addition, the party seeking the Special Parking Permit shall be subject to the following:

- a. This parking of commercial vehicles is accessory to the applicant's use of the property.
- b. All required parking in any residential district shall be outside of the required front yard.
- c. All required parking in any residential district shall be off-street parking.
- d. The parking is intended for the permit holder's vehicles only.
- e. All parking areas established shall be paved and maintained by the permit holder.
- f. All repairs to said commercial vehicles and equipment shall be completed within seven days or conducted in an enclosed garage.
- g. All accessories to the commercial vehicles and equipment shall be neatly stored in an enclosed garage.
- h. No salvage vehicles or equipment may be stored on the premises unless completely stored in an enclosed garage.
- i. The permit holder shall not stockpile materials on the property.

**2606 Violations and penalties.** Any person found guilty of a violation of any of the provisions of this chapter shall be subject to the penalty provided by Chapter 8 of the City Code. Each day that a violation is allowed to continue shall constitute a separate violation of the provisions of this section and may be pursued as a municipal infraction according to Chapter 8 of the City Code.