

## CHAPTER 177

## ZONING CODE — GENERAL REGULATIONS

177.01 Visibility at Intersections in Residential District  
 177.02 Fences, Walls, and Hedges  
 177.03 Street Frontage Required  
 177.04 Accessory Buildings  
 177.05 Corner Lots; Side Yards  
 177.06 Building Lines on Approved Plats  
 177.07 Exceptions, Modifications and Interpretations  
 177.08 Off-street Loading Spaces Required

177.09 Off-street Parking Area Required  
 177.10 Development and Maintenance of Parking Areas  
 177.11 TV Dish Antennas  
 177.12 Freestanding Communication Towers  
 177.13 Building Supported Communication Towers  
 177.14 Wind Energy Conversion Systems (WECS)  
 177.15 Home Occupations

**177.01 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICT.** On a corner lot in a residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection of right-of-way lines.

**177.02 FENCES, WALLS, AND HEDGES.** Notwithstanding other provisions of the Zoning Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that:

1. In a residential district, no fence, wall, or hedge in any front yard shall exceed forty-two (42) inches in height; and no fence, wall or hedge shall exceed forty-two (42) inches in height, from the front of the principal dwelling, along the street side yard of a corner lot.
2. No fence or wall in any rear yard shall exceed six (6) feet in height in a residential district, or ten (10) feet in height in a commercial or industrial district unless otherwise approved by the Board of Adjustment.
3. Every fence hereafter erected shall be done in the following manner: posts, supporting rails and other such supporting elements when located shall be on and face the property on which the fence is located.
4. No person shall place, construct or maintain, or cause to be placed, constructed or maintained any electric fence.
5. No person shall place, construct or maintain, or cause to be placed, constructed or maintained any bared wire or similar type material fence on

residential zoned property.

6. In a residential, commercial or industrial district, over an overland flowage easement, no fence, wall, or hedge shall be constructed unless the fence, wall or hedge is raised at least three (3) inches above the ground.

**177.03 STREET FRONTAGE REQUIRED.** No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, and there shall be not more than one (1) single-family dwelling for such frontage. The Council may also allow, at its own discretion, the construction of a building to be used in whole or in part for residence purposes on a lot which has an exclusive unobstructed private easement of access at least twenty (20) feet wide to a street, for one (1) single-family dwelling, if the Council determines that such construction is not in conflict with the intent of the Zoning Code.

**177.04 ACCESSORY BUILDINGS.** No accessory building shall be erected in any required court or in any yard other than a rear yard. Only one (1) detached garage and one (1) yard shed shall be allowed in a rear yard. In R-1, R-2, and R-4 Districts, accessory garages shall be no larger than 1,000 square feet and yard sheds shall not be larger than 160 square feet. Accessory buildings shall be distant at least five (5) feet from alley lines or easement lines, and five (5) feet from lot lines of adjoining lots which are in the "R" district, and on a corner lot they shall conform to the setback regulations on the side street. However in no case shall any eave or overhang extend closer than twelve (12) inches to a rear or side yard line, or an easement line. Accessory buildings must be erected separately from and ten (10) feet distant (into the rear yard) from the principal structure. Any building so connected to the principal building shall be considered a part of the principal building and must meet the space requirements thereof. Accessory buildings shall not occupy more than 30% of the rear yard and shall not exceed fourteen (14) feet in height in any "R" district. This regulation shall not be interpreted to prohibit the construction of a minimum two hundred forty (240) square foot, maximum of one thousand (1000) square foot detached garage on a rear yard. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used. Accessory buildings exceeding 160 square feet in area shall be constructed of materials that are the same or similar to the principal building. Detached garages shall be no closer than six (6) feet to the principal building. If the garage is less than ten (10) feet it would require fire protection per the building code. Accessory

buildings may be connected to the principal building by a breezeway with setbacks for the principal structure. An addition may be made to an existing principal structure which extends past the front of an existing legally established detached accessory structure, provided no connection or attachment is made between the existing detached structure and the addition unless setbacks can be met as required for a principal structure.

**177.05 CORNER LOTS; SIDE YARDS.** For corner lots platted after the effective date of the Zoning Code, the street side yard shall be equal in width to the setback regulations of the lots to the rear having frontage on the intersecting street.

**177.06 BUILDING LINES ON APPROVED PLATS.** Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in the Zoning Code unless specific yard requirements in the Zoning Code require a greater setback.

