CHAPTER 17.68 SUPPLEMENTARY REGULATIONS

17.68.1 Accessory Buildings, Structures, and Land Uses. Accessory buildings, structures, and land uses shall conform to the following standards:

A. No accessory building or structure shall be constructed or erected upon a lot until the construction of the principal building has commenced or an active principal land use exists on the lot. No accessory building or structure may be used unless an active principal land use exists on thelot.

B. No accessory building or structure may be placed within any easement granted by the City or any utility or drainage easement, except for equipment pertaining to said easement. Any accessory building or structurally located within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at its owner's expense.

C. Accessory buildings and structures may be not used as dwellings.

D. AG District: All accessory buildings and structures shall be approved by conditional use permit. They are not required to be subordinate to the principal building regarding size andheight.

E. R-1, R-2, R-3, R-4, R-5, CB-1, CB-2, HC, and GB Districts: Accessory buildings shall be subordinate to the principal building regarding both size and height, but in no event shall an accessory building exceed one thousand two hundred fifty (1,250) square feet of floor area and/or have sidewalls greater than ten (10) feet in height.

Exception: Lots with an area of one (1) acre or greater may have one (1) accessory building up to two thousand (2,000) square feet with sidewalls no greater than ten (10) feet in height.

F. I District: Accessory buildings are not required to be subordinate to the principal building regarding size andheight.

G. Accessory buildings, structures, and land uses shall not be erected or maintained on lots designed as Undeveloped Land unless a conditional use permit is obtained in conformance with Chapter 17.96.

H. Home occupations, while an accessory use, shall conform to the requirements of Chapter 17.68.03.

I. Fences, while an accessory structure, shall conform to the requirements of Chapter 17.68.02.

J. Vacation Rental By Owner (VRBO) properties which constitute an accessory use shall conform to the requirements of Chapter 17.68.13.

K. The roofing and siding materials of accessory buildings larger than one hundred-fifty (150) square feet shall be similar to the principal structure.

L. No accessory building or structure shall be located within ten (10) feet of a principal building orstructure.

M. Any accessory building which is entered directly from an alley shall not be closer than twenty (20) feet to the lot line abutting the alley.

N. No accessory building shall be erected or located within any front yard in the R-1, R-2, R-3, R-4, and R-5 Districts.

1. Exception: An accessory building may be erected or located within the second front yard on a double frontage or corner lot, so long as it is not within the setback. It may be placed within the setback if approved by a conditional usepermit.

NOTE: In the R-2 and R-4 Districts, the front lot line shall be the lot line bounding the "ordinary high-water line" for littoral lots and the lot line on the lakeside of the lot for non-littoral lots. See Chapters 17.20.10 and 17.28.10.

O. Accessory buildings shall be five (5) feet or more from all lotlines.

17.68.2 Fences. Fences shall conform to the following standards:

A. Barbed wired fences may be erected or maintained in the AG, HC, GB,

and I Districts; however, any such fence constructed in the HC, GB, and I Districts may only be topped with barbed wire beginning at a height of at least six (6) feet above grade.

B. Exposed electrical and other abnormally dangerous fences are prohibited within all zoning districts.

C. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.

D. R-1, R-2, R-3, R-4, and R-5 Districts: Fences up to six (6) feet in height may be erected or maintained on any part of a lot other than in the front yard setback. Fences erected or maintained in the front yard setback may not exceed four (4) feet in height.

NOTE: In the R-2 and R-4 Districts, the front lot line shall be the lot line bounding the "ordinary high-water line" for littoral lots and the lot line on the lakeside of the lot for non-littoral lots. See Chapters 17.20.10 and 17.28.10.

E. AG, CB-1, CB-2, HC, GB, and I Districts: Fences up to eight (8) feet in height may be erected or maintained on any part of the lot other than in the front yard setback. Fences erected or maintained in the front yard setback may not exceed four (4) feet in height.

F. No fence shall be erected which violates Chapter 17.68.14 – Visibility at Intersections and Driveways.

G. To preserve the neighborhood character of the R-1, R-2, R-3, R-4, and R-5 Districts, fences constructed or maintained within the front yard shall be of a traditional open-faced design including, but not limited to, white picket, chain link, and split rail.

NOTE: In the R-2 and R-4 Districts, the front lot line shall be the lot line bounding the "ordinary high-water line" for littoral lots and the lot line on the lakeside of the lot for non-littoral lots. See Chapters 17.20.10 and 17.28.10.

H. Chain link fences for tennis courts, basketball courts, baseball fields, or similar outdoor recreational uses may be erected or maintained to a maximum height of twelve (12) feet provided that the area to be enclosed is not located with either the front, side, or rear yardsetbacks.

I. Fences that abut alleys shall be set back five (5) feet from the street/boulevard right-of-way.

J. The side of the fence considered the face (facing as applied to fence post) should face abutting property.

K. In the event a fence is to be constructed on a lot line, abutting property owners shall be notified prior to the issuance of a building permit. It is recommended, but not required, that the property owners sign a fence maintenance agreement and file it with the City and Union County Register of Deeds.

L. The installation of a fence shall be in a manner as to which access to the City for the purposes of reading or maintaining utility meters is provided.

M. Any fence placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's agent at its owner's expense. No fence shall be allowed in a drainage easement unless said fence is either ninety (90) percent open or at least two (2) inches above grade. However, in all cases, no fence shall be allowed in a drainage easement if the cumulative width of the easement is greater than twenty (20) feet wide.

N. Walls, hedges, or similar plantings and structures which create a fence effect are subject to the same regulations as fences.

17.68.3 Home Occupations. Home occupations shall conform to the following standards:

A. Minor home occupations. All home occupations shall meet the following criteria and standards:

1. The occupation shall be conducted entirely within the dwelling and/or its accessory structures. It must be clearly secondary to its use to the lot's use as a residence.

   Exception: Family day care occupations may extend into a connected fenced area on the same lot for outdoor recreational activities by the children.

2. The occupation shall be primarily owned and operated by at least one
   member of the family residing in the dwelling.

3. Employees of the occupation shall be limited to residents of the dwelling and one (1) non-resident employee, not to exceed three (3) employees working on site at any given time. The primary owner-operator(s) of the home occupation does not count as an employee for purposes of this calculation.

4. The operation of the home occupation shall not cause or encourage excess vehicular or pedestrian traffic not ordinarily associated with the residential area in which the home occupation is conducted.

5. Merchandise offered for sale shall be clearly incidental to the home occupation provided however, that, orders may be taken for later delivery off the premises.

6. On-premises advertising shall be limited to one (1) non-illuminated sign not exceeding two (2) square feet. The legend shall show only the name of the occupant and type of occupation and shall be neutral in color.

7. Such occupations shall not require substantial internal or external alterations or involve construction features not customary in a dwelling. No home occupation shall require external alteration of the residence or other visible evidence of the conduct of such home occupation.

8. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be stored on site. This does not preclude any substances commonly available to consumers including, but not limited to, varnishes, paints, cleaning products, etc.

9. No activity shall be conducted which would interfere with radio or television transmission in the area, nor shall there be any offensive noise, smoke, dust, or heat noticeable beyond the premises.

10. Home occupations shall be restricted to the hours of 6:00 a.m. to 9:00 p.m.

B. Major home occupations. Any proposed home occupation which does not meet the criteria as established in Chapter 17.68.03(A) is deemed a major home occupation and shall require a conditional use permit in conformance with Chapter 17.96.

17.68.4 Landscaping Standards. To assist in these objectives, the following minimum standards for landscaping are prescribed:

A. Except as provided herein, at least ninety (90) percent of each lot's front yard setback shall be landscaped and maintained with living ground cover except for the portion necessary for hard surfaced driveways and parking lots as permitted by this Ordinance. For purposes of this Chapter, hard surfacing includes concrete, gravel, stone, and similar semi-pervious and impervious materials.

Exception: In the R-2 and R-4 Districts, the front lot line shall be the lot line bounding the "ordinary high-water line" for littoral lots; therefore, the rear yard is typically on the opposite/street side of the lot from the front yard. As such, the above requirement shall apply to the rear yard on littoral lots in the R-2 and R-4 Districts. See Chapters 17.20.10 and 17.28.10.

B. The unpaved portion of a dedicated public right-of-way abutting any lot shall be landscaped with sod, seed, or other living ground cover.

C. Screening: A fence, wall, or shrubbery six (6) feet in height and of a character necessary for adequate screening shall be installed or planted when a parking lot is adjacent to or abuts residentially zoned or used property or across the right-of-way from residentially zoned or used property (unless the right-of-way is an arterial street). Berms or other landscaping techniques may be used for all or part of the six (6) foot screening if they have a maximum grade of three (3) feet horizontal to one (1) foot vertical and sodded or planted with other acceptable living ground cover. For purposes of this section, the term "residentially zoned or used property" does not include a lot whose principal use is designated as mixed-use commercial/residential.

D. Parking Lot Buffer Areas: A setback of at least five (5) feet shall be provided between a parking lot and residentially zoned or used properties.

Exception: If proper screening is provided, the setback may be two (2) feet.

17.68.5 Exterior Lighting Standards. All exterior lighting shall be designed and installed to maintain adequate, safe illumination levels in public areas and on private lands, utilizing durable light fixtures and minimal mounting heights in order to minimize objectionable off-site glare.

