

August 19, 2014

ALLIANCE CITY COUNCIL

REGULAR MEETING, TUESDAY, AUGUST 19, 2014

STATE OF NEBRASKA)
)
 COUNTY OF BOX BUTTE) §
)
 CITY OF ALLIANCE)

The Alliance City Council met in a Regular Meeting, August 19, 2014 at 7:00 p.m. in the Board of Education Meeting Room, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on August 12, 2014. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Feldges opened the August 19, 2014 Regular Meeting of the Alliance, Nebraska City Council at 7:00 p.m. Present were Mayor Feldges, Council Members, Benzel, Lewis, Seiler and Yeager. Also present were Assistant City Manager Waggener, City Attorney Olsen and City Clerk Jines.

- Mayor Feldges read the Open Meetings Act Announcement.
- The Consent Calendar was the first item to be addressed by Council. Councilman Benzel made a motion, which was seconded by Councilman Yeager to approve the Consent Calendar as follows:

CONSENT CALENDAR – AUGUST 19, 2014

1. Approval: Minutes of the Regular Meeting, August 5, 2014.
2. Approval: Payroll and Employer Taxes for the period July 19, 2014 through August 1, 2014 inclusive: \$200,368.25 and \$14,372.88 respectively.
3. Approval: Claims against the following funds for the period July 31, 2014 through August 13, 2014: General, General Debt Service, Trust and Agency, Street, Electric, Refuse Collection and Disposal, Sanitary Sewer, Water, Golf Course, Downtown Improvement Districts, R.S.V.P., Keno, and Capital Improvement; \$984,888.64.

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4. Approval: Resolution No. 14-95 authorizes the City to write-off charges that have remained uncollected over the past year, including balances that remain uncollected by the collection agency and other amounts that have not been collected by the City as of August 1, 2014.
5. Approval: Resolution No. 14-96 appointing Assistant City Manager/Finance Director Randy Waggener as Alliance's Representative on the MEAN Boards.
6. Approval: Resolution No. 14-97. At the last meeting Council approved Resolution No. 14-87 waiving \$1,387, which is the City's portion of the payment in lieu of taxes (PILOT) of the Alliance Housing Authority. Since that time the City has been contacted by Patricia Olsen requesting the remaining balance of \$6,318.55 be waived by the City instead of each taxing entity doing so separately. Based on a legal review the City Council has authority to consider the full waiver which is based on 10% of the Housing Authority's gross revenue each year. Past practice of the Alliance Housing Authority was to contact each taxing entity separately. Should the Council decide not to waive, the City would be responsible to collect the PILOT and forward the other taxing entities shares appropriately.
7. Approval: Resolution No. 14-98 will authorize the City of Alliance to enter into an Agreement with Caselle, Inc. for Software Maintenance & Support. This action will be contingent upon approval from the City's legal department with regard to contract language.

NOTE: City Manager Cox has reviewed these expenditures and to the best of his knowledge confirms that they are within budgeted appropriations to this point in the fiscal year.

Roll call vote with the following results:

Voting Aye: Yeager, Benzel, Feldges, Lewis, Seiler.

Voting Nay: None.

Motion carried.

- A Billing Statement from B&A Property Management for lost wages in 2012, 2013 and 2014 with the total amount of reimbursement being \$450,000.00 was the next agenda item for review.

Council acknowledged the receipt of the bill and instructed staff to forward it to the City's insurance provider for review. No formal action was taken at this time.

- Assistant City Manager Randy Waggener gave the City Manager's Report which is included in outline form below
 - The City took delivery during this past week of four vehicles as authorized in the current budget – sewer vacor truck, refuse collection truck, golf pickup and unmarked police car.

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- The Water/Sewer Department staff is painting fire hydrants throughout the City utilizing paint that was donated to the Fire Department.
 - The street concrete replacement project continues in planned areas throughout the City with progress nearly on schedule.
 - Right of way acquisition is in process for the Tenth Street bike trail which is part of the East Tenth Street project.
 - Demolition of the old Parks Building is set to begin this week with completion still anticipated prior to the end of the fiscal year.
 - The swimming pool closed on Sunday, August 17th following the Doggie Splash and end of year maintenance is now being completed.
 - The golf course experienced lightening damage to irrigation timers and sprinkler heads estimated between \$1,500 and \$2,000 which will not be covered by insurance.
 - Painting of cars at Carhenge should occur before the end of the fiscal year. Pit Stop hours have been reduced to 10 AM to 6 PM with the intent to remain open through September; however, activity will be monitored and hours adjusted accordingly.
 - The USDA assisted the airport with prairie dog control to ensure compliance with FAA concerns noted in the recent audit. The fixed base operator (FBO) contract and TSA leases are in the initial stages of renewal.
 - The first on-boarding (or orientation) session for a new employee occurred this past week. The on-boarding session was the result of one of the Service Excellence committees.
 - As a part of the City's Service Excellence initiative, David Mann will be in Alliance on September 12 to share with staff his presentation entitled "Making the Brand Personal".
 - The Children's Librarian and one Police Dispatcher position have been filled. The Journeyman Line Worker and part-time Library Clerk interviews occurred this week. The City is currently advertising for the positions of Electric Superintendent, Police Dispatcher, Airport Worker and Library Page.
- A Public Hearing and the first reading of Ordinance No. 2758, which will approve amending the Alliance Municipal Code relating to communication antennas was the next matter before Council. The following background information was provided:

[The Alliance Planning Commission at their regular meeting June 10, 2014 recommended the proposed changes to the Alliance Municipal Code, Chapter 19, Article 2 regarding communication antennas. Community Development Director Brent Kusek noticed inconsistencies in the Communication Antennas Code between zoning districts. Some districts allow towers as a use by right but are restrained by setback and height limits. Other districts allow them by Conditional Use Permits in which setbacks and height restrictions are established as part of the conditional use. The proposed revised code has been changed to show consistency by requiring a Conditional Use Permit in every zoning district and outlining the steps the developer is required to complete in order to construct a tower or communication antenna. The motion recommended by the Alliance Planning Commission did not change the zoning districts where towers and communications equipment are allowed. There are no provisions for towers and

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communications equipment in Residential zoning except in Rural Residential, as it is now.