**177.07 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS.**

1. Structures Permitted Above Height Limit. No permit will be issued for any structure above height limits, except as specifically approved by the Board of Adjustment.
2. Double Frontage Lots. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.
3. Rear and Side Yards Adjacent to Alleys - How Computed. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear or side yard as the case may be.
4. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed twenty-four (24) inches, including roof overhang.
5. Billboards. No permit will be issued for any billboards except as specifically approved by the Council.
6. Front Yard Exceptions. In areas where some lots are developed with a

front yard that is less than the minimum required for the district by this Zoning Code or where some lots have been developed with a front yard greater than required by the Zoning Code, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

- A. Buildings located entirely on the rear half of a lot shall not be counted.
- B. No residential dwelling shall be required to have a front yard greater than fifty (50) feet.
- C. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

7. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the Zoning Code shall be zoned A-1 Agricultural until the Zoning Commission and Council shall have studied the area and adopted a final zoning plan for the area. Said final zoning plan shall be adopted within six (6) months of the date of annexation.

8. Single-family, Semi-attached. Single-family, semi-attached dwellings are permitted only under the following terms and conditions:

- A. A “single-family, semi-attached dwelling is a building designed for or occupied by one (1) family only and which is erected on a separate lot and is joined to another such residence on one (1) side only by a wall located on the lot line and has yards on the remaining sides.
- B. Must have an “R-2” or “R-3” zoning.
- C. The lot width requirement where approved by plat approval by the Council shall be forty (40) feet.
- D. Each unit must have its own water service, sewer service, and secondary storm sewer service.
- E. The joining wall must be a party wall and must be a fire wall having a one-hour rating.
- F. The lot setback requirement shall be thirty-five (35) feet.

**177.08 OFF-STREET LOADING SPACES REQUIRED.** In a “C” or “M” District, in connection with every building or part thereof hereafter erected having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length.
2. Such space may occupy all or any part of any required yard or court space.

**177.09 OFF-STREET PARKING AREA REQUIRED.** In all districts, in connection with every industrial, business, institutional, recreational, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

1. Automobile sales and service garages: one (1) space per 200 square feet of gross floor area.
2. Business and professional offices: one (1) space per 200 square feet of gross floor area.
3. Bowling alleys: five (5) spaces for each alley plus one (1) space per 300 square feet of gross floor area used for purposes other than alley space.
4. Schools:
  - A. One (1) space for each eight (8) seats in a principal auditorium.
  - B. When no auditorium is involved, one (1) space for every two (2) employees.
5. Convenience stores: one (1) space per 150 square feet of gross floor area.
6. Dance halls, assembly halls: one (1) space for each 100 square feet of

floor area used for dancing or assembly.

7. Dwellings:

- A. Single-family dwelling - two (2) parking spaces accessible to the street;
- B. Duplex family dwelling - four (4) parking spaces accessible to the street;
- C. Multi-family dwelling - for each one (1) bedroom unit - 1½ parking spaces; for each two (2) bedroom unit, or larger - 2 parking spaces.

8. Funeral homes, mortuaries: one (1) parking space for each five (5) seats in the principal auditorium.

9. Hotels and motels: one (1) space for each room to be rented plus additional space (in accordance with other sections of this chapter) for restaurant or other facilities.

10. Medical or dental clinic: five (5) spaces for each staff doctor or dentist.

11. Restaurants, bars, or night clubs:

- A. No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure allowed - one (1) space per 100 square feet of gross floor area;
- B. Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed - one (1) space per 100 square feet of gross floor area plus one (1) space for every four (4) outside seats plus reservoir lane capacity equal to five (5) spaces per drive-in window.

12. Hospitals: two (2) spaces per bed or one (1) space per 150 square feet of gross floor area, whichever is greater.

13. Nursing care institutions: three (3) spaces for every five (5) beds. Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only one (1) space per unit.

