

CHAPTER 10

ARTICLE 6

**REGULATIONS**

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9-10-06-1: GENERAL PURPOSE

The purpose of regulations is to set specific conditions for various uses, to manage development, and protect the public health, safety and welfare.

9-10-06-2: ACCESS TO MINOR ARTERIALS AND MAJOR COLLECTORS

- A. No direct access will be permitted to a minor arterial or a major collector. The developer must plot for home sites, commercial sites or manufacturing sites so that each site will have access to a minor collector or a local street, which opens to a minor arterial or a major collector.
- B. The commission may consider allowing access to a minor arterial or major collector when vehicular approaches to the property are restricted due to the size, shape or location of the property.
  - 1. The applicant shall show that the access is designed as not to impede traffic on public thoroughfares.
  - 2. Special conditions may be assigned by the commission.

9-10-06-3: RESIDENTIAL DWELLING STANDARDS

Residential dwellings shall be subject to the following development standards, architectural requirements and minimum size requirements:

- A. Family residential dwellings shall include conventional site-built single-family dwellings and manufactured homes.
  - 1. The dwellings shall enclose a space of not less than one thousand (1,000) square feet with a width of not less than twenty feet (20').
  - 2. The dwelling shall be placed on an excavated and backfilled permanent foundation.
  - 3. The dwelling shall have a pitched roof with a slope of not less than three feet (3') in height for each twelve feet (12') in width and a minimum of six inches (6") allowed for eaves.

4. The dwelling shall have an exterior siding that is residential in character, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes, or similar material. The siding shall not have a high gloss finish and shall not be composed of smooth, ribbed or corrugated metal or plastic panels.

B. Manufactured Homes:

1. Manufactured homes that are placed on individual lots shall meet the standards for a family-residential dwelling and the following standards:
2. The manufactured home shall be multi-sectional and constructed after 1976.
3. The hitch, axles and wheels must be removed and the foundation facia must be similar in appearance and durability to the masonry foundation of site-built homes.

C. Manufactured Homes Not Meeting Standards: Manufactured homes not meeting residential dwelling standards are permitted in established and approved manufactured home subdivisions, manufactured home parks and the R2T overlay district.

1. The manufactured home shall be a minimum of 600 square feet.
2. A skirting shall be placed around the manufactured home within 30 days after placement.
3. A separate sanitary sewer hook-up and water hook-up shall be available for the manufactured home.

9-10-06-4: SUPPLEMENTARY REGULATIONS

A. Accessory Buildings: Accessory structures are permitted in R1, R2 and R3 districts, but they shall not be placed in the front yard or front setback.

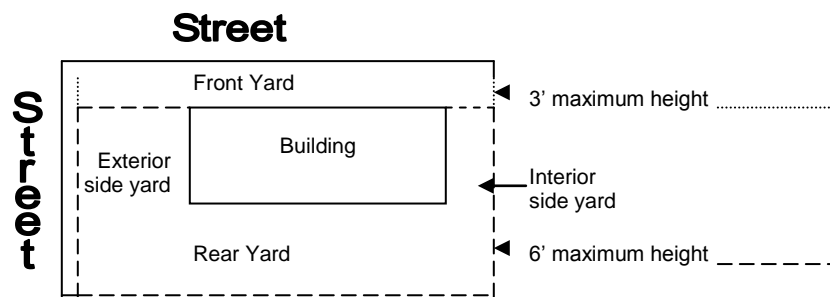
1. Accessory buildings shall meet the same interior side and street side requirements as principal buildings. The back setback shall be at least five (5') feet.
2. An accessory building or group of buildings shall not cover more than twenty percent (20%) of the rear yard (excluding side yards).
3. Maximum height shall be 20 feet.

B. Clear View of Intersecting Streets: Clear vision triangle shall be observed in regard to all vegetation. All shade trees planted within vision triangles shall be pruned to a minimum seven feet (7') above the adjacent sidewalk and fourteen feet (14') above the adjacent roadway surface. Shrubs and ground covers planted within the vision triangle shall not exceed forty-two (42") inches height at maturity. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent roadways forty feet (40') along each roadway and connecting the two (2) points with a straight line. The sight distance obstruction is also applicable to railroad-highway grade crossings with the vision triangle defined by measuring forty feet (40') along the railroad property line.

C. Commercial Zones Adjacent To Residential Zone: Where a lot zoned for C1, C2 or C3 use is next to a R1 or R2 zone, as part of any construction on the commercially-zoned property, a shrubbery buffer of not less than four feet (4') high and four feet (4') thick, or a solid fence not less than five feet (5') high, nor more than six feet (6') high shall be provided and maintained on the commercial property abutting its side yard and/or rear yard line.