The proposed code also updates certain items that have changed within the City since the existing code was enacted. This includes the removal of technical specifications that would be found in the design of a tower or antenna. The City requires engineered drawings of such structures and over time the existing code could specify technical details which are out-of-date. The code also removes references to the electrical inspector, as the City no longer has such a position with all electrical inspections and plan reviews being completed by the State of Nebraska Electrical Division.

The Alliance City Council had a discussion of the proposed draft at the July 15th regular meeting. Staff was asked to research and change certain components of the code based on Council's suggestions and return to Council with clarification and revision. The Ordinance which has been prepared for Council's review and discussion reflects both the old language which has been stricken out and the proposed new language which is highlighted.

Following the Alliance Planning Commission's recommendation, the Council is required to conduct a Public Hearing on the proposed zoning changes. The Public Hearing is scheduled as a part of this regular meeting.]

Mayor Feldges stated "now is the date, time, and place to conduct a Public Hearing to hear support, opposition, criticism, suggestions, or observations of the taxpayers relating to the amending of the Alliance Municipal Code relating to communication antennas and opened the public hearing at 7:11 p.m."

Community Development Director Kusek was presented a general overview of the proposed changes to the communication antenna section and the zoning regulations within the Alliance Municipal Code. He specifically addressed the definition of an engineer, the amount of liability insurance required for a Limited and Specialty License, and the Council's desire to have communication antennas designed by structural engineers.

No additional testimony was offered.

Mayor Feldges closed the Public Hearing at 7:21 p.m.

A motion was made by Councilman Benzel, seconded by Councilman Lewis to approve the first reading of Ordinance No. 2758 and to prepare an amendment for second reading to require communication antennas to be designed by structural engineers and to raise the liability insurance requirement to \$1,000,000 for contractors installing communication antenna structures. Ordinance No. 2758 was read by title and follows in its entirety.

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ORDINANCE NO. 2758

AN ORDINANCE PERTAINING TO COMMUNICATION ANTENNAS AND AMENDING SECTIONS 109-21 THROUGH 109-35, AND SECTIONS 115-96 THROUGH 115-110; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING EXISTING PROVISIONS OF THE ALLIANCE CODE NOT CONSISTENT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. Sections 109-21 through 109-32 and Sections 115-96 through 115-110 of the Code of Ordinances of the City of Alliance, Nebraska are hereby amended to read as follows:

Sec. 109-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANSI means the American National Standards Institute.

Antenna means the outdoor portion of the equipment used for receiving or transmitting communications signals to or from space and includes all tower, pole, mast, roof or ground supported apparatus including satellite earth station dish antennas.

Antenna Contractor means any person, firm or corporation engaged in the erection, maintenance, repair, of any type of antenna used in communications and doing such work for a fee.

Antenna Support Structure is any building or structure other than a tower which can be used for location of telecommunication facilities.

Applicant means any person that applies for a Conditional Use Permit to install a tower, telecommunications facilities, or antenna.

Application means a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon said tract of land. The term includes all written documents, verbal statements, and representations, in whatever form or forum, made by an applicant to the City concerning the request.

Community Development Department means the department or designee responsible for the administration of the City of Alliance Municipal Building and Zoning Code.

~~*Electrical code* means the latest adopted edition of the National Electrical Code published by the National Fire Protection Association and adopted by the city and state.~~

~~*Electrical inspector* means the electrical inspector of the city appointed by the city manager or designee.~~

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Engineer means a person who is licensed as a professional engineer by the State of Nebraska on the basis of education, experience, and examination, as being licensed in a specific discipline or branch of engineering study signifying the field in which the professional engineer has demonstrated competence.

Height means the overall vertical distance of the antenna systems uppermost appurtenance above ground level adjacent to the antenna support.

~~*Mast, tower or base* means that portion of the antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for proper operation, and is supported by the ground or a building.~~

Owner means a person with fee simple title or leasehold to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon the tract of land.

~~*Satellite earth station dish antenna* means an apparatus capable of receiving communications signals from a transmitter or transmitter relay located in planetary orbit any conforming earth station antenna two meters or less in diameter and subject to the restrictions in Section 109-24.~~

Stealth means a telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees.

Telecommunications Facilities means any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. Telecommunications Facilities does not include:

(a) Any conforming commercial earth station antenna two meters in diameter or less which is located in the City's commercial or industrial zones.

(b) Any earth station antenna one meter or less in diameter, regardless of zoning applicable to the location of the antenna.

Tower means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities.

Tower Owner means any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Conditional Use Permit.

~~Sec. 109-22. Authorizing additional rules.~~

~~In order to take advantage of progress and change in the industry the city manager or designee may consult with members of the industry and other qualified persons and may put into effect any rules and regulations not in conflict with the provisions of this article.~~

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Sec. 109-22. Area of Jurisdiction.

The regulations ~~adopted~~ within this article are effective within the corporate limits of the city and within the two mile extra jurisdictional ~~are~~ territory adjacent thereto as provided by statute.

Sec. 109-23. Codes supplemental to this article.

The city's zoning regulations and building ~~and electrical~~ codes are hereby adopted as a part of this article as a minimum standard.

Sec. 109-24. Satellite earth station antennas.

(a) In any A, C-1, C-2, C-3, M-1, M-2, M-3 or their equivalent planned district, such station may be located anywhere on the lot or building thereon, provided the location of the station shall comply with all setback and height restrictions of the district. If such zone abuts a residential or C-0 district, the satellite earth station shall be set back ten feet from the side lot lines and effectively screened by a solid wall, fence, or hedge.

(b) In any Residential or C-0 zoning, or their equivalent planned district, such stations shall be located only behind the front yard building setback line and not be less than five feet from any other lot line. If a usable satellite signal cannot be obtained in the rear or side yard, the antenna may be placed on the roof of the main or accessory building. Such a roof mounted satellite antenna shall comply with the height and requirements of the zone in which it is installed.

(c) Not more than one satellite earth station shall be allowed per residential unit on any lot.

(d) Except for commercial or public broadcasting systems, no form of advertising is allowed on the dish or framework other than the manufacturer's identification.

~~Sec. 109-25. Presently installed antennas.~~

~~All presently installed antenna systems which do not meet these requirements or which are deemed by the inspector to be hazardous to life or property shall be altered to meet the requirements of these and any other adopted regulations affecting the same or shall be determined to be a public nuisance and shall be removed.~~

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Sec. 109-25. Location of towers, telecommunications facilities, and antennas.