17.68.6 Manufactured Home Requirements. Manufactured homes shall conform to the following standards:

A. Manufactured homes shall conform to current manufactured home construction and safety standards, HUD Safety I Standards Act of 1974, effective 1979, also known as the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401-5462, as amended, and related regulations.

B. Every manufactured home shall contain thefollowing:

1. A kitchen sink in sound working condition and properly connected to both hot and cold water lines in an approved manner. The finish shall be free of scratched and chipped enamel and rusted fixtures and drains so they can be maintained in a clean and sanitary condition.

2. A room affording privacy to its occupant which is equipped with a flush water closet; a handwashing lavatory, basin, or sink; and a bathtub or shower; all of which are in good working condition and properly connected to both hot and cold water lines in an approved manner. The finish shall be free of scratched and chipped enamel

and rusted fixtures and drains so they can be maintained in a clean and sanitary condition.

3. Every habitable room shall contain one (1) electrical convenience outlet for each twenty (20) lineal feet, or major fraction thereof, measured horizontally around the room at the base floor line, except that in each habitable room one (1) supplied electric light fixture shall be accepted in lieu of one (1) of the required electrical convenience outlets, provided that each habitable room contains at least one (1) electrical convenience outlet. A minimum of sixty (60) amp service is required and no excessive splicing is allowed. Every outlet and fixture shall be installed in an approved manner and maintained in good and safe working condition.

4. Every water closet compartment, bathroom, laundry room, kitchen, and furnace room shall contain at least one (1) ceiling or wall-type electrical light and fixture. Every outlet and fixture shall be installed in an approved manner and maintained in good and safe working condition.

5. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room will be eight percent (8%) of the floor area in such room. One (1) egress window shall be in each bedroom with sill height not to exceed thirty-six (36) inches.

6. Every habitable room shall have at least one (1) window or skylight that can be easily opened, or such other device which will adequately ventilate the room. The total openable window area in each habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size of minimum skylight-type window size, as required in subsection (5) above, except where there is supplied some other device affording adequate ventilation and approved by the city building inspector.

7. Every bathroom and water closet compartment will have at least one (1) window or skylight facing directly to the outside in order to provide adequate ventilation, or a mechanical-type ventilation system provided it produces one (1) complete air change every five (5) minutes.

8. Water heating facilities which are installed in an approved manner, with cold water shutoff; gas cock shutoff union; and drip leg and three- quarter (3/4) inch pop-off safety valve; all of which are maintained and operated in safe and good working condition. All hot water lines shall be capable of heating water to such a

temperature as to allow an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit. Water heaters shall not be located in kitchens, bathrooms, or near openflame.

9. Heating facilities that are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of three (3) feet above floor level when the temperature outside is a minus twenty (-20) degrees Fahrenheit. Such heating equipment shall be operated as reasonably necessary to maintain a temperature in all habitable rooms at sixty-eight (68) degrees Fahrenheit. All heating facilities shall be installed in an approved manner, including chimney, fire vents with proper clearances, and maintained in safe and good working condition.

10. A street address or space number in conformance with the numbering system approved by the Planning Commission as part of the manufactured home park's conditional use permit. The numbers shall be displayed or affixed to the home in a conspicuous location and be no smaller than three (3) inches in height.

C. Each manufactured home shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area will be counted in determining the maximum permissible occupancy up to ten (10) percent of the total habitable area.

D. Every habitable room will have a ceiling height of at least seven (7) feet and six and a half (6.5) foot ceiling heights for halls and foyers.

E. Manufactured homes having a width of less than fourteen (14) feet are prohibited.

F. Every manufactured home of two (2) or more rooms will contain one (1) room with a minimum of one hundred fifty (150) square feet, every room occupied for sleeping purposes by one (1) occupant will contain at least fifty (50) square feet of floor space and each sleeping room with two occupants will contain at least ninety (90) square feet of floor space, and for each additional person occupying the room for sleeping purposes the room will contain at least fifty (50) additional square feet of floor space.

G. No manufactured home containing two (2) or more sleeping rooms will have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor will

room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

H. Each manufactured home shall be properly secured to the ground with either a permanent foundation extending no less than four (4) feet below grade or with tie downs installed as recommended by the manufacturer. Any tie downs shall be installed prior to occupancy. In no event shall they be more than twelve (12) feet apart along the perimeter of the structure or extend down less than four (4) feet below grade.

I. Each manufactured home shall be skirted with material approved by the Authorized Official. Skirting shall be installed prior to occupancy and in a manner recommended by the manufacturer. Skirting shall be of a material which is compatible with the appearance and condition of neighboring dwelling units. Appropriate materials shall include commercially manufactured colored steel, fiberglass, plastic, brick, or other similar materials.

J. Every skirting, exterior wall, and roof shall be substantially weather tight and rodent proof, and will be kept in sound condition and good repair.

K. Every floor, interior wall, and ceiling shall be kept in sound condition and good repair.

L. Every window and exterior door shall be reasonably weather tight, water tight, and rodent proof and will be kept in sound working condition and goodrepair.

M. Every outside stairway shall be maintained in safe and sound condition and good repair.

N. Every plumbing fixture and water and waste pipe will be installed in an approved manner and maintained in good, sanitary working condition, free from leaks and obstructions.

O. Every water closet compartment, floor surface, bathroom floor surface, kitchen floor surface and countertop will be constructed and maintained so as to be reasonably impervious to water, and so as to allow such floor and countertop to be easily kept in a clean and sanitary condition. Only kitchen or bath carpeting that is specifically manufactured for such use shall be allowed.

P. Every supplied facility, piece of equipment, or utility shall be so constructed and installed so that it will function safely and effectively, and will be maintained in satisfactory working condition.

Q. Exists shall have twenty-eight (28) inches by seventy-four (74) inches of

clear opening for exterior exit doors. Dead bolts shall be on exterior doors and shall be capable of being opened without a key from the interior of the building. Outswinging doors shall have a safety doorcheck.

R. Bath and toilet rooms shall have privacy locks. Room dimension minimum shall be five (5) feet. Toilet compartment shall be thirty (30) inches wide with twenty-four (24) inches in front of thetoilet.

S. Two (2) exterior doors shall be accessible from rooms without locks: twenty (20) feet center to center for double wide, and twelve (12) feet center to center for single wide. An exit door cannot be over thirty-five (35) feet from a bedroom door.

T. Interior passage doors will be openable by single effort if doors are unlocked. If lockable, doors will be openable from the opposite side in case of emergency.

U. Hallways shall be a minimum of twenty-eight (28) inches wide.

V. Each manufactured home shall be connected to the municipal wastewater collection system and municipal water supplysystem.

Y. No manufactured home to be placed within the municipal boundaries of the City may exceed fifteen (15) years from its date ofmanufacture.

Z. No owner or occupant will cause any service, facility equipment, or utility that is required under the manufactured home park's conditional use permit to be removed from, shut off, or discontinued in any occupied manufactured home, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies.

17.68.7 Manufactured Home Park Requirements.

A. Park License Required.

1. It shall be unlawful to operate a manufactured home park within the City unless a valid annual license has been issued. A licensed issued pursuant to a duly authorized conditional use permit will expire on June 30th of each year. Application for a license and license renewal will be made in writing to the Finance Officer on a form furnished by the City and accompanied by a copy of park rules and regulations, and any and all fees payable to the City. The amount of the annual fee for a manufactured home park license shall be set by resolution of the City Council. No application shall be considered, nor license issued until the application is determined to contain complete information and all fees due to the City have been paid in full.

The annual license requirement is in addition to any required conditional use permits.

2. The deadline for filing the license application will be thirty (30) days prior to the expiration of such license. An application for the new license shall be filed thirty (30) days prior to the effective date of the license. An application filed after the expiration date of the license shall be charged, in addition to the license fee, a reinstatement fee equal to fifty (50) percent of the annual license fee.

B. Park License Revocation or Refusal. A manufactured home park license may be revoked or renewal refused for failure to comply with any of the requirements of this Ordinance or any other condition approved pursuant to the issuance of the conditional use permit. By revoking or declining to renew the permit, the City shall grant the licensee a reasonable time to return to compliance. Failure to do so may result in the review of the conditional use permit pursuant to Chapter 17.96.08.

Nothing in this provision shall be interpreted as precluding the Board of Adjustment from immediately reviewing the conditional use permit pursuant to Chapter 17.96.08 or as having suspended enforcement of this Ordinance if the licensee continues to operate the manufactured home park while the license is revoked or otherwise invalid.

C. Transfer of License. The licensee shall give notice in writing to the Authorized Official within thirty (30) days after having sold, transferred, given away, or otherwise disposed of any interest in or control of the manufactured home park. This notice will include the name, address, and phone number of the new owners.

D. Conditional Use Permit Application Requirements. In addition to the requirements of Chapter 17.96.02 for all conditional use permit applications, the following information is required:

1. A site plan of the manufactured home park drawn to scale which shows each mobile home space and the dimensions thereof; the water, electrical, and sewer lines serving each manufactured home space; and the location of garbage cans, water hydrants, fire hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting andlandscaping.

2. A space and street name and numbering system for the manufactured home park. This may be included as part of the site plan required in subsection 1 above or as part of a separate document.

3. A scaled drawing of the park's name sign which shall clearly indicate its proposed size, height, and specific location at each of its main entrances. See Chapter 17.68.08(E)(3).