14. Movie theaters: one (1) space for every four (4) seats.

15. Social, fraternal clubs, lodges and similar uses: one (1) space per 300 square feet of gross floor area.

16. Churches: one (1) space for every 80 square feet of worship area plus one (1) space for every two (2) employees with sufficient space for safe and convenient loading and unloading.
17. Banks: one (1) space per 200 square feet of area within main building plus reservoir land capacity equal to five (5) spaces per window (10 spaces if window serves two stations).
18. Wholesale: one (1) space per 400 square feet of gross floor area.
19. Retail sales and rental of goods, merchandise and equipment:
  - A. No storage or display of goods outside fully enclosed building: one (1) space per 200 square feet of gross floor area.
  - B. Low volume traffic with no storage or display of goods outside fully enclosed building: one (1) space per 400 square feet of gross floor area.
  - C. Storage and display of goods outside fully enclosed building allowed:
    - (1) High volume traffic generation: one (1) space per 200 square feet of gross floor area.
    - (2) Low volume traffic generation: one (1) space per 400 square feet of gross floor area.
20. Manufacturing plants, testing laboratories, bottling plants: one (1) space for each 1.5 plant employees plus one (1) space for each managerial person plus one (1) visitor parking space for each ten (10) managerial personnel or one (1) space for each 500 square feet of gross floor area used for manufacturing, whichever is greater.
21. Warehousing: one (1) space per employee.
22. Sports arenas and auditoriums other than in schools: one (1) space for each six (6) seats.
23. Car wash: one (1) space per employee plus one (1) space for manager plus space equaling five times the vehicle capacity of the wash.
24. Dry cleaner or Laundromat: one (1) space per 200 square feet of gross floor area.

25. Nursery schools or day care centers: one (1) space per employee plus one (1) space per 200 square feet of gross floor area.
26. Commercial greenhouse operation: one (1) space per 200 square feet of gross floor area.

In case of any building, structure or premises the use of which is not specifically mentioned herein, requirements for a use which is so mentioned and to which said use is similar shall apply. In cases not specifically covered, the City Administrator is authorized to determine the parking requirements using a similar use as a guide.

**177.10 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.** All proposed off-street parking, including commercial parking lots and automobile, trailer or other vehicular sales lots, in conjunction with any multi-family residential, commercial, industrial, public or semi-public land use, whether such use is existing or proposed, shall meet all of the required development standards set forth in this section:

1. No part of any parking space shall be closer than three (3) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least fifteen (15) feet from the "R" District boundary and shall be effectively screen planted by any one or approved combination of the following options:
  - A. A buffer yard of fifteen (15) feet in width; a six (6) foot high masonry wall to be designed with face brick, stucco or similar finished surface facing toward the residential district; or
  - B. A buffer yard of 35 feet or more in width; four (4) foot high earth berm or opaque wood fence; and four (4) over-story trees, six (6) understory trees, six (6) coniferous trees, and fifteen (15) shrubs for each 100 lineal feet.

The buffer yard shall be located on the entire common perimeter of the contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers or similar activity which may create a nuisance. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

2. Any off-street parking area, including any commercial parking lot, shall be surfaced with an asphaltic or portland cement binder pavement.
3. Any lighting used to illuminate any off-street parking area including any commercial parking lots, shall be so arranged as to reflect the light away from adjoining premises in any “R” District.
4. Off-street parking areas may be established in any “R” District that immediately joins a “C” or “M” District, or is directly across an alley from a “C” or “M” District, provided such parking shall be accessory to and for use of one or more business or industrial establishments located in the adjoining “C” or “M” District; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.
5. Where the Zoning Code and regulations specify parking space, that space size shall be determined in accordance with the layout criteria and the table of standard dimensions. Handicapped stalls shall be provided as required by the Code of Iowa. The spaces shall be delineated to define their boundaries exclusive of driveway and access drive areas, except for one and two family dwelling units, and shall be shown as part of the parking lot plan on the site plan drawing.
6. Where a parking area does not abut a public or private alley or easement of access, there shall be provided a permanently surfaced drive, not less than eight (8) feet in width in case of a dwelling and not less than sixteen (16) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required under the provisions of this chapter in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district.
7. When visible from a public street or land zoned for residential use, the interior of such parking areas shall be developed as follows:
  - A. Not less than five percent (5%) shall be landscaped and continuously maintained.
  - B. Planting along the perimeter of the parking area, whether required for screening or general beautification will not be considered as part of

the five percent (5%) interior landscaping.

8. Parking spaces required shall be provided with bumper guards, raised curbing or equivalent, also lines marking stalls.

9. All commercial or industrial driveways installed, altered, changed, replaced or extended after March 18, 2002, shall meet the following requirements:

A. Islands between successive driveway openings shall be a minimum of twelve (12) feet with six (6) feet between the driveway opening and the lot lines. All distances are to be measured at the right-of-way line.

B. Openings for vehicular ingress and egress shall not exceed thirty-five (35) feet at the street line and forty-five (45) feet at the curb.

C. Vehicular entrances and exits to drive-in theaters, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations, garages or public parking lots shall not be less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

10. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of forty (40) feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to five percent (5%).