(a) Towers, telecommunications facilities, and antennas shall be permitted by Conditional Use Permit in every zoning district except for R-1, R-1a, R-2, R-3, R-4, or R-5 and their equivalent Planned Districts.

(b) No person shall develop, construct, modify, or operate a tower, telecommunication facilities, or antennas upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Conditional Use Permit by the City Council and issuance of a building permit by the City.

(c) All towers, telecommunications facilities, and antennas constructed within the zoning jurisdiction of the City after approval and adoption of this article shall conform to the Building Code and all other construction standards set forth in the Municipal Code, federal and state law, and applicable ANSI standards. Upon completion of a tower, telecommunications facilities, or antennas and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Community Development Department.

Sec. 109-26. Electrical inspector.

~~(a) *Duties.* It shall be the duty of the city manager or designee to appoint an electrical inspector and approve and authorize any assistant inspectors necessary to carry out the provisions of these regulations. Such inspector shall inspect all communications antennas to ascertain if the work has been done in compliance with the provisions of these regulations. The inspector shall, following approval of the installation, stamp the permit number, month, day and year of the inspection into the metal base or support of the antenna system.~~

~~(b) *Rights and powers.* The electrical inspector and his assistants are hereby empowered to inspect or reinspect any wiring, equipment or apparatus conducting or using electric current for communication receiving or transmitting service in the city and if conductors, equipment or apparatus are found to be unsafe to life or property, or not in conformity with the regulations written or adopted by reference within this article, the electrical inspector shall notify the person owning or installing the wiring or equipment to correct the condition within a 48 hour period or within the time the inspector specifies. Failure to make such corrections shall constitute a violation of these regulations.~~

~~(c) *Unlawful to interfere with the inspector.* It shall be unlawful for any person to hinder or interfere with the electrical inspector or his authorized representatives in the discharge of their duties under the provisions of this article.~~

Sec. 109-26. Application to develop a tower, telecommunication facilities, or antenna.

Prior to commencement of the development or construction of a tower, telecommunication facilities, or antenna, an application must be submitted to the City's Community Development Department for a Conditional Use Permit and shall include the following requirements:

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(a) The name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower, telecommunications facilities, or antenna is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower, telecommunications facilities, or antennas. The application shall be executed by all applicants.

(b) The legal description of the tract of land on which the tower will be located.

(c) The names, addresses, and phone numbers of all owners of record of other towers, telecommunications facilities, or antennas, or usable antenna support structures within a one quarter mile radius of the location of the proposed tower, telecommunications facilities, or antenna, including those which are publicly and privately owned.

(d) An affidavit attesting to the fact that the applicant has made diligent, but unsuccessful efforts to obtain permission to collocate the applicants telecommunications facilities on a tower or usable antenna support structure within one quarter mile radius of the proposed tower location or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another support structures within one quarter mile radius of the proposed location.

(e) Written technical evidence from an engineer that the proposed tower, telecommunications facilities, or antennas will meet the Municipal Code, all other construction standards set forth by the City Code and federal and state law and applicable ANSI standards.

(f) Color photo simulations showing the proposed location of the tower, telecommunications facilities, or antenna with a photo-realistic representation of the proposed tower, telecommunications facilities, or antenna as it would appear viewed from the nearest residential zoned property and the nearest roadway, street, or highway.

(g) Descriptions and diagrams of the proposed tower, telecommunications facilities, and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, fences or other security enclosures with sufficient detail to allow persons reviewing the application to understand the kind and nature of the proposed facilities.

(h) If the Conditional Use Permit is approved, an application for a building permit shall be submitted.

Sec. 109-27. Permits.

~~(a) Required. It shall be unlawful for any person to install, repair or maintain, either as owner or agent for the owner or as an independent dealer or contractor, any communications antenna system without first obtaining a permit from the city manager or designee.~~

~~(b) Minor repairs without permits. Notwithstanding anything herein to the contrary, minor repairs to antenna systems may be made without the necessity of a permit as may be determined by the inspector with the exception that all changes in the electrical system shall require an electrical permit as specified in this Code and state electrical regulations.~~

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- ~~(c) *Application information.* Application for permits shall be made upon forms provided by the office of the city manager or designee and shall contain the following information:~~
- ~~(1) The name and address of the owner.~~
 - ~~(2) The name and address of the installer.~~
 - ~~(3) Whether it is a new installation or repair.~~
 - ~~(4) The type of antenna.~~
 - ~~(5) The cost of the antenna and installation.~~
- ~~(d) *Fee.* A permit and inspection fee shall be paid at the time a permit is issued. The fee shall be set by ordinance.~~

Sec. 109-27. Permits.

(a) It shall be unlawful for any person to install, repair, or maintain, either as owner or agent for the owner or as an independent dealer or contractor, any tower, telecommunications facilities, or antenna, without first obtaining a permit from the City Manager or Designee.

(b) Notwithstanding anything herein to the contrary, minor repairs or maintenance to any tower, telecommunications facilities, or antenna may be made without the necessity of a permit as may be determined by the Building Inspector.

(c) Building Permit Information. Application for permits must be made upon forms provided by the Community Development Department and shall contain the following information.

- (1) The name and address of the owner.
- (2) The name and address of the installer.
- (3) Whether or not the work done is a new installation or a repair.
- (4) The type of antenna.
- (5) The cost of the project.

(d) A permit and inspection fee shall be paid at the time the permit is issued. The fee schedule has been set by Resolution 09-24.

(e) Inspections. The City reserves the right to conduct an inspection of towers, antenna support structures, telecommunications facilities, or antennas upon reasonable notice to the owner or operator to determine compliance with this subchapter and to prevent structural and equipment failures and accidents which may cause damage, injuries, or nuisances to the public. Inspections may be made to determine compliance with the Building Code and any other construction standards set forth in the City Code, federal and state law, or applicable ANSI standards.