E. Minimum Standards. Unless changed, removed, or otherwise altered by the terms and conditions of the conditional use permit issued pursuant to Chapter 17.96, all manufactured home parks shall meet the following requirements:

1. Each park shall be a minimum of two (2) acres and a maximum of fifteen (15) acres in size.

2. Each park shall maintain an office, denoted by proper signage, in which a person or persons in charge of its management and operations shall be located. Additionally, the office shall at all times have a copy of the park license, the park occupant register, a map showing the location of each space, and a copy of the space and street numbering system approved by the Board of Adjustment as part of the conditional use permit.

3. The park shall erect and maintain a sign displaying its name and office address at each of its main entrances. The size, height, and specific location of this sign shall be approved by the Board of Adjustment as part of the conditional use permit.

4. The minimum lot space for each manufactured home shall be four thousand five hundred (4,500) square feet and shall measure at least fifty (50) feet by ninety (90) feet.

5. Manufactured homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each manufactured home; and a five (5) foot open space between the manufactured home (including any permanent enclosed appendage) and any driveway, walkway, or space boundary. Additionally, manufactured homes shall be located at least twenty-five (25) feet from the front space boundary line(s) and at least ten (10) feet from all other space boundary lines, whether side or rear.

6. A manufactured home shall be located at least thirty (30) feet from any public right-of-way, whether located inside or outside of the manufactured home park.

7. Off-street parking availability shall be two (2) parking spaces per space.

8. Each manufactured home space shall be anchored to the ground as required by the City's adopted Building Code.

9. All dead-end streets shall terminate in an open space having a sixty (60) foot minimum diameter. No dead-end streets shall exceed five hundred(500) feet in length.

10. An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park capable of furnishing a minimum of one hundred twenty-five (125) gallons per day per manufactured home space. All water shall be supplied by the City. A back-flow preventer shall be installed at each new or replacement unit so as to provide an adequate supply of potable water to each individual manufactured home unit and furnished through a pipe distribution system connected directly with the city water system. A city water metering device provided by the city shall be installed at the lot line for each water line hooked onto the city water distribution system. In addition, a city water metering device provided by the city will be installed in a manner and method approved by the city prior to entering each individual manufactured home unit. The water service provided to each individual manufactured home unit shall be metered in the owner's or renter's name who shall be responsible for all water and sewer service charges and for complying with all other city ordinances regarding use of the city water supply and sewerservices.

    The park's owner(s) shall be responsible for the payment of water service charges calculated as the metered use difference between each lot line meter and the total metered use of all of the manufactured home units serviced by that line. Water meters for new manufactured home parks shall be installed before a manufactured home park license is issued.

11. All plumbing in the manufactured home park shall comply with the plumbing code as adopted by the City and all applicable state codes.

12. All waste from showers, toilets, laundries, faucets, and lavatories will be deposited into a sewer system extended from and connecting with the city sewersystem.

13. The storage, collection, and disposal of refuse in the park will be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution, or other related nuisances as prescribed in the City Code. All refuse shall be stored in fly tight, weather tight, rodent proof containers in sufficient number and capacity to prevent any refuse fromoverflowing.

14. Insect and rodent control measures to safeguard public health, as recommended by the Building Inspector, will be applied in the park. Skirting of manufactured homes will be done in such a manner as to prevent rodent harborage and as directed by the Building Inspector.

15. The park's electrical writing system shall be constructed and maintained in compliance with city and state electrical codes. Additionally, it is further required that:

    a. Service equipment will be weatherproofed in safe condition and adequate for the load served.

    b. Supply cords and receptacles approved for the purpose used shall be in safe condition and have over-current protection at not more than their rating. Supply cords will not be spliced except in an approved box under the manufactured home.

    c. Overhead conductors will have a clearance of three (3) feet from the manufactured home and any projections such as a television antenna.

16. All parks shall comply with all federal, state, and municipal fire protection laws and regulations.

F. Responsibilities of Park Licensee.

1. The licensee shall be responsible for verifying and certifying that all manufactured homes placed in the park meet or exceed minimum housing code standards established by the City.

2. The licensee shall be responsible for verifying that all manufactured homes placed in the park shall be provided with a HUD approved tie- down system.

3. The licensee shall be responsible for ensuring that all plumbing, heating, and electrical connections, alterations, and additions comply with the requirements of the conditional use permit; that all street signs and address numbers are installed; and that all relevant permits for all buildings and structures located on the lot, even those owned by residents, have been obtained.

4. The licensee shall be responsible for ensuring the proper placement of each manufactured home onto spaces within the manufactured home park. He or she shall also notify the City when manufactured homes are brought into or removed from the park.

5. The licensee shall be responsible for informing the park's residents of all applicable provisions of the conditional use permit and their responsibilities thereunder.

6. The licensee shall provide the City with the name, address, and phone number of the local park management (ifdifferent).

G. Manufactured Home Placement Permit.

1. It shall be unlawful for any manufactured home to be move into or relocated within the licensed manufactured home park unless the manufactured home meets the requirements of Chapter 17.68.06, is situated on a designated manufactured home space in compliance with an approved site plan, and a placement permit has been issued for the home as provided herein.

2. At least five (5) days prior to the move in or relocation date of the manufactured home within the manufactured home park, its owner(s) shall file an application for a placement permit with the Authorized Official. Once submitted, he or she shall schedule an inspection of the manufactured home and manufactured home space to verify compliance with all requirements of this Ordinance and any applicable portions of the manufactured home park's conditional use permit. The amount of the fee for a manufactured home placement permit shall be set by resolution of the City Council.

17.68.8 Sign Regulations.

A. Purpose and Intent. Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by conveying a message. The purpose of this Chapter is to prevent the uncontrolled use of signs through reasonable, consistent, and non-discriminatory sign standards. These regulations are not intended to censor speech or to regulate viewpoints, but instead are intended to address the secondary effects of signs, specifically those that impact aesthetics, traffic, and pedestrian safety. They are not intended to regulate objects that are not traditionally considered signs for purposes of governmental regulation.

The principal feature of this Chapter is the restriction on the total sign area permissible per lot. All signs shall be erected, altered, relocated, and/or maintained in conformance with the standards prescribed herein. The general objectives of these standards are to promote health, safety, and welfare, and to achieve the following:

1. Safety: To promote safety of persons and property by providing that signs:

a. Do not create a hazard due to collapse, fire, collision, decay, or abandonment; and

b. Do not create traffic hazards by confusing or distracting motorists; or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles; or to see and interpret any official traffic sign, signal, or device.

2. Communication Efficiency: To promote the efficient transfer of information by providing that:

a. Business and services may identify themselves;

b. Customers and other persons may locate a business or service; and

c. No person or group is arbitrarily denied the use at the sight line from public rights-of-way for communication purposes.

3. Landscape Quality and Preservation: To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

a. Do not create a nuisance to persons using the public rights-of- way; and

b. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, movement, or other physical characteristics.

B. Sign Contractors.

1. No person, firm, or corporation shall perform any work or services for compensation in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, demolition, maintenance, or conversion of any sign, unless such person, firm, or corporation shall have obtained an annual sign contractor's license from the City and paid the license fees provided for herein. A sign contractor's license shall not be required for the demolition of a sign when such demolition is carried on in conjunction with the demolition of a principal or accessory structure on the lot and a demolition permit has been obtained pursuant to the provisions of the City Code.

2. The amount of the fee for the annual sign contractor's license shall be set by resolution of the City Council.

3. Licenses shall not be transferable. Licenses shall expire on January

1st of each year and are not renewable except as providedherein.

4. Every applicant for a sign contractor's license shall file a bond with the City in the amount of ten thousand dollars ($10,000.00), with sureties to be approved by the City Attorney, the conditions of such bond to be faithfully in compliance with all other provisions of this Ordinance. Applicants shall file with the Finance Officer an executed agreement whereby applicant agrees to defend, at its own expense, indemnify and hold harmless the City, its employees, and officers from any and all claims, suits, losses, damages, costs or expenses, including attorney's fees and court costs, by reason of liability imposed upon the City, its employees, and officers for damages because of bodily injury, including death, at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, both real and personal, including the loss of use thereof, arising out of or the consequence of the applicant's performance as a sign contractor, except only such injury or damage as shall be occasioned by the sole negligence of the City, its employees, or officers.

5. The bond shall be kept in force and effect for a period of one (1) year after cancellation or termination of the license. The bond shall run concurrent with the sign contractor's license and expire on the first day of January of each year. The conditions of the bond to be faithfully in compliance with all other provisions of this Chapter.

C. Sign Painters.

1. No person, firm, or corporation other than a licensed sign contractor shall perform any work or services for compensation as a sign painter without first obtaining a sign painter's license from the Finance Officer and paying the license fee provided herein. This license covers sign painting only.

2. The amount of the fee for the annual sign painter's license shall be set by resolution of the City Council.

3. Licenses shall not be transferable. Licenses shall expire on January 1st of each year and are not renewable except as providedherein.

4. Every applicant for a sign painter's license shall file a bond with the City in the amount of ten thousand dollars ($10,000.00) kept in full force and effect for a period of one year after cancellation or termination of the license. The bond shall run concurrent with the sign painter's license and expire on the first day of January each year. The conditions of the bond to be faithfully in compliance with all other provisions of this Chapter.

D. Sign Permit.

1. Permit Required. Except as otherwise provided herein, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign without obtaining a sign permit from the City.