11. Maintenance of parking lots:

A. All parking areas shall be paved and maintained in a dust-free condition at all times.

B. If nonconforming (rock, gravel, grass, etc.), the parking lot must be kept in a dust-free condition. (Nonconforming uses of land, see Section 176.03 of this Code of Ordinances.)

**177.11 TV DISH ANTENNAS.** Any parabolic, spiracle, or other shaped structure used

for, or intended to be used for, reception of satellite transmissions, shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:
  - A. General placement diagram
  - B. Manufacturer's specifications
  - C. Wind stress information.
2. No portion of an antenna array shall extend beyond the property lines or into any front yard area, with the exception that any building mounted dish antennae, twenty-four (24) inches in diameter or less, may be located on any side of a structure.
3. A maximum dish antenna height of twenty (20) feet for freestanding dish antennae.
4. To support dish antenna exceeding twenty-four (24) inches in diameter, a three to seven square foot concrete base must be provided.
5. Dish antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard antenna location.
6. Dish antennas shall not be located in any required setback area.
7. Dish antennas exceeding twenty-four (24) inches in diameter shall not be permitted on the roof unless engineering is provided for structural or wind load.
8. Every antenna must be adequately grounded per manufacturer's recommendation.
9. The dish antenna including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
10. The dish antenna shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
11. All dish antennas shall be maintained in good condition and in

accordance with all requirements of this section.

12. All dish antennas shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.

13. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

14. The owner of such a structure shall assume complete liability in case of personal or property damage.

15. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

16. A conditional use permit must be issued for any dish antenna exceeding six (6) feet in diameter, prior to issuance of a building permit by the City Building Inspection Department.

**177.12 FREESTANDING COMMUNICATION TOWERS.** Any freestanding communication tower located in any district shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:

- A. General placement diagram
- B. Manufacturer's specifications
- C. Wind stress information.

2. Maximum tower height to be 70 feet from tip to ground level with an additional 25 feet for mast and antenna. Antenna and mast on the tower must conform to sound engineering practices. Guy wires are to be installed per manufacturer's recommendations on applicable models, with a minimum quantity of three (3) guy wires.

3. Guy wire supports and anchors are to be located one foot inside property boundaries or utility easement, and of design to conform to current methods recommended by manufacturer's specifications or other applicable requirements.

4. The tower is to be mounted on a concrete pad twice the cross-sectional

area of the largest section. A minimum of four square feet is required and three feet deep. If the tower is to be installed in concrete, a gravel or sand sub-layer is to be under the pad with the tower resting in this for drainage. Where the tower goes through the concrete, a sealing substance (e.g., tar) is to be applied. If the manufacturer's recommendations are more strenuous, they are to be followed.

5. An anti-climbing apparatus is to be installed to prevent unauthorized ascension on all communication towers except All Band Vertical Antennas.

6. Tower to be the height plus five feet angular distance from base to overhead lines or permanent neighboring domicile. Exception: Towers with guy wires that are rated for collapsible distance, the collapsible distance plus five feet may be used.

7. If the tower is located near a recreation area, shelter buildings will be considered as permanent domiciles.

8. Each location is permitted one tower over 20 feet, with a limit of two additional communication towers 20 feet or less.

9. All towers shall be erected or maintained to the rear of the main building, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard tower location.

10. The tower is to be grounded per manufacturer's recommendation.

11. The transmission lines must meet municipal requirements on installation.

12. If property dimensions permit taller towers, an exception can be obtained from the Board of Adjustment on the overall dimensions, if applicable clearances are still met.

13. The freestanding communication tower including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.

14. The freestanding communication tower shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.

15. All freestanding communication tower shall be maintained in good condition and in accordance with all requirements of this section.

16. All freestanding communication tower shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.

17. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

18. The owner of such a structure shall assume complete liability in case of personal or property damage.

19. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

**177.13 BUILDING SUPPORTED COMMUNICATION TOWERS.** Any building supported communication tower located in any district shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:

- A. General placement diagram
- B. Manufacturer's specifications
- C. Wind stress information.

2. Towers and antenna may not be more than 30 feet above the utmost point of building contact with an additional 25 feet for multiple antenna connections.

3. The tower is to be strapped at least every five feet to said building or per manufacturer's instructions. The tripod type is to be attached via connection to the building's main structures.

4. An anti-climbing apparatus is to be installed to prevent unauthorized ascension on all communication towers except All Band Vertical Antennas.