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~~Sec. 109-28. Contractor's license—Fee; liability insurance.~~

~~The fee for a limited and specialty contractor's license shall be as established by the city. The fee for said contractor's license shall be paid to the city treasurer at the time of filing application for the same, and shall be refunded in case the city council declines to approve said application. No such license shall be issued unless the applicant first presents to the city clerk a certificate of insurance, demonstrating that the applicant and his employees are covered by liability insurance with policy limits of no less than \$300,000.00, for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$300,000.00.~~

Sec. 109-28. Contractors.

(a) It shall be unlawful for any person to engage in or work at the business or trade of tower, communications facilities, or antenna construction, repair, or maintenance, without first applying for and receiving from the City a Limited and Specialty contractor's license.

(b) The fee for a Limited and Specialty contractor's license shall be as established by the City. The fee for said contractor's license shall be paid to the City Treasurer at the time of filing the application for the same and shall be refunded in case the City Council declines the approval of said application. No such license shall be issued unless the applicant first presents to the City Clerk a certificate of insurance, demonstrating that the applicant and his/her employees are covered by liability insurance with policy limits of no less than \$500,000.00 for the period of the license. The licensee shall ensure that all of his employees, agents, and subcontractors are covered by liability insurance of no less than \$500,000.00.

(c) The Limited and Specialty contractor's license term shall be valid and extend for 12 months from and after May 1st of each year, expiring on April 30th of the following year unless sooner revoked by the City Council.

~~Sec. 109-29. Same—Term.~~

~~The limited and specialty contractor's license term shall be valid and extend for 12 months from and after May 1 of each year, expiring on April 30 of the following year unless sooner revoked by the city council.~~

Sec. 109-30. Notice for inspection.

~~The person to whom a permit has been granted for the installation or repair of an antenna system, or the antenna contractor if such be the case, shall notify the electrical inspector when the work covered by the permit is completed and ready for final inspection. Upon such notice, the electrical inspector or his authorized representative, shall inspect and approve the installation if the work complies with all the provisions of these regulations, or shall disapprove said installation if it fails to comply, in such case the electrical inspector shall state in writing the reasons for disapproval and specify a time within which said defects must be corrected. The~~

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~~owner or contractor shall notify the electrical inspector when such corrections are completed and the system is ready for reinspection.~~

~~Sec. 109-31. Contractor's license required.~~

~~It shall be unlawful for any person to engage in or work at the business or trade without first applying for and receiving from the city a limited and specialty contractor's license.~~

~~Sec. 109-32. Technical requirements.~~

~~All outdoor communications antenna installations, repairs and maintenance from and after the effective date of the ordinance from which these regulations are derived shall be made in accordance with the following rules and regulations:~~

- ~~(1) Masts and antennas, including all appurtenances, shall be of noncombustible and corrosion-resistant material, or adequately treated or painted to resist corrosion and shall be erected in a secure and wind-resistant manner.~~
- ~~(2) Every mast and antenna installed on a roof shall be mounted on its own platform or plate covering two or more rafters of the roof and shall be securely anchored at the base and properly guyed. Masts must not be fastened to, or in any manner braced or supported by a chimney, vent or other structure that extends vertically from a roof. Anchor screws shall be securely fastened to rafters or beams, or other substantial framing member of the structure upon which the antenna base is mounted, and shall not be guyed to any other structure, object or thing.~~
- ~~(3) Turnbuckles must be securely locked against turning loose from vibration. Guy wires shall not be less than 3/32-inch steel strand galvanized cable. The attachment of guy wires to anchors, masts, turnbuckles or other fastenings shall be made with guy thimbles or equivalent. Where roof mounting requires guy wires there shall be four equally spaced guy wires for the first 20 feet of mast. Where roof construction design makes the use of three guy wires a better installation of the three wires shall be spaced closely to 120 degrees apart. Additional sets of guy wires with separate anchors shall be installed for each additional ten feet of height. Any approved self-supporting tower up to 50 feet in height used as an antenna shall be secured in a buried concrete base of one cubic yard of concrete mixed to a 5:1 mixture. Any pole used as a ground support for an antenna shall be class 4 or better and shall be buried in the ground to a depth of five feet and tamped thoroughly with six inches of additional bury for each additional five feet of height. Such poles over 50 feet in height shall be guyed with a minimum of one set of guy wires. Any windmill, windcharger or similar tower up to 72 feet in height utilized for an antenna tower shall have all legs secured by a cubic foot of buried concrete. No guy wires shall be attached to trees and must be sustained by adequate support.~~
- ~~(4) Outdoor antennas shall be of an approved type and shall not exceed the maximum height limit as specified by the zoning regulations for the zoning classification of the property where the antenna is located. In areas where reception is affected by obstructions, the city council, after recommendation of the planning commission, may grant a special use permit for erection above specified height limitations.~~

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- ~~(5) In no case shall an outdoor antenna be installed nearer the street, sidewalk, power or telephone lines that the height of the antenna plus ten feet unless safety wires are attached to the antenna and secured in a direction away from the hazard. Transmission lead-in conductors must be kept at least 12 inches clear of existing telephone or electric power wires and be properly supported to prevent their swinging into these conductors in case the transmission lead-in conductor should break.~~
- ~~(6) Every antenna shall be adequately grounded for protection against a direct stroke of lightning. A ground conductor not smaller than ten gauge copper wire, or its approved equivalent, connected to a half-inch by eight foot copper coated ground rod with an approved clamp shall be used. The ground conductor leading from the house or other supporting structure shall be unspliced and run as nearly in a straight line as is practicable and shall be buried to a depth of six inches. When an aluminum ground wire is used it shall be spliced to a copper wire with an approved connector two feet above the ground at the location of the ground rod and shall not be in contact with the earth. If a water piping system is available and is located within six feet of the antenna grounding system it must be bonded to the antenna ground electrode. Lightning rod grounds, if located within six feet of antenna grounding systems, must be bonded together with an approved clamp. All grounding shall comply fully with the latest adopted edition of the national electrical code.~~
- ~~(7) All lead-in conductors must be protected by lightning arrestors, except coaxial cable with a grounded sheath or when a grounded type antenna is used. Lead-in conductors shall be supported every ten feet unless installed on a strain relief messenger wire.~~

Sec. 109-33. Satellite earth station antennas.