2. Permit Application. An application for a sign permit shall be submitted to the Authorized Official on a form as he or she may prescribe and shall include all information as may be required for a complete understanding of the proposed sign and all other information to show full compliance with this Ordinance and all other federal, state, and local laws.

   If the Authorized Official determines that the proposed sign conforms to the requirements of this Ordinance and all other federal, state, and local laws, he or she shall issue the permit as soon as practicable.

3. Validity of Permit. The issuance or granting of a sign permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance or of any other federal, state, or local law. Permits presuming to give authority to violate or cancel the provisions of this Ordinance or of any other federal, state, or local law shall not be valid.

4. Expiration. Every sign permit issued shall expire after one hundred-eighty (180) days unless the sign authorized by such permit is

completely erected, altered, or relocated within that time. If an inspection has not been requested after one hundred-eighty (180) days of permit issuance and the permit has not been extended, the permit shall expire without notice. The Authorized Official is authorized to grant, in writing, one (1) extension of time for a period of not more than one hundred-eighty (180) days. The extension shall be requested in writing and justifiable cause demonstrated.

5. Suspension or Revocation. The Authorized Official is authorized to suspend or revoke a sign permit issued under the provisions of this Ordinance whenever the permit has been issued in error; on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant; or if he or she determines that the sign subject to the permit was erected, altered, relocated, or maintained in violation of this Ordinance or of any other federal, state, or locallaw.

6. Application Fee. An application fee shall be paid to the City for each sign permit required by this Chapter in an amount set by resolution of the City Council. All applicable fees shall be paid prior to the Authorized Official's review of the application.

7. Sign Maintenance. Maintenance of legally permitted signs or signs existing prior to the effective date of this Ordinance is allowed and shall not require a sign permit. Sign maintenance includes, but is not limited to, the replacement or repair of a part or portion of a signed required by wear, tear, or damage, with like material, color, and design.

8. Non-Issuance Due to Existing Illegality. Unless necessary to protect the health, safety, and general welfare of the community, a permit for a new sign shall not be issued for a lot upon which there exists an illegal sign.

9. Assignment. A current and valid permit is freely assignable to a successor as owner of the lot.

10. Building Permit Not Required. If a permit has been issued pursuant to this Chapter, the applicant is not required to obtain a separate building permit for the sign.

E. Signs Not Regulated. The following signs shall be allowed in addition to the signs expressly permitted by this Ordinance. They do not require a sign permit, but shall be in conformance with all other federal, state, and local laws.

1. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like, of permanent-type construction and made an integral part of the buildingstructure.

2. Street address or building identification signs necessary for first responders and other emergency personnel to locate the building or lot as necessary to respond to any fire or public safetyemergency.

3. Signs located entirely inside of a building or other enclosed place.

4. Signs affixed to or painted on a displaywindow.

5. Signs erected by the City or other governmentalentity.

6. Signs regulated, approved, or otherwise required by state or federal agencies including, but not limited to, historical marker signs, official traffic control devices, etc.

7. Signs on vehicles regularly and customarily used to transport persons or property so long as they are not parked or otherwise located on a lot primarily for the purpose of displaying thesigns.

8. Holiday lights and decorations displayed during the appropriate time of year.

9. National, state, or historical flags or their emblem or insignia.

F. Prohibited Signs.

1. Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic controldevice.

2. Signs attached to trees, telephone poles, public benches, street lights, street signs, or placed on any public property or public right-of-way unless permission is granted in writing by the City.

3. Signs which obstruct any required ingress or egress from a building or structure.

4. Abandoned signs.

5. Signs placed on vehicles or trailers which are parked or otherwise located on a lot primarily for the purpose of displaying the signs.

6. Any sign that is not protected by either federal or state law, or otherwise allowed by this Ordinance.

G. General Regulations. The following regulations shall apply to all signs unless otherwise indicated:

1. Except as required by law, no sign may be displayed without the consent of the legal owner of the lot on which the sign is located. For purposes of this Chapter, the term "owner" shall mean the holder of the legal title to the lot and any party and person holding a present legal right to possession, control, or use of thelot.

2. Except as required by law or otherwise permitted by the City, any sign installed or placed on public property or within the public rights-of-way shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of the suchsign.

3. A projecting sign may project no more than five (5) feet from the building or structure face. In such situations, the sign shall have a minimum clearance of ten (10) feet above any yard or sidewalk and sixteen (16) feet above any road, alley, ordrive.

H. Permanent Signs. The requirements set forth herein shall apply to all permanent signs:

1. General Standards. All permanent signs shall conform to the following standards:

a. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a wall, frame, or other sign structure.

b. All signs shall be constructed to withstand a wind load of thirty (30) pounds per square foot.

c. Signs shall be maintained in a safe and legible condition at all times. Signs which are not maintained shall be deemed to be either unsafe or unlawful by the Authorized Official and shall be removed unless brought into compliance immediately upon written notice. Any expense incurred by the City during the removal of a private sign shall be the responsibility of its owner.

2. Lots Containing a Single-Family Detached Dwelling or Single-Family Attached Dwelling(s).

a. Each lot containing a single-family detached dwelling, single-family attached dwelling, or manufactured home may have one (1) wall sign per dwelling unit if there is an approved Home

Occupation. Each sign shall be a maximum of two (2) square feet in area.

3. Lots Containing a Manufactured Home Park. Signs within manufactured home parks shall be regulated in conformance with Chapters 17.68.06 and 17.68.07.

4. Lots Containing a Multiple-Family Dwelling.

   a. One (1) wall sign may be attached to each principal building. However, principal buildings with two (2) or more frontages shall be allowed to have one (1) wall sign for each frontage. No more than one (1) sign shall face any one (1) frontage. Each sign shall have a maximum area of thirty-two (32) square feet.

   b. One (1) freestanding sign shall be permitted per lot. It shall not exceed thirty-two (32) square feet in area and be taller than six (6) feet above grade.

   c. Each individual dwelling unit within a multi-family dwelling if immediately accessed through an exterior door may have one (1) wall sign per dwelling unit if there is an approved Home Occupation. Each sign shall be a maximum of two (2) square feet in area.

5. Lots Containing a House of Worship or School.

   a. One (1) wall or freestanding sign not exceeding one hundred (100) square feet. If placed as a freestanding sign, it shall not exceed nine (9) feet above grade.

   a. One (1) additional wall sign shall have a maximum area of twenty-five (25) square feet.

   b. One (1) additional freestanding sign not exceeding thirty-two (32) square feet in area and no taller than six (6) feet above grade.

   c. If more than one (1) freestanding sign is erected on the lot, the signs shall be spaced at least fifty (50) feet apart.

6. AG Lots Not Containing a Dwelling, House of Worship, or School.

   a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of one (1) square foot per two (2) feet of lineal street frontage with a total maximum of twenty-two (22) square feet.

b. One (1) freestanding sign shall be permitted per lot. It shall not exceed thirty-two (32) square feet in area and be no taller than eight (8) feet above grade.

7. R-1, R-2, R-3, R-4, and R-5 District Lots Not Containing a Dwelling, House of Worship, or School.

a. One (1) wall sign may be attached to each principal building. It shall have a maximum area of ten (10) squarefeet.

b. One (1) freestanding sign shall be permitted per lot. It shall not exceed thirty-two (32) square feet in area and be no taller than six (6) feet above grade.

8. CB-1 Lots.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed two (2) square feet per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No portion of any wall, roof, or projecting sign may exceed the height of the building or structure to which it isattached.

b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No freestanding sign shall be taller than forty-five (45) feet abovegrade.

c. Freestanding signs shall be limited to one (1) per street frontage. However, lots with multiple frontages or corner lots may erect one (1) sign on each frontage. For corner lots, neither sign may cross over the assumed vertical plane which bisects the angle of the corner.

9. CB-2 Lots.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed two (2) square feet per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. No portion of any wall, roof, or projecting sign may exceed the height of the building or structure to which it isattached.

b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1)

foot of lineal street frontage with a total maximum of two hundred (200) square feet. No freestanding sign shall be taller than eighteen (18) feet above grade.

c. Freestanding signs shall be limited to one (1) per street frontage. However, lots with multiple frontages or corner lots may erect one (1) sign on each frontage. For corner lots, neither sign may cross over the assumed vertical plane which bisects the angle of the corner.

10. HC District Lots.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed either three (3) square feet per one (1) foot of lineal building frontage or one (1) square foot per one (1) foot of lineal street frontage, whichever is less. Roof and projecting signs may not be located higher than five (5) feet above the building's roofline.

b. Freestanding signs shall have a maximum permitted sign area and height as set forth below:

Street Frontage	1-50'	51-100'	101-150'	151-200'	201-250'	251-300'	300'+
Maximum Sign Area (sq. ft.)	32	64	96	128	160	192	300
Maximum Sign Height	20'	25'	25'	25'	45'	45'	45'

11. GB District Lots.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed three (3) square feet per one (1) foot of lineal street frontage with a total maximum of two hundred (200) square feet. Roof and projecting signs may not be located higher than the building's roof line.

b. Freestanding signs shall be permitted so long as their cumulative total area per lot does not exceed one (1) square foot per one (1) foot lineal street frontage with a total maximum of two hundred (200) square feet. If more than one (1) freestanding sign is erected on the lot, the signs shall be spaced at least fifty (50) feet apart. No freestanding sign shall be taller than twenty (20) feet above grade.