- D. Lots Extending Into More Than One Zoning District: When a lot is located so that it extends into two different zoning districts, the most restrictive requirements of the two zoning districts shall apply.
- E. Outside Storage; Enclosure Required: Persons accumulating, depositing or storing autos or machinery, or items of an unsightly nature within the city, when said accumulating, depositing or storing thereof shall be outside a building, either now stored, deposited or accumulated, or hereafter so deposited, stored or accumulated, shall enclose the object or objects with a solid fence at least six (6') feet high.
- F. Temporary Buildings: A temporary office building or office shall be permitted for construction purposes only for a period not to exceed one year. A one-year extension may be granted by the city council.
- G. Fences, Walls and Hedges: Fences, walls and hedges are permitted in any yard or along the edge of any yard to a height of six feet (6'); provided, that no fence, wall or hedge along the front sides of any front yard shall be over three feet (3') in height. On a corner lot, the fence may be placed along the property line along the exterior side yard of the lot from the back boundary line to the front of the house. No fence, wall or hedge shall be placed within a right-of-way.

Corner Lot:



- H. Property Boundaries: The property owner shall be responsible for establishing property lines.

9-10-06-5: HOME OCCUPATION

- A. No more than one person, other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit or any accessory building for a home occupation shall be clearly incidental and subordinate to residential use of the property.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign four square feet.
- D. Retail sales shall be limited to objects made on the premises or those incidental to the service performed.
- E. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the parking requirements as specified in this Title and shall not be located in a required front yard.
- F. No equipment or process shall be used in such home occupation, which creates noise, vibration, fumes or electrical interference detectable to the normal senses off the lot if

the occupation is in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling.

- G. No equipment, vehicles or materials shall be placed in a manner as to create a road hazard.

9-10-06-6: MULTIPLE USE DISTRICT

- A. A multiple use district requires a minimum of one contiguous acre and a maximum of not more than fifty contiguous acres.
- B. When a property is being proposed for a planned unit development in a multiple use district, a development agreement may be utilized in lieu of a conditional use permit, provided the development agreement is presented at a public hearing.

9-10-06-7: ANIMAL REGULATIONS

A. Animal Regulation Schedule:

ANIMAL	DISTRICTS													
	A	TA	R1	R2	R3	MU	CD	C1	C2	C3	BP	M1	M2	OS
Cat	P	P <sub>3</sub>	P <sub>2</sub>	P <sub>2</sub>	P <sub>1</sub>	C	P <sub>1</sub>	P <sub>1</sub>	P <sub>1</sub>			P <sub>1</sub>	P <sub>1</sub>	C
Chickens	P	P <sub>a</sub>	C			C								
Cows	P	P <sub>a</sub>				C								C
Dog	P	P <sub>2</sub>	P <sub>2</sub>	P <sub>2</sub>	P <sub>1</sub>	C	P <sub>1</sub>	P <sub>1</sub>	P <sub>1</sub>			P <sub>1</sub>	P <sub>1</sub>	C
Goats	P	P <sub>a</sub>	C			C								
Horses	P	P <sub>a</sub>				C								C
Llamas	P	P <sub>a</sub>				C								C
Rabbits	P	P <sub>a</sub>	C			C								
Sheep	P	P <sub>a</sub>												
Other domestic animals	P	C				C								C
Non-domestic animals <sub>b</sub>	C													C
<b>P – PERMITTED USE</b>			<b>C – CONDITIONAL USE</b>					<b>BLANK – NOT PERMITTED</b>						
<sub>1, 2 or 3</sub> Maximum number of cats and/or dogs allowed per unit or household.														
<sub>a</sub> Maximum number of animals allowed per acre in a TA district:														
Chickens and/or rabbits		Accumulative total of 25 penned rabbits and/or chickens												
Cows, horses and/or llamas		Accumulative total of 2 cows, horses and/or llamas and their attendant young												
Goats and/or sheep		Accumulative total of 5 goats and/or sheep												
<sub>b</sub> Non-domestic animals include elk, deer and other wildlife.														

B. Transitional Agriculture District:

1. Area requirements specified are exclusive of land used for other livestock or other uses such as buildings, gardens and so forth.
2. A conditional use permit is required to exceed the maximum number of animals allowed per acre if there is less than five (5) acres.

3. Bona fide agricultural uses on parcels larger than five (5) acres shall not be subject to these regulations.

9-10-06-8: COMMUNICATION FACILITY REGULATIONS

- A. Purpose: The purpose of this Section is to provide regulations for the placement of communication facilities in locations which will allow telecommunications services to be rendered in conformity with the Federal Telecommunications Act of 1996, the Comprehensive Plan and this Title, and to serve and protect the public health, safety, convenience, order, appearance, prosperity, and general welfare.
- B. Intent:
  1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city.
  2. Minimize adverse visual effects of spires, poles, antennas, steeples, towers, and other such structures through careful design and siting standards.
  3. Avoid potential damage to adjacent properties from spire, pole, antenna, steeple, tower, and other such structures' failure, through structural standards and setback requirements.
  4. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- C. General Regulations:
  1. On residentially zoned parcels, towers supporting amateur radio antennas shall not be permitted in the front, side or street side yard.
  2. Personal wireless facilities may be allowed on existing buildings, spires and poles by conditional use permit provided the antenna(s) are flush mounted or mounted in a manner to provide minimum visual impact.
  3. Freestanding lattice towers are prohibited in residential, commercial, open space and manufacturing zones. Monopoles are prohibited in residential zones.
- D. Co-location Requirements:
  1. A proposal for a new commercial wireless telecommunication service tower in excess of thirty five feet (35') in height shall not be approved unless the applicant shows that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within the following radii of the proposed tower:
    - a. A two mile radius for towers with a height over one hundred ten feet (110').
    - b. A one mile radius for towers with a height over eighty feet but not more than one hundred ten feet.
    - c. A one-half mile radius for towers with a height over fifty feet but not more than eighty feet.
    - d. A one-quarter mile radius for towers with a height over thirty five feet but not more than fifty feet.