~~Satellite earth station antennas may be located on any lot within the following zoning districts, subject to the provisions contained herein:~~

- ~~(1) In any A, C-1, C-2, C-3, M-1, M-2, M-3, or their equivalent planned zone, such station may be located anywhere on the lot or building thereon, provided the location of the station shall comply with all setback and height regulations of the district. If such zone abuts a residential or C-O district, the satellite earth station shall be set back ten feet from side lot lines and effectively screened by a solid wall, fence or hedge.~~
- ~~(2) In any RR, R-1, R-2, R-3, R-4, R-5, C-O, or equivalent zoning district, such stations shall be located only behind the front yard building setback line and be not less than five feet from any other lot line. If a usable satellite signal cannot be obtained in the rear or side yard the antenna may be placed on the roof of the main or accessory building with approval of the inspector. Such a roof mounted satellite antenna shall comply with the height requirements of the zone in which it is installed.~~
- ~~(3) All satellite earth stations, and their installation shall comply with all city building and zoning codes and the national electrical code.~~
- ~~(4) Not more than one satellite earth station shall be allowed on a residential lot, provided the city council may, after recommendation of the city planning commission, approve a special use permit for more than one station.~~

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- ~~(5) Except for commercial or public broadcasting systems, no form of advertising is allowed on the dish or framework other than the manufacturer's identification plate.~~
- ~~(6) In any residential zone, except planned unit development or apartment complex under one ownership, a satellite earth station may serve only one residence.~~

Sec. 109-34. Materials to be approved.

~~No electrical materials, devices or equipment designed for attachment to or installation of any electrical circuit or system for communications antennas shall be installed, used, or offered for use in the city, unless they are in conformity with the approved methods of construction for safety to life and property, and unless the electrical material, devices, or equipment conform to the standards of Underwriters Laboratories, Inc., or another approved testing laboratory. The manufacturers name, trademark or other identification symbol shall be attached in a secure manner to all such equipment.~~

Sec. 109-35. Damage liability.

~~The owner of any antenna system within the corporate limits of the city or within its two-mile zoning jurisdiction, shall assume all liability for personal injury or property damage to their own person or property or to the person or property of another caused by such antenna system, or the failure or malfunction of the same.~~

Sec. 109-29. Setbacks and separation or buffer requirements; illumination.

(a) All towers, telecommunications facilities, or antennas shall be setback on all sides, the distance required of the principal structure as required by the underlying zoning districts regulations or 40% of the towers height whichever is greater. The height of a tower, telecommunications facilities, or antenna shall be measured from the grade at the foot of the base pad to the top of any such tower, telecommunications facilities, or antennas attached thereto. Setback requirements shall be measured from the base of the tower, telecommunications facilities, or antenna to the property line of the tract of land on which it is located.

(b) Towers, telecommunications facilities, or antennas exceeding 100' in height must be separated from all residential zoned districts by a minimum of 200' or 100% of the height of the proposed tower, whichever is greater.

(c) Towers must meet the following separation requirements from other towers:

- (1) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of 750 feet.
- (2) Self-supporting lattice, or guyed towers shall be separated from all other self-supporting lattice, or guyed towers by 1500 feet.

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(d) Towers, telecommunications facilities or antennas shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential zoned properties located within a distance of 300% of the height of the tower, any tower, telecommunications facilities, or antenna subject to this section shall be equipped with dual mode lighting.

Sec. 109-30. Other requirements.

(a) *Security and fences.* All self-supporting lattice or guyed towers, telecommunications facilities, or antennas shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of the structure.

(b) *Landscaping.* All tracts of land on which towers, antenna support structures, telecommunications facilities, and/or antennas are located shall be subject to the landscaping requirements of the City.

(c) *Exterior and Finish.* Towers, telecommunications facilities, or antennas not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the City Council as part of the application process. All towers, telecommunications facilities, or antennas which must be approved as a Conditional Use shall be of stealth design unless stealth features are impractical or the cost of the features represents undue burden based on the applicant.

(d) No owner of any tower, telecommunications facility, or antenna shall act to exclude any other owner from using the same tower, telecommunications facility, or antenna and shall cooperate in good faith to achieve collocation of telecommunication equipment.

Sec. 109-31. Existing facilities.

(a) *Maintenance.* The towers, antenna support structures, telecommunications facilities, and antennas shall be, at all times, kept and maintained in good condition, order and repair so that the same does not constitute a danger to the life or property of any person or the public.

(b) *Maintenance, repair, or modification of existing towers.* All towers, telecommunications facilities, or antennas constructed or are under construction on the date of adoption of this article may continue in existence as a non-conforming structure and maybe maintained or repaired without complying with the requirements of this section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this article, including applying for and obtaining a Conditional Use Permit. Any modification or reconstruction of a tower constructed or under construction on the date of the adoption of this article shall require compliance with the requirements of this article including applying for and obtaining a Conditional Use Permit. The application shall describe and specify all items which do not comply with this article and may request, subject to the approval by the City Council, an exemption from compliance as a condition of the Conditional Use Permit.

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(c) *Abandonment.* If any tower, telecommunications facilities, or antenna shall cease to be used for a period of one year, the Community Development Department shall notify the owner that the site will be subject to a determination by the City Manager or his or her designee that the site has been abandoned. Upon issuance of a notice to show cause by the City Manager, the owner shall have thirty days to show by a preponderance of the evidence that the tower, telecommunications facilities, or antenna has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower, telecommunications facilities, or antenna has been in use or under repair during the relevant period, the City Manager or his or her designee shall issue a final determination of abandonment of the site and the owner shall have 75 days thereafter to dismantle and move the tower, telecommunications facilities, or antenna. In the event the tower, telecommunications facilities, or antenna is not dismantled and moved, it may be declared a public nuisance by the City Manager or his or her designee, a written request shall be directed to the City Attorney to proceed to abate the public nuisance pursuant to the Municipal Code, and charges the costs thereof may be assessed against the real estate on which the tower is located or a civil action against the owner of record of real estate for the cost may be instituted by the City.

Sec. 109-32. Liability.

The owner of any tower, telecommunications facilities, or antenna within the City jurisdiction shall assume liability for personal injury or property damage to their own person or property or to the person or property of another caused by such tower, telecommunications facilities, or antenna or the malfunction of the same.

Secs. 109-3633—109-58. Reserved.

Sec. 115-96. District A, exclusive agriculture.