12. I District Lots.

a. Wall, roof, and projecting signs shall be permitted so long as their cumulative area per lot does not exceed one (1) square foot per three (3) feet of lineal street frontage.

b. Freestanding signs shall have a maximum permitted sign area and height as set forth below:

Street Frontage	1-100’	101-150’	151-200’	201-300’	300’+
Maximum Sign Area (sq. ft.)	32	48	64	80	100
Maximum Sign Height	18’	20’	20’	25’	25’

If more than one (1) freestanding sign is erected on the lot, the signs shall be spaced at least fifty (50) feet apart.

c. Any sign that exceeds two hundred (200) square feet in area must be located at least five hundred (500) feet from a residentially zoned district or another sign two hundred (200) square feet in area or larger.

I. Temporary Signs.

1. General Standards. All temporary signs shall conform to the following standards:

a. No temporary sign may be illuminated in anymanner.

b. Any temporary sign large than nine (9) square feet in area shall be located at least ten (10) feet from all lotlines.

c. Signs shall be kept in good repair. Faded, torn, damaged, or otherwise unsightly signs must be repaired or removed. Signs which are not maintained shall either be removed or brought into compliance immediately upon written notice. Any expenses incurred by the City during the removal or maintenance of a private sign shall be the responsibility of its owner.

d. Signs shall be securely attached to a sign support, building, or other structure.

2. Temporary Signs Requiring a Permit. Unless it is exempt from requiring a permit in conformance with Chapter 17.68.08(I)(3), a lot's temporary signs shall be limited to the following:

   a. R-1, R-2, R-3, R-4, and R-5 Districts.

      (1) One (1) wall or freestanding signing shall be allowed for up to sixty (60) days if it is larger than nine (9) square feet, but equal to or less than thirty-two (32) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

   b. AG, CB-1, CB-2, HC, GB, and I Districts.

      (1) Two (2) temporary signs shall be allowed per calendar year so long as they do not cumulatively exceed two hundred (200) square feet in area. Any such temporary sign shall be allowed for no longer than sixty (60) days. Any such temporary sign shall be located at least fifteen (15) feet from all lot lines.

3. Temporary Signs Not Requiring a Permit. A temporary sign that complies with the following standards does not require a permit.

   a. R-1, R-2, R-3, R-4, and R-5 Districts.

      (1) One (1) wall or freestanding sign shall be allowed per lot for up to sixty (60) days per calendar year so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

      (2) One (1) additional wall or freestanding sign shall be allowed per lot for up to thirty (30) consecutive days during a special event so long as it does not exceed nine (9) square feet in area. If it is a freestanding sign, it cannot be taller than four (4) feet above grade.

      (3) One (1) additional wall or freestanding sign shall up to nine (9) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than four (4) feet abovegrade.

b. AG, CB-1, CB-2, HC, GB, and I Districts.

(1) Two (2) wall or freestanding signs shall be allowed per lot for up to sixty (60) days per calendar year so long as no individual sign exceeds nine (9) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.

(2) Two (2) additional wall or freestanding signs shall be allowed per lot for up to (30) consecutive days during a special event so long as no individual sign exceeds thirty (30) square feet in area. If either or both is a freestanding sign, it cannot be taller than five (5) feet above grade.

(3) One (1) additional wall or freestanding sign up to forty-five (45) square feet in area shall be allowed per lot during any period of time in which the lot is available for sale, lease, or rent. If it is a freestanding sign, it cannot be taller than five (5) feet above grade.

J. Portable Signs. A permit is required prior to the placement of a portable sign. The applicant may, after obtaining a permit therefor from the City, locate a portable sign in the permitted location for a period not to exceed sixty (60) days per calendar year. A separate permit shall be required for each sign. Permits may be issued for terms of either fifteen (15) or thirty (30) days and permit holders will be charged for the full term for which the permit is issued. Subsequent permits shall not be issued until thirty (30) days have elapsed following the expiration of fifteen (15) day periods and sixty (60) days following a thirty (30) day permit. Permits for two (2) or more portable signs may be issued at a permitted location if the permits are of equal duration and run concurrently.

Portable signs shall meet the following standards:

1. No portable sign may be located on a lot containing a single-family attached or detached dwelling.

2. Sign shall not exceed thirty-two (32) square feet in area.

3. Sign shall not be located closer than ten (10) feet to a lot line.

4. Portable signs shall be adequately secured to prevent overturning.

K. Inflatable Signs. High flying, helium, ground, and roof inflatable signs shall meet the following standards:

1. No inflatable sign may be located on a lot containing a single-family attached or detached dwelling.

2. On lots with a total street frontage of less than three hundred (300) feet, including corner lots, only one (1) inflatable sign may be allowed at a time. Lots with a total street frontage equal to or more than three hundred (300) feet may display a maximum of two (2) inflatable signs at a time.

3. The maximum size of a ground-mounted inflatable sign shall be fifteen (15) feet wide by thirty (30) feet high. The maximum size of a roof-mounted inflatable sign shall be twenty-five (25) feet wide by thirty (30) feet high. The maximum volume of a high-flying inflatable sign shall be five hundred (500) cubic feet.

4. Inflatable signs shall not be located closer than ten (10) feet to a lot line.

5. No roof-mounted inflatable signs shall be permitted in the ARO: Airport-Restricted Overlay District.

6. Inflatable signs shall be adequately secured. Cabling, tie-downs, or tether lines shall not be located on or across public property.

L. Electronic Message Signs. Any permitted signs may be, or may include as an individual component of the total allowable sign area, electronic message signs, except that such signs displaying a flashing or traveling message are prohibited. Electronic messages or graphic displays may be changed at periodic intervals by various entry and exit display modes, provided that the maximum message time for a multiframe message shall be ten (10) seconds with up to five (5) display changes per sequence.

All electronic signs located in or within one hundred fifty (150) feet of a residential zoning district shall require a conditional use permit.

M. Illumination Standards. Regulations regarding the illumination of signs shall be as follows:

1. Shading. The light from any illuminated sign shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing lots or safe vision of operators of vehicles on public or private roads.

2. Blinking and Flashing. Blinking, flashing, pulsating, or fluttering lights, or other illuminated devices, which have a changing light, shall be

permitted by conditional use permit. All such signs located in or within one hundred fifty (150) feet of a residential zoning district shall require a conditional use permit.

M. Removal of Unsafe, Unlawful, or Abandoned Signs.

1. Unsafe or Unlawful Signs.

a. Upon written notice from the City, the sign's owner shall either bring the sign into compliance with the terms of this Ordinance or remove the sign when it becomes unsafe, is in danger of falling, becomes so deteriorated that it no longer serves a useful purpose of communication, the City determines it to be a nuisance, it is deemed unsafe by the City, or it is unlawfully erected in violation of this Chapter.

b. The City may remove or cause to be removed the sign at the expense of its owner if the sign has not been brought into compliance with the terms of this Ordinance within thirty (30) days of the date of the notice. In the event the sign poses an immediate danger to the public, the City may remove the sign immediately upon the issuance of notice to its owner.

2. Abandoned Signs.

a. It shall be the responsibility of the owner of any lot upon which an abandoned sign is located to remove such sign within one hundred-eighty (180) days of the sign becoming abandoned as defined in this Ordinance. Removal of an abandoned sign shall include the removal of the entire sign copy. If it is a temporary or portable sign, the entire sign structure shall be removed as well.

b. Where the owner of the lot upon which an abandoned sign is located fails to remove such sign in one hundred-eighty (180) days, the City may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the lot.

17.68.9 Off-Street Parking Requirements.

A. General Requirements.

1. Front Yard.

a. AG District: Parking spaces are allowed; parking spaces within the setback are allowed only by conditional use; all required parking spaces shall be hard surfaced.

b. R-1, R-3, and R-5 Districts: Parking spaces are allowed within the front yard and setback. All parking spaces shall be hard surfaced. If R-5, see subsection (d) below, ifapplicable.

c. R-2 and R-4 Districts: Parking is prohibited within the front yard and setback. For purposes of this Chapter, the front lot line shall be the lot line bounding the "ordinary high-water line" for littoral lots and the lot line on the lakeside of the lot for non-littoral lots. See Chapters 17.20.10 and 17.28.10.

d. Manufactured Home Parks in the R-5 District: Parking spaces within manufactured home parks shall be regulated in conformance with Chapter 17.68.07.

e. CB-1, CB-2, HC, and GB Districts: Parking spaces are allowed within the front yard and setback. All parking spaces shall be hard surfaced.

f. I District: Parking spaces are allowed within the front yard and setback. All required parking spaces shall be hardsurfaced.

2. Side Yard.

a. AG, R-1, R-2, R-3, R-4, and R-5 Districts: Parking spaces are allowed, so long as they are not within three (3) feet of the lot line. Any parking space, parking pad, or driveway in the side yard shall be hard surfaced and be located next to a garage or on only one (1) side of a house with no garage.

b. Manufactured Home Parks in the R-5 District: Parking spaces within manufactured home parks shall be regulated in conformance with Chapter 17.68.07.

c. CB-1, CB-2, HC, and GB Districts: Parking spaces are not allowed within the setbacks; however, they are allowed within the side yard and shall be hard surfaced.

d. I District: Parking spaces within the side yard and setbacks are allowed. Any required parking spaces within the side yard shall be hard surfaced.