2. It shall be the burden of the applicant to demonstrate that the proposed tower or antenna cannot be accommodated on an approved tower or building within the required search radius due to one or more of the following reasons:
    - a. Unwillingness of another tower or facility owner to entertain shared use.
    - b. The proposed collocation of an existing tower or facility would be in violation of any local, state or federal law.
    - c. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - d. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    - e. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
    - f. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
  3. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height, for at least one additional user if the tower is over fifty feet (50') in height.
  4. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
  5. Personal wireless facilities proposed at a location which has an approved conditional use permit (approved after the effective date hereof) for an existing facility, which was required to allow co-location shall not be required to obtain a separate conditional use permit as long as all the requirements of the previously approved conditional use permit will be complied with. Design review, and subsequent building permit, will be required for any such proposal.
- E. Tower and Antenna Design Requirements:
1. All personal wireless facilities shall be required to obtain design review approval prior to construction.
  2. Towers and antennas shall be required to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration.
  3. Personal wireless facility towers should be of a monopole design unless the city council determines that an alternative design would better blend into the surrounding environment.

4. With the exception of necessary electric and telephone service and connection lines approved by the issuing authority, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right of way, public street, highway, sidewalk, or property line.
5. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons. The climbing pegs within the bottom twenty feet (20') of the tower shall be removed and shall only be used when the tower is being serviced.
6. Metal towers shall be constructed of, or treated with, corrosive resistant material.
7. Wood poles shall be impregnated with rot resistant substances.

F. Tower Setbacks:

1. All components of a tower shall meet the setbacks of the underlying zoning district and not encroach on any easements.
2. Towers shall not be located between a principal structure and a public street.

G. Tower Lighting, Signage, and Attachments:

1. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any stationary lights, strobe lights, reflectors, flashers, or other illuminating device, except as specifically required by the federal aviation administration, federal communications commission, or other federal or state authority.
2. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower if approved by the city.
3. The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited.
4. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

H. Amateur Radio Antennas: In accordance with the federal communications commission's preemptive ruling PRB 1, towers erected for the primary purpose of supporting amateur radio antennas may exceed thirty feet (30') in height provided that a determination is made by the city that the proposed tower height is technically necessary to successfully engage in amateur radio communications. A conditional use permit is required for any amateur radio antenna in excess of thirty five feet (35').

I. Accessory Utility Buildings: All utility buildings and structures accessory to a tower are required to have design review approved by the city prior to construction.

J. Abandoned or Unused Towers or Portions of Towers:

1. As a condition of approval of any required conditional use permit for personal wireless facilities, all abandoned or unused towers and associated facilities shall be required to be removed within sixty (60) days of cessation of use as a personal wireless facility unless a time extension is granted by the city. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a personal wireless facility, shall be

- submitted at the time of application. In the event that the tower and associated facilities are not removed within the sixty (60) days, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.
- K. Additional Application Submittal Requirements: In addition to the information required elsewhere in this code, development applications for personal wireless facilities, shall include the following supplemental information:
1. Documentation from a qualified and licensed professional engineer showing that the proposed facility will be in compliance with the FCC standards regarding radio frequency (RF) emissions.
  2. A report from a qualified and licensed professional engineer which describes the tower height and design (including a cross section and elevation); documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas; describes the tower's capacity, including the number and type of antennas that it can accommodate; documents what steps the applicant will take to avoid interference with established public safety telecommunications; includes an engineer's stamp and registration number; and includes other information necessary to evaluate the request.
  3. For all personal wireless facilities, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower, as required by this code, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  4. Documentation showing that the proposed tower complies with regulations administered by federal aviation administration.
  5. Written approval of the site location with specific reference to the height of the antenna structure and any lighting issues from the federal aviation administration
  6. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.
  7. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. For the purposes of this subsection, the analysis shall include all properties within the search radii stated above. The analysis shall include, but is not limited to, the following:
    - a. Description of the surrounding area, including topography;
    - b. Natural and manmade impediments that would obstruct adequate cellular telephone transmissions;
    - c. Physical site constraints that would preclude construction of a cellular telephone facility on any other site;
    - d. Technical limitations of the system that limit siting options.
- L. Permits: It shall be unlawful for any person to erect, construct, re-erect, or replace, any tower without first making application to the city and securing a conditional use permit and building permit. (Ord. 2008-4)