- (a) *Scope and intent.* This section applies to district A. The intent of this district is to recognize the transition between agricultural uses of the land and communities; to encourage the continued use of that land which is suitable for agriculture, but limit any land uses that may be a detriment to normal community expansion.
- (b) *Permitted uses.*
- (1) Farm/ranch.
 - (2) Tree nurseries and nonretail greenhouses associated with a farm operation.
 - (3) Solar collectors as part of the farm/ranch operation or homestead.
 - (4) One-family dwelling, including a mobile home, as a primary or secondary residence if inhabited by a person or persons directly engaged in the agricultural production of the property.
 - (5) Grazing of livestock as part of a farm/ranch operation.
- (c) *Conditional uses.*

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- (1) Auto salvage and junk yards, providing that no burning of waste material shall be permitted, and the entire storage or salvage yard shall be screened with a solid fence or wall not less than eight feet in height.
- (2) Cemeteries, mausoleums, or crematories for the disposal of the human dead.
- (3) Golf driving ranges, commercial or illuminated.
- (4) Gun clubs, skeet shoots or target ranges.
- (5) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided however, that no conditional permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the council after report from the planning commission.
- (6) ~~Radio, television and microwave towers~~ Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (7) Reservoirs, wells, towers, filter beds, or water supply plants.
- (8) Riding stables and tracks.
- (9) Sewage, refuse, garbage disposal plants or sanitary landfills.
- (10) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of city planning commission, deems reasonably necessary for public convenience or welfare.
- (11) Wind-driven electric generators with prior approval of the city electrical engineer.
- (12) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (acres)	Minimum Lot Width	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Farm/ranch	<u>10</u>	N/A	1*	50	N/A	<u>10</u>	50	N/A	N/A
Dwelling	<u>10</u>	N/A	1*	50	N/A	<u>10</u>	50	N/A	N/A

*See permitted use description.

(2) *Permitted accessory uses.*

- a. Buildings and uses customarily incidental to the permitted and conditional uses listed in this section.

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- b. Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the work.
 - c. Home occupations in conformance with section 115-171
 - d. Signs as permitted in chapter 111
 - e. Fences as permitted in section 115-172
 - f. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
 - g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
 - k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.
- (e) *Feeding restrictions.* Feedlots and confinement facilities as defined in this chapter are prohibited within the two mile zoning boundary.

Sec. 115-97. RR, Rural Residential District.

- (a) *Scope and intent.* This section applies to district RR. The RR, Rural Residential District is intended to provide a transition from agriculture and ranching to low density residential development. This district is intended to accommodate larger residential estates with accompanying agricultural uses that do not conflict with residential uses.
- (b) *Permitted uses.*
 - (1) Animals, except the number of animals shall not exceed a density of more than 1.0 animal units per acre.
 - (2) Dwellings, one-family.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks.
 - (4) Railroad rights-of-way not including railroad yards.
 - (5) Stable, private.
- (c) *Conditional uses.*

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- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- (2) ~~Radio, television and microwave towers~~ Towers, telecommunications facilities, and antennas as permitted in chapter 109.
- (3) Reservoirs, wells, towers, filter beds, or water supply plants.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Confinement of animal units where the density of units exceeds the allowable standard described in this section or where any other animal unit condition not described in section 115-96 is proposed.
- (6) Wind-driven electric generators with prior approval of the city electrical engineer.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size	Minimum Lot Width	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	2½ acres	150 feet	1	50	50	15	50	30	6
Accessory building	—	—	—	50	5	5	5	30	—

Minimum dwelling size: 800 square feet.

(2) *Permitted accessory uses.*

- a. Sheds.
- b. Garages.
- c. Barns.
- d. Silos.
- e. Home occupations in conformance with section 115-171
- f. Signs as permitted in chapter 111

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- g. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- h. Fences as permitted in section 115-172
- i. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- j. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- k. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- l. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- m. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-98. R-1, Single-Family Residential District.

- (a) *Scope and intent.* This section applies to district R-1. The R-1, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zone is intended to accommodate older neighborhoods in the community which were developed with smaller lot sizes.
- (b) *Permitted uses.*
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;

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- c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
- e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.

(c) *Conditional uses.*

- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
- (3) Preschool nurseries and day care centers.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Funeral homes.
- (6) Bed and breakfasts.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Two-family dwelling.
- (9) Abandoned church or school property as permitted in section 115-174

(d) *Performance standards.*(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	60	1	<u>25</u>	<u>25</u>	5	15	30*	6
Accessory building	—	—	—	<u>25</u>	5	5	<u>20</u>		6

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*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet.

- a. Minimum dwelling size: 800 square feet.
- b. Lot coverage: 40 percent of total lot area.

(2) *Permitted accessory uses.*

- a. Home occupations as defined in section 115-2 and provided in section 115-171
- b. One detached garage or other accessory off-street parking structures located in the rear or side yards. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.
- c. Signs as permitted in chapter 111
- d. Fences as permitted in section 115-172
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

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Sec. 115-99. R-1A, Single-Family Residential District.

- (a) *Scope and intent.* This section applies to district R-1A. The R-1A, Single-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings but which may have recreational, religious, and educational facilities to create a balanced neighborhood. This zoning district is intended to accommodate new and more recent subdivisions of the community that were created with larger lot sizes.
- (b) *Permitted uses.*
- (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
 - e. The home shall have wheels, axles, transport lights, and towing apparatus removed.
- (c) *Conditional uses.*
- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
 - (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
 - (3) Preschool nurseries and day care centers.
 - (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (5) Bed and breakfasts.
 - (6) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

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(7) Two-family dwelling.

(8) Abandoned church or school property as permitted in section 115-174

(d) *Performance standards.*

(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	7,000	70	1	<u>25</u>	<u>25</u>	5	15	30	6
Accessory building	—	—	—	<u>25</u>	5	5	<u>20</u>	30	6

a. Lot coverage: 40 percent of total lot area.

b. Minimum dwelling size: 1,000 square feet.

(2) *Permitted accessory uses.*

a. Some occupations as defined in section 115-2 and provided in section 115-171

b. One detached garage or other accessory off-street parking structures located in the rear or side yards. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.

c. Signs as permitted in chapter 111

d. Fences as permitted in section 115-172

e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173

f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

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- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-100. District R-2, two-family residential.