3. Rear Yard.

   a. AG, R-1, R-3, and R-5 Districts: Parking spaces are not allowed within the setback; however, they are allowed within the rear yard only by conditional use and shall be hard surfaced. If R-5, see subsection (c) below, if applicable.

   b. R-2 and R-4 Districts: Parking spaces are allowed within the rear yard and setback. For purposes of this Chapter, the front lot line shall be the lot line bounding the "ordinary high-water line" for littoral lots and the lot line on the lakeside of the lot for non-littoral lots; therefore, the rear yard is typically on the opposite/street side of the lot from the front yard. See Chapters 17.20.10 and 17.28.10.

   c. Manufactured Home Parks in the R-5 District: Parking spaces within manufactured home parks shall be regulated in conformance with Chapter 17.68.07.

   d. CB-1, CB-2, HC, and GB Districts: Parking spaces are allowed so long as they are not within the setback. All parking spaces shall be hard surfaced.

   e. I District: Parking spaces within the rear yard and setback are allowed. All required parking spaces in the rear yard shall be hard surfaced.

4. CB-1, CB-2, HC, and GB Districts: Loading areas, access aisles, and maneuvering and drive areas may be located within setbacks only by conditional use permit and shall be hardsurfaced.

5. I District: Loading areas, access aisles, and maneuvering and drive areas shall be hard surfaced and may be located within the side and rear setbacks. Loading areas, access aisles, and maneuvering and drive areas shall be hard surfaced and may be located within the front yard setback only by conditional use permit.

6. No driveway(s) shall exceed a width of thirty (30) feet or half of the width of the lot at the lot line, whichever isless.

   a. Exception for I District: The total cumulative width of driveways per lot shall not exceed eighty (80) feet at the lot line.

7. Each parking space shall be of sufficient size to park a standard consumer automobile or at least two hundred fifty (250) square feet, whichever is greater. All parking spaces shall be provided with

vehicular access to a street, whether directly through a driveway or indirectly through one (1) or more access aisles.

8. Except in conjunction with a legal non-conforming business, it is unlawful for any person to park, store, leave, or permit the parking, storage, or leaving of any commercial vehicle, with a manufacturer's gross vehicle weight rating over ten thousand (10,000) pounds on an AG, R-1, R-2, R-3, R-4, or R-5 District lot, unless the vehicle is parked in connection with the performance of a service. The transferring of refuse from a smaller satellite vehicle to a large packer garage truck is prohibited.

9. Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned lot other than in completely enclosedbuildings.

10. All required off-street parking and loading space requirements shall be located on the same lot as its principal building, structure, or use unless the Board of Adjustment determines that either or both cannot be reasonably provided as such. In such an event, the Board of Adjustment may allow by conditional use permit either or both to be located on another lot within four hundred (400) feet of the primary entrance to the principal building, structure, or use to which the space(s) are provided. See Chapter 17.96.

B. Required Parking Spaces.

In computing the number of required off-street parking spaces, the floor area shall mean the gross floor area of the specific use, excluding any floor or portion used for parking. Where fractional spaces result, the parking spaces required shall be the nearest whole number. For the number of off-street parking and loading spaces required in all Districts, see Table 2 below:

TABLE 2: Minimum Off-Street Parking Space Requirements

Uses & Structures	**Minimum Parking Requirements**
Single-Family and Two-Family Dwellings	Two (2) spaces for each dwelling unit.
Multiple-Family Dwellings	One (1) space for each dwelling unit of two (2) bedrooms or less. Two (2) spaces for each dwelling unit of three (3) bedrooms or more.
Vacation Rentals By Owner (VRBOs)	One (1) space for each two (2) occupants over the age of eighteen (18).

Golf Courses	Three (3) spaces for each golf hole, plus one (1) space for each two (2) employees.
House of Worship	One (1) space for each four (4) seats in main setting area.
Private Club or Lodge	One (1) parking space for each three hundred (300) square feet of floor area.
Elementary, Middle, and High Schools	Four (4) spaces for each classroom or office room, plus one (1) for each one hundred fifty (150) square feet of seating area in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.
Eating and Drinking Establishments	One (1) space for each one hundred (100) square feet of gross floor area or one (1) space for each three (3) seats, whichever is greater.
Hospitals	One (1) space for each bed.
Nursing, Convalescent, and Rest Homes	One (1) space for each three (3) beds.
Auditoriums, Theaters and Places of Public Assembly	One (1) space for each four (4) seats of design capacity.
Hotels and Motels	One (1) space for each two (2) rental rooms.
Funeral Homes	One (1) space for each four (4) seats in the chapel.
Retail Sales Establishments	One (1) space for each three hundred (300) square feet of floor area.
Medical and Dental Clinics	One (1) space for each two (2) staff members and full-time employees, plus one (1) space for each six hundred (600) square feet of gross floor area.
Manufactured Home Parks	Two (2) spaces for each manufactured home lot.
Industrial Uses	One and one-half (1 ½) spaces for each two (2) employees on the maximum working shift.
Service Establishments	One (1) space for each three hundred (300) square feet of floor area.
Wholesale and Distribution Establishments	One (1) space for each two (2) employees on the maximum working shift.

Day Care Center, Preschool	One (1) space for each employee on the maximum working shift, plus one (1) space for each ten (10) persons the facility is licensed to enroll. Additional parking or designated area for drop-off and pick-up may be required.

All other uses not specified above shall have minimum off-street parking and off-street loading spaces as determined by the Board of Adjustment.

For Conditional Uses, the number of required off-street parking spaces may be adjusted by the Board of Adjustment in order to protect the health, safety, and welfare of the public.

17.68.10 Off-Street Loading Requirements. There shall be provided at the time any building is erected or structurally altered, off-street loading spaces for the following uses:

TABLE 3: Minimum Off-Street Loading Area & Space Requirements

Use	**Gross Square Feet Floor Area**	**Number of Off-Street Loading Spaces (Located Next to Building)**
Office Buildings	25,000 - 50,000 every additional 75,000	One 14' x 35' space Add one 14' x 35' space
Retail, Service and Trade Establishments and Industrial and Wholesale Commercial	5,000 - 20,000 20,000 - 100,000 Every additional 75,000	One 14' x 35' space Two 14' x 35' spaces Add one 14' x 35' space

For Conditional Uses, the off-street loading requirements may be adjusted by the Board of Adjustment in order to protect the health, safety, and welfare of the public.

17.68.11 Site-Built Single-Family Detached, Single-Family Attached, and Multiple-Family Dwelling Standards. Site-built single-family detached, single-family attached, and multi-family dwellings shall conform to the following standards:

A. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home shall be enclosed by concrete, approved concrete products, or another commercially acceptable material suitable for the same purpose.

B. All dwellings shall be oriented on the lot so that the primary pedestrian entrance faces the street or access easement.

C. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run. Corrugated metal is not a permitted roofing material.

D. Exterior walls shall be constructed of materials commonly used on the exterior walls of residential structures, such as: brick, concrete composite board, artificial or natural stone, exterior grade natural or composite wood, stucco, or residential lap siding made of vinyl, steel, or aluminum with no exposed fasteners.

If these standards conflict with or fall below the standards of the current building codes adopted by the City, the standards contained within the building codes shall control.

17.68.12 Wireless Communications Facilities.

A. Purpose. The purpose of this Chapter is to establish reasonable, uniform, and comprehensive standards and procedures wireless communication facility deployment, installation, collocation, modification, operation, relocation, and removal within the City, consistent with and to the extent permitted by federal and state law. The standards and procedures contained in this Chapter are intended to, and should be applied to, protect and promote the public health, safety, and welfare, and also balance the benefits of a robust, advanced wireless network with the City's localvalues.

This Chapter is not intended to, nor shall it be interpreted or applied to:

1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services to the community;

2. Unreasonably discriminate amongst providers of functionally equivalent services;

3. Deny any request for authorization to place, construct, or modify any wireless communication facility on the basis of the environmental effects of radio emissions to the extent that the facility complies with the FCC's regulations concerning such emissions;or

4. Prohibit any collocation or modification that the City may not deny under federal or state law.

B. General. This Chapter applies to all existing wireless communication facilities within the City and all applications and requests for approval to construct, install, modify, collocate, relocate, or otherwise deploy such facilities on privately owned lots within the City. Notwithstanding the aforementioned, the provisions of this Chapter shall not be applicable to:

1. Wireless communications facilities owned and operated by the City for public purposes.

2. Any tower, or the installation of any antenna, that is forty (40) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna.

3. Any wireless facility for which a permit has been properly issued that was lawfully erected prior to the effective date of this Ordinance shall not be required to meet the requirements of Chapter 17.68.12(C)(3) unless there has been a cessation of operations for six (6) months.

4. Wireless communications facilities installed completely indoors and intended to extend signals of personal wireless services in a residence or business.

5. Small cell wireless communications facilities installed in the public rights-of-way or entirely within enclosed buildings.

C. New Wireless Communication Facility Requests.

1. Permit Required. No new wireless communication facility shall be installed until an applicant or operator has obtained a conditional use permit, which meets the requirements of Chapter 17.68.12(C)(3) below.