5. The tower is to be grounded per manufacturer's recommendations.

6. There is to be an angular clearance of communication tower height

from tip to top building support plus 15 feet to any neighboring domicile, overhead lines, or buildings and shelter buildings located on recreational facilities.

7. Only two radio communication support towers per residential location, with only one located per building side. They may not be located in the front yard.
8. Transmission lines must meet municipal requirements on installation.
9. The building supported communication tower including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
10. The building supported communication tower shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
11. All building supported communication tower shall be maintained in good condition and in accordance with all requirements of this section.
12. All building supported communication tower shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.
13. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
14. The owner of such a structure shall assume complete liability in case of personal or property damage.
15. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

**177.14 WIND ENERGY CONVERSION SYSTEMS (WECS).** Any “Wind (Generator) Energy Conversion System (WECS)” or device that converts wind power to another form of energy, such as electricity or heat, including wind chargers, wind turbines, and windmills shall meet all of the required development standards set forth in

this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:
  - A. General placement diagram;
  - B. Manufacturer's specifications;
  - C. Certification by a registered, qualified engineer that the foundation, tower, and mechanical system comply with appropriate building codes;
  - D. Proof of personal injury and property damage insurance, insuring the applicant and the City against all claims or causes of action made against either or both applicant and City for damages to persons or property arising out of the construction, operation and maintenance of WECS.
2. A maximum height of 45 feet is allowed for WECS.
3. The minimum setback from the nearest property line to the base of the WECS shall be no less than the height of the proposed WECS from ground level to its uppermost element.
4. Wind energy conversion systems shall be erected or maintained to the rear of the main building, except in those instances where the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard WECS location.
5. WECS shall not be located in any required setback area.
6. The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
7. Climbing access to the WECS tower shall be limited by means of a fence six (6) feet in height around the tower base with a locking portal or by limiting tower climbing apparatus to no less than twelve (12) feet from the ground.
8. Cables, ropes, or wires used to secure the WECS shall be appropriately

marked to prevent accidental bodily harm.

9. Warning signs shall be posted where clearly visible to warn of electrical and other hazards associated with the WECS.
10. The WECS operation shall not cause interference to the radio and television reception on adjoining property.
11. Excessive or annoying noise will not be produced during operation of the WECS.
12. All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine was designed.
13. All WECS shall have a manually operable method to render the system inoperable in the event of structural or mechanical failure of any part of the system including the automatic overspeed control.
14. If connected to a utility system, the WECS shall meet the “tie-in” requirements of the Iowa Public Utilities Commission.
15. The wind energy conversion system including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
16. The wind energy conversion system shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
17. All wind energy conversion system shall be maintained in good condition and in accordance with all requirements of this section.
18. All wind energy conversion system shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.
19. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
20. The owner of such a structure shall assume complete liability in case of personal or property damage.

21. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

**177.15 HOME OCCUPATIONS.** “Home occupation” means any activity carried out for gain by a resident, conducted in the resident’s dwelling unit. A conditional use permit must be applied for and received from the Board of Adjustment for any home occupation that does not meet the requirements set forth in this section. Those requirements are as follows:

1. The home occupation complies with the lot size, bulk regulations and parking requirements of the zoning district in which the home occupation is located.

2. The only permitted home occupations are:

A. Homebound employment of physically, mentally or emotionally handicapped persons who are unable to work away from home by reason of their disabilities.

B. Office facilities for salespeople, sales representatives, and manufacturer’s representatives when no retail or wholesale sales are made or transacted on the premises.

C. Studio or laboratory of an artist, musician, craftsman, writer, tailor, seamstress, or similar person provided that the existence of the home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is generated.

D. Day care facilities provided that no more than six children are on the premises at any time.

3. Home occupations shall meet the following requirements:

A. No persons other than a member of the immediate family occupying such dwelling shall be employed.

B. The home occupation shall be conducted only within the enclosed living area of the dwelling unit provided that not more than one-fourth of the area of one floor shall be used for such

purposes.

C. In no way shall the appearance of the structure be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noise or vibrations.

4. In addition to the requirements of the zoning district in which it is located, all home occupations shall comply with the following restrictions:

A. No stock in trade shall be displayed or sold on the premises.

B. There shall be no outdoor storage of equipment or materials used in the home occupation.

C. No more than one vehicle shall be used in the conduct of the home occupation.

D. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

E. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

F. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

G. All home occupation requests must be presented in writing to the Building Department. If the home occupation has not been specifically identified by this section of the Zoning Code, the written request will be filed by the Building Department for referral to the Board of Adjustment, for its approval, before engaging in such business.