- (a) *Scope and intent.* This section applies to district R-2s. The R-2, Two-Family Residential District is intended to provide a zone consisting primarily of single-family dwellings, single-family attached dwellings (duplexes) and two family homes, but which may have recreational, religious, and educational facilities to create a balanced neighborhood.
- (b) *Permitted uses.*
 - (1) Dwellings, one-family.
 - (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
 - (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
 - (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
 - (5) Railroad rights-of-way, not including railroad yards.
 - (6) Dwellings, two-family.
 - (7) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;

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- d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
- e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.

(c) *Conditional uses.*

- (1) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.
- (2) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
- (3) Preschool nurseries and day care centers.
- (4) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (5) Funeral homes.
- (6) Bed and breakfasts.
- (7) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (8) Abandoned church or school property as permitted in section 115-174

(d) *Performance standards.*(1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	60	1	<u>25</u>	<u>25</u>	5	15	30*	6
Duplex	3,500	60	2	<u>25</u>	<u>25</u>	5	15	30*	6
Accessory building	—	—	—	<u>25</u>	5	5	<u>20</u>	30*	6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 25 feet, but in no case higher than three stories.

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- a. Minimum dwelling size: 750 square feet per unit if a two-family unit is constructed or 800 square feet if only a single-family unit is constructed.
- b. Lot coverage: 40 percent of total lot area.

(2) *Permitted accessory uses.*

- a. Home occupations as defined in section 115-2 and provided in section 115-171
- b. One detached garage or other accessory off-street parking structures located in the rear or side yards. Garages and other accessory off-street parking structures located in R1 through R5 districts shall not be of greater height than the principal residence, and shall be constructed of materials and colors that match the primary residence. The garage or accessory off-street parking structure and the principal residence must have the same roof pitch, matching shingles and matching siding. If either the siding or shingles of the primary residence are no longer available, then the garage shall be constructed of materials that are similar to the primary residence.
- c. Signs as permitted in chapter 111
- d. Fences as permitted in section 115-172
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use.
- f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-101. R-3, Multifamily Residential District.

- (a) *Scope and intent.* This section applies to district R-3. The R-3, Multifamily Residential District is intended to provide a zone consisting primarily of carefully designed medium

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and/or high density housing types, but which may have recreational, religious, and educational facilities to create a balanced neighborhood. Housing complexes constructed in the zone should create a transition from low density to higher intensity land uses and should encourage affordable housing, especially for young families, moderate to low income families and the elderly.

(b) *Permitted uses.*

- (1) Dwellings, one-family.
- (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
- (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
- (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
- (5) Railroad rights-of-way, not including railroad yards.
- (6) Dwellings, two-family.
- (7) Apartment houses, or other multiple dwellings.
- (8) Fraternity or sorority houses and dormitories.
- (9) Nursing, convalescent or senior citizens homes.
- (10) Manufactured homes subject to the following standards:
 - a. The home shall have no less than an 18-foot exterior width;
 - b. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run;
 - c. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 - d. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 - e. The home shall have wheels, axles, transport lights, and removal towing apparatus removed.

(c) *Conditional uses.*

- (1) Preschool nursery and day care centers.
- (2) Boardinghouses and lodginghouses.
- (3) Group home.
- (4) Hospitals and sanitariums.
- (5) Golf courses and clubhouses and uses customarily accessory thereto, except miniature golf, driving ranges and other similar activities operated as a business.

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- (6) Group homes: provided that facility is not within 1,200 feet of another group home or a home of any size which serves other populations, including but not limited to correctional homes which serve people recuperating from the effects of drugs or alcohol, mental illness, or physical disability.
- (7) Preschool nurseries and day care centers.
- (8) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (9) Funeral homes.
- (10) Bed and breakfasts.
- (11) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.
- (12) Abandoned church or school property as permitted in section 115-174
- (d) *Performance standards.*
- (1) *Area and bulk regulations.*

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Minimum Number of Dwelling Units	Setbacks (feet)				Maximum Height (feet)	Maximum Building Separation (feet)
				Front	Rear	Side	Side Street		
Dwelling (single-family)	6,600	60	1	<u>25</u>	<u>25</u>	5	15	30*	6
Duplex	3,500	60	2	<u>25</u>	<u>25</u>	5	15	30*	6
Dwelling (multi-family)	2,000	60	n/a	<u>25</u>	<u>25</u>	5	15	35*	6
Accessory building	—	—	—	<u>25</u>	5	5	<u>20</u>	—	6

*Or a 3.5 feet addition to required northern or eastern side yard requirements for each vertical foot above 35 feet.

- a. Minimum dwelling size: 570 square feet per unit if the unit is larger than a two-family dwelling; 750 square feet per unit if a two-family unit is constructed, and 800 square feet for each single-family unit is constructed.
- b. Lot coverage: 40 percent of total lot area.

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(2) *Permitted accessory uses.*

- a. Home occupations as defined in section 115-2 and provided in section 115-171
- b. Recreation areas including tenant use swimming pool, and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use and other similar uses.
- c. Signs as permitted in chapter 111
- d. Fences as permitted in section 115-172
- e. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
- f. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction.
- g. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- h. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- i. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- j. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed square feet in size, or unenclosed areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.
- k. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- l. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

Sec. 115-102. R-4, Residential Mobile Home Park District.

- (a) *Scope and intent.* This section applies to district R-4. The R-4, Residential Mobile Home Park District is intended to provide for the location of mobile homes on rented lots that may, or may not, conform to lot size requirements of more traditional single-family residential subdivisions and which may accommodate mobile, or modular, homes in a less restrictive manner than the traditional single-family residential subdivision.
- (b) *Permitted uses.*

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- (1) Dwellings, one-family.
- (2) Publicly owned and operated community buildings, public museums, public libraries and churches.
- (3) Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
- (4) Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on campus.
- (5) Railroad rights-of-way, not including railroad yards.
- (6) Mobile homes on rented lots.
- (7) Other permanent facilities in conjunction with owning and operating a park.
- (8) Mobile homes located on individually owned lots shall be permitted within residential mobile home parks subject to the following provisions:
 - a. Mobile homes so located after October 8, 1987, shall comply with all regulations set forth in section 115-103, and, any addition or enlargement of an existing residential mobile home park after the effective date of the ordinance from which this section is derived shall comply in total with the regulations governing district R-5, single-family residential mobile home.
 - b. Mobile homes located on individually owned lots shall be served by independent connection to municipal water and sanitary sewer lines.
 - c. The sale of an unplatted lot or space within a mobile home park shall be approved by the planning commission and city council in compliance with statutory requirements for the subdivision of land.
 - d. Mobile homes or modular homes placed on individually owned lots shall meet the following or basement requirements: Foundation or basement requirement. All modular homes, manufactured housing units, sectionalized unit homes, site constructed homes, mobile homes, and any other structure used as a residence located in this zone, shall be placed upon basements or permanent perimeter foundations complying with the city's building code. The city building inspector may grant a delay of foundation construction due to adverse winter weather conditions, in such case the foundation shall be completed within 30 days of resumption of permissible construction weather.
 - e. The minimum area of an existing tract in a mobile home park as of October 8, 1987, shall be 4,000 square feet in order to transfer ownership.