2. Permit Application. In addition to the requirements of Chapter 17.96 for all conditional use permit applications, the following information is required:

a. Documented evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory body where such license(s) and/or registration(s) are necessary to provide wireless communications services utilizing the proposed facility.

b. An inventory of the applicant's existing facilities that are either within the City or within one-quarter (1/4) mile of the City's boundary, including a map showing the location of the lot that is the subject of the application. The inventory shall provide specific information about the location, height, power rating, frequency range, and design of each facility.

c. A list of all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives

considered were either unacceptable, infeasible, unavailable, or otherwise inconsistent with the requirements of Chapter 17.68.12(C)(3). If an existing wireless facility is listed among the alternatives, the applicant must specifically address why the collocation or modification of that facility is not a viable option.

d. Photographs and photo simulations showing the proposed facility superimposed on the site and surroundings from reasonable line-of-site locations from public streets or other adjacent viewpoints, together with a map that identifies that photo location of each view angle.

e. All site plans, photographs, and photo simulations shall include a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, as amended, using the proposed facility as a baseline.

f. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed facility whenever technically feasible and aesthetically desirable.

3. General Requirements. Wireless facilities shall be designed and maintained as follows:

a. All new facilities shall be located at least three hundred (300) feet from a residentially zoned or used property, as measured from the base of the facility (including accessory equipment) to the lot line.

b. Wireless telecommunication towers and base stations over ninety (90) feet in height shall not be located within one-quarter (1/4) mile from any existing tower or base station that is over ninety (90) feet in height.

c. The maximum height of wireless telecommunication towers shall not exceed one hundred (100) feet for single service providers or two hundred (200) feet for two or more service providers. If such a structure is located within an airport approach zone, Federal Aviation Administration approval will be required prior to the issuance of anypermits.

d. Roof-mounted or façade-mounted facilities shall not exceed or project more than fifteen (15) feet above the existing height of the base station.

e. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.

f. The facilities shall bear no signage except those required by law.

g. To the extent feasible and aesthetically compatible, all facilities should be designed and sited in a manner that accommodates future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to its outward appearance.

h. All cables and connectors for telephone, primary electric, and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches, and other associated improvements must be placed in inconspicuous locations where possible. The Board of Adjustment shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the cost of the project.

i. All wireless telecommunication towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be designed in such a manner or equipped with an appropriate device to make it inaccessible for unauthorized persons to climb.

j. Facilities shall not be artificially lighted, unless required by the FAA or another governmental entity. If lighting is required, the Board of Adjustment shall review the available lighting alternatives and approve the design that would cause the least disturbance to adjacent and abuttinglots.

4. Application Review. Each conditional use permit application shall be submitted to the Authorized Official. Under federal law, the Authorized Official, within thirty (30) days of the receipt of the application, shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Authorized Official informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.

If the application is deemed incomplete, an applicant may submit additional materials to complete the application An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application.

After meeting with the applicant, the Authorized Official shall review the substantive contents of the application and make a recommendation to the Board of Adjustment to either approve or deny the application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justifications for either approval or denial of the application.

The Authorized Official shall set the date, time, and place for a public hearing to be held by the Board of Adjustment. No less than ten (10) days prior to the scheduled public hearing, the Authorized Official shall notify the landowner and applicant by mail, post notices at City Hall and on the lot effected by the proposed conditional use permit, and publish notice of the public hearing in the City's legal newspaper(s).

The public hearing shall be held. Any applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment.

The Board of Adjustment with an affirmative vote of the majority of its members, may grant the conditional use permit with such conditions and safeguards as are appropriate to protect the health, safety, and welfare of the community. The decision of the Board of Adjustment shall be filed unless an appeal is filed in conformance with Chapter17.96.09.

The Board of Adjustment shall either issue the conditional use permit or issue a written statement of denial within one hundred fifty (150) days of the submission of the initial application unless:

a. The Authorized Official notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred fifty (150) day total review time is tolled until the applicant provides the missing information; or

b. An extension of time is agreed to by the applicant and City.

Failure to approve the conditional use permit or issue a written denial within one hundred fifty (150) days shall constitute an approval of the application, but, instead, shall create only a rebuttable presumption that the failure to act timely was not reasonable under 47 U.S.C. 332(c)(7)(B)(ii).

5. Findings Required for Approval. The Board of Adjustment shall not grant the conditional use permit unless it finds as follows:

a. All applicable requirements of Chapters 17.96 and 17.68.12(C)(3) are met; or

b. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the service provider's coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility; and

c. The applicant has demonstrated by clear and convincing evidence that no feasible alternative site exists that would close a significant gap in the service provider's coverage which alternative site is a more appropriate location for the facility under the standards.

D. Mandatory Collocation or ModificationRequests.

1. Purpose. This Section is intended to comply with the City's obligations under federal law, which provides that the City "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156.) This Section creates a process for the City to review an application for a wireless facility minor modification permit submitted by an applicant who asserts that a proposed collocation or modification to an existing personal wireless telecommunications facility is covered by federal law and to determine whether the City must approve the proposed collocation or modification. The City's review of these applications is structured to comply with the requirements of 47 U.S.C. § 1455 and the FCC's regulations implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. This Section is intended to promote the public health, safety, and welfare, and shall be interpreted consistently with the Telecommunications Act of 1996 (Pub. L. No. 104-104, 110 Stat. 56), Title 47 U.S.C. § 1455, and all applicable FCC regulations and court decisions considering these laws and regulations.

2. Minor Modification Permit.

a. Permit Required. An applicant seeking approval of a collocation or modification to an existing wireless telecommunications facility which he or she contends is within the protection of 47 U.S.C. § 1455 shall apply for a Minor Modification Permit. No collocation or modification to an existing wireless telecommunications facility shall be installed unless the applicant obtains the permit.

b. Permit Application. All applications for a minor modification permit must include the following items:

(1) Legal description and/or address of the lot upon which the existing facility is located.

(2) Name, address, and phone number of the owner of the lot which is the subject of the application.

(3) Name, address, and phone number of the owner of the existing facility.

(4) Name, address, and phone number of the applicant, if different than the owner of the existing facility.

(5) The zoning district and principal land use classification(s) under which the lot is regulated at the time of the application.

(6) A site plan of sufficient clarity to indicate the location, nature, and extent of the building or work proposed. Where applicable, all site plans shall contain the following information:

(a) The legal description or address of the lot shown on the site plan.

(b) A north arrow.

(c) All existing and proposed buildings, structures, or additions thereto, with information regarding their dimensions, height, and number of stories.

(d) Distance from all building lines to the lot lines at the closest points.

(e) Dimensions of all lot lines.

All plans shall not be changed, modified, or altered, and all work shall be performed in accordance with the approved plans.

(7) Be signed by the applicant, who may be required to submit evidence to indicate such authority if the lot has more than one owner.

(8) Any other information concerning the lot or the proposed work as may be requested by the Authorized Official.

c. Application Review. Each application for a minor modification permit shall be reviewed by the Authorized Official. Under federal law, the Authorized Official, within thirty (30) days of receipt of the application, shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Authorized Official informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is tolled until such time the applicant provides the requested information.

If the application is deemed incomplete, an applicant shall submit the missing materials to the Authorized Official within sixty (60) business days after receipt of the written notice. Failure to complete the application within that timeframe shall constitute a withdrawal of the application.

The Authorized Official must approve or deny an application for a minor modification permit, together with any other City/Town permits required for a proposed collocation or modification to an existing facility, within sixty (60) days after the applicant submits the application, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the City and the applicant. Under federal law, failure to act on a minor modification permit within the sixty (60) day review period, excluding tolling period, will result in the permit being deemed granted by operation of law.

d. Findings Required for Approval.

(1) Existing Towers. The Authorized Official shall approve an application for a minor modification permit for a collocation or modification to an existing wireless tower

located on a privately owned lot only if the following findings can be made:

(a) The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing for the sole and primary purpose of supporting any FCC licensed or authorized facilities;

(b) The proposed collocation or modification does not increase the height of the facility above its lowest height on the effective date of this Ordinance or as approved if constructed after the effective date of this Ordinance by more than ten percent (10%) or by the height or one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;

(c) The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;

(d) The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);

(e) The proposed collocation or modification does not involve any excavation outside the leased or licensed area of the facility, including any access or utility easements;

(f) The proposed collocation or modification does not defeat any existing concealment elements of the facility; and

(g) The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, 47 U.S.C. 1455(a).

(2) Existing Base Stations. The Authorized Official shall approve an application for a minor modification permit for a collocation or modification to an existing base

station on private property only if each of the following findings can be made:

(a) The applicant proposes a collocation or modification to a base station constructed and maintained with all necessary permits in good standing, regardless of whether it was built for the sole or primary purpose of supporting any FCC licensed or authorized facilities, that currently supports existing facilities;

(b) The proposed collocation or modification does not increase the height of the existing facility above its lowest height on the effective date of this Ordinance or as approved if constructed after the effective date of this Ordinance by more than ten percent (10%) or ten (10) feet, whichever is greater;

(c) The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;

(d) The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);

(e) The proposed collocation or modification does not involve any excavation outside the leased or licensed area of the facility, including any access and utility easements;

(f) The proposed collocation or modification does not defeat any existing concealment elements of the existing facility; and

(g) The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, 47 U.S.C. 1455(a).

e. Permit Denial. An application for a minor modification permit may be denied if the Authorized Official determines the proposed collocation or modification does not qualify for mandatory approval under 47 U.S.C. 1455, as amended, and as may be interpreted by any order of the FCC or any court of competent jurisdiction.