(c) *Conditional uses.*

- (1) Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (2) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property, only if approval is granted by the water superintendent.

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(3) Abandoned church or school property as permitted in section 115-174(d) *Performance standards.*

(1) Area and bulk regulations.

Use	Minimum Lot Size (sq. ft./DU)	Maximum Number of Dwelling Units	Front Setbacks* (feet)	Maximum Mobile Home Separation**	Height (stories)	
Dwelling (single family)						
Rented lot	—	1/lot	25		1	
Owned lot	4,000	1/lot	25		1	
Use	Minimum Lot Size (sq. ft./DU)	Minimum Number of Dwelling Units	Front Setbacks* (feet)	Maximum Height (feet)	Maximum Mobile Home Separation**	Height (stories)
Dwelling (single family)						
Rented lot	—	1/lot	25	30*		1
Owned lot	4,000	1/lot	25	30*		1

*The following exceptions regarding setbacks apply to the R-4 zone: The set back on lots along the north side of 8th Street between Flack and Pine Avenues, and the south side of 9th Street between Flack and Pine Avenues, and the east side of Flack Avenue between 2nd and 3rd Streets and the north side of 2nd Street between Flack Avenue and Avenue A, and lots abutting a dedicated public street of 60 feet or more, may be measured from the curblines, or curblines extended, of such street or avenue instead of from the property line to effect setback compliance, but in no event shall any mobile home be located so as to encroach on a platted city street. Although a number of mobile homes in the areas aforementioned will not now, as of this date have the prescribed 25 feet front set back even after counting the width of the parking established between curblines, curblines extended, and the property line, as those lots are sold, the full 25 feet setback from the street or avenue curblines shall be required between the curblines or curblines extended and the mobile home.

**Mobile home separations:

End to end: six feet

End to side: eight feet

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Side to side: ten feet

- a. Minimum dwelling size.
 1. One bedroom: 570 square feet.
 2. Two bedroom: 700 square feet.
 3. Three bedroom: 850 square feet.
 4. Four bedroom: 1,020 square feet.
 - b. Lot coverage: 30 percent of total lot area.
 - c. Skirting: The entire undercarriage and wheel assembly shall be screened from the view by means of a nonflammable skirting material of metal or concrete construction that shall extend from the mobile home pad to the floor level.
 - d. Single-wide and double-wide mobile homes, located in district R-4, on rented lots, may be placed upon basements or permanent foundations or, as a minimum, shall meet tie-downs, anchorage, pier and footing requirements of the Department of Defense Publication TR-75, which is hereby adopted by reference as if printed in the chapter.
- (2) *Permitted accessory uses.*
- a. Home occupations as defined in section 115-2 and provided in section 115-171
 - b. Signs as permitted in chapter 111
 - c. Fences as permitted in section 115-172
 - d. Off-street parking and loading serving a principal use. All off-street parking shall be located on the same lot as the principal use. See section 115-173
 - e. Garages and other accessory off-street parking structures located in all residential districts shall not be of greater square footage or height than the principal residence and shall be constructed of similar materials and colors and be in character and scale with existing neighborhood construction. The total area of all garages and other accessory off-street parking structures, whether integral with the home, attached, or detached from the home, in residential areas shall not exceed 2,000 square feet per lot. Only one detached garage per dwelling lot is permitted.
 - f. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - g. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - h. Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - i. Storage and service areas and buildings serving a principal use on the same lot, provided that storage buildings do not exceed 150 square feet in size, or unenclosed

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areas which are accessory to a principal nonresidential use not exceeding 200 square feet in area.

- j. A single trailer, camper, motor home or a boat, incidental to and on the same lot as principal residential uses, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 115-170(e).
- k. Television, radio receiving and transmitting equipment, and satellite dishes as permitted by chapter 109, subject to the setback provisions in section 115-170(e) and not exceeding 60 feet in height.

(e) *Design criteria.*

- (1) *Height and area regulations.* Mobile home parks may be developed only in the R-4 zone districts where this use is permitted in accordance with the following requirements:
 - a. *Park area.* The park has a minimum site area of 217,800 square feet or five acres with a minimum of ten developed mobile home lots.
 - b. *Complies to state and municipal regulations.* The park complies with all state and municipal licensing procedures, health, zoning, plumbing, electrical, building, fire prevention and all other applicable zoning ordinances and regulations of the city.
- (2) *Distance between structures.* Any portion of a mobile, or manufactured home, excluding the tongue, shall not be located closer than ten feet side to side, eight feet end to side, or six feet end to end horizontally from any other mobile or manufactured home or community building. No mobile home shall be located closer than 25 feet to any exterior property line.
- (3) *Design requirements.*
 - a. The request for this use shall specify the location and legal description of such proposed mobile home park and a plan of the park to include property dimensions, interior roads, proposed mobile home sites, sanitary utility lines and other improvements.
 - b. The park is properly landscaped, in the opinion of the planning commission, so as not to constitute a nuisance to other residence.
 - c. Mobile homes in such parks shall be limited to use for residential purposes, except for the mobile home park office.
 - d. Entrances to a mobile home park shall have direct connections to an improved public street and shall be designed to allow free movement of traffic on any adjacent public street.
 - e. The design of private drives serving mobile home parks shall conform to all minimum street paving and width standards and shall have proper curb and gutter design.
 - f. Utilities shall adhere to municipal utility spacing standards.