E. Non-Mandatory Collocation or Modification Requests.

1. Permit Required. All collocations or modifications to an existing facility that do not meet the findings of approval required for a minor modification permit in conformance with Chapter 17.68.12(D)(2)(d) shall require the approval of a conditional use permit, which meets the requirements of Chapter 17.68.12(E)(3)below.

2. Permit Application. In addition to the requirements of Chapter 17.96 for all conditional use permit applications, the following information is required:

   a. Documented evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory body where such license(s) and/or registration(s) are necessary to provide wireless telecommunications services utilizing the proposed facility;

   b. An inventory of the applicant's existing facilities that are either within the City or within one-quarter (1/4) mile of the City's border, including a map showing the location of the specific site that is the subject of the application. The inventory shall provide specific information about the location, height, power rating, frequency range, and design of each facility.

   c. Photographs and photo simulations showing the proposed facility superimposed on the site and surroundings from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that identifies the photo location of each view angle.

3. General Requirements. Collocations and modifications to facilities not protected by 47 U.S.C. § 1455 shall be designed and maintained as follows:

   a. The applicant proposes a collocation or modification to a wireless tower or base station constructed and maintained with all necessary permits in good standing for the sole and primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;

   b. Wireless facilities on an existing base station shall not exceed or project more than fifteen (15) feet beyond the existing building or structure.

c. Facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

d. The facilities shall not bear any signs or advertising devices other than certification, warning, or other signage required by law or expressly permitted by the City.

e. To the extent feasible and aesthetically desirable, all facilities should be collocated or modified in a manner that accommodates future collocations and equipment installations that can be integrated into the wireless facility or its associated structures with no or negligible visual changes to its outward appearance.

f. All cables and connectors for telephone, primary electric, and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches, and other associated improvements must be placed in inconspicuous locations where possible. The Authorized Official shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the cost of theproject.

g. Facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning & Zoning Commission shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding lots.

4. Application Review. Each conditional use permit application for a non-mandatory collocation or modification request shall be submitted to the Authorized Official. Under federal law, the Authorized Official, within thirty (30) days of the receipt of the application, shall either: (1) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Authorized Official informs the applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.

If the application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application.

After meeting with the applicant, the Authorized Official shall review the substantive contents of the application and make a recommendation to the Board of Adjustment to either approve or deny the application. The Authorized Official's recommendation shall include a summary of the application, and the reasons and justifications for either approval or denial of the application.

The Authorized Official shall set the date, time, and place for a public hearing to be held by the Board of Adjustment. No less than ten (10) days prior to the scheduled public hearing, the Authorized Official shall notify the landowner and applicant by mail, post notices at City Hall and on the lot effected by the proposed conditional use permit, and publish notice of the public hearing in the legal newspaper of the City.

The public hearing shall be held. Any applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Board of Adjustment.

The Board of Adjustment with an affirmative vote of the majority of its members, may grant the conditional use permit with such conditions and safeguards as are appropriate to protect the health, safety, and welfare of the community. The decision of the Board of Adjustment shall be filed unless an appeal is filed in conformance with Chapter17.96.09.

The Board of Adjustment shall either issue the conditional use permit or issue a written statement of denial within ninety (90) days of the submission of the initial application unless:

a. The Authorized Official notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is tolled until the applicant provides the missing information; or

b. An extension of time is agreed to by the applicant and City.

Failure to approve the conditional use permit or issue a written denial within ninety (90) days shall constitute an approval of the application, but, instead, shall create only a rebuttable presumption that the failure to timely act was not reasonable under 47 U.S.C. 332(c)(7)(B)(ii).

5. Findings Required for Approval. The Planning & Zoning Commission shall not grant the conditional use permit unless it finds as follows:

a. All applicable requirements of Chapters 17.96 and 17.68.12(E)(3) are met; or

b. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the service provider's coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be remedied by the facility; and

c. The applicant has demonstrated by clear and convincing evidence that no feasible alternative exists that would close the significant gap in the service provider's coverage that would be a more appropriate location or design for the facility under the standards prescribed above.

F. Operation and Maintenance Standards. All facilities shall comply with the following operation and maintenance standards:

1. Facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment no later than forty-eight (48) hours from the time of notification by the City.

2. Except for emergency repairs, all testing and maintenance activities that will be audible beyond the lot line shall only occur between the hours of 7:00 a.m. and 7:00 p.m., excluding holidays.

3. Backup generators shall be operated only during periods of power outages or for testing. Any testing of the backup generators should occur during daylight hours.

G. Permit Fees. A permit fee shall be paid to the City for each permit required by this Chapter in an amount set by resolution of the City Council. All applicable fees must be paid prior to the issuance of a permit.

H. Financial Assurance. Prior to obtaining a building permit to erect or install the proposed wireless facility, the applicant shall secure a bond or provide financial assurances, in a form acceptable to the Authorized Official, for the removal of the facility in the event that its use is abandoned or the approval is otherwise terminated.

I. Removal of Abandoned Facility. Any wireless telecommunication facility that has not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon making the determination that the facility has been abandoned, the Authorized Official shall notify its owner that it shall be removed within ninety (90) of receipt of the notice. Failure to remove an

abandoned facility within said ninety (90) days shall result in the City removing it at its owner's expense. If there are two (2) or more users of a single facility, this provision shall not become effective until all users have abandoned the facility.

17.68.13 Vacation Rental By Owner (VRBO).

A. Purpose. These regulations are designed to set regulations and standards for persons owning and/or renting Vacation Rentals By Owner (VRBO) properties within the City in order to protect the health, safety, and welfare of the public, and to minimize the impacts of such use on neighboring properties.

B. Applicability. These requirements shall apply to all VRBOs, regardless of whether they qualify as a principal land use or an accessory land use of thelot.

C. Permit Required. It shall be unlawful for any person to operate a VRBO on a lot within the City without first obtaining a conditional use permit in conformance with Chapter 17.96. The permit required by this Chapter is in addition to any license, permit, or fee required elsewhere in this Ordinance or required by State Law.

D. Permit Application. In addition to the requirements of Chapter 17.96 for all conditional use permit applications, the following information is required:

1. The owner(s) shall have received a South Dakota Vacation Home Lodging License from the South Dakota Department of Health. A copy of the license shall be provided to the Authorized Official.

2. A copy of the owner(s) South Dakota Sales Tax License.

3. The name, address, and contact information for the Local Contact, if applicable. See Chapter 17.68.13(E)(2)below.

E. General Requirements. All VRBOs shall meet the following requirements:

1. The maximum occupancy allow in a VRBO shall be no greater than two (2) persons per bedroom, plus four (4) additional persons. For purposes of this section, children age five (5) and below are not counted as occupants.

2. Where the owner(s) do not reside within thirty (30) miles driving distance of the VRBO, a Local Contact shall be designated. The Local Contact shall reside within thirty (30) miles driving distance to the VRBO. The owner(s) or Local Contact, whichever is applicable, shall be responsible for responding in a reasonable time to complaints about the VRBO. This information shall be supplemented within a reasonable time upon changing the designated Local Contact. Failure to do so may

result in the review of the conditional use permit pursuant to Chapter 17.96.08.

3. The owner(s) shall keep records as required by SDCL 34-18-21. The report shall be provided to the Authorized Official upon request.

4. Occupancy of recreational vehicles (RVs), camper trailers, and tents shall not be allowed. Children under the age of thirteen (13) are allowed to "camp out" in a tent on the lot but count toward the maximum occupancy.

5. The minimum age allowed for the principal renter of a VRBO shall be twenty-one (21) years of age.

6. Quiet hours shall be from 10 p.m. until 7 a.m.

7. The maximum number of day quests allowed, not to include overnight quests, shall be double the maximum occupancy of the VRBO.

8. The use of open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other devices shall comply all relevant federal, state, and/or local laws.

F. Interior Sign Requirements. Each VRBO shall have a clearly visible and legible notice posted within the dwelling on or next to the front door, containing the following information:

1. The name of the owner(s) or Local Contact, and a telephone number at which they may be reached on a 24-hour basis;

2. The property address;

3. The maximum number of occupants permitted to stay in the dwelling;

4. The maximum number of day quests permitted to visit the dwelling;

5. The number and location of all off-street parking spaces;

6. The rules/regulations for pets and applicable leash laws;

7. The rules/regulations for open fires, fire pits, fireworks, charcoal burning grills, gas fired grills, or other similar devices;

8. The quiet hours;

9. A statement that: “Guests are expected to be courteous to all neighbors and to respect property boundaries,”

10. Local emergency and law enforcement contact information; and

11. Notification that the renter and occupants are responsible for the creation of any disturbances or for violation any other provisions of this Chapter.

17.68.13 Visibility at Intersections and Driveways.

A. Intersection safety zones: No freestanding sign or other sign with its face less than twelve (12) feet above grade or any fence, wall, shrub or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted, or maintained within a triangular area of a corner lot that is included by measuring straight lines along the curb lines at points forty (40) feet distant in each direction from the intersection of the curbs and a straight line connecting the first two lines. (See Figure 1)

B. Driveway safety zones: No freestanding sign or other sign with its face less than ten (10) feet above grade or any fence, wall, shrub, or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted, or maintained within the area from the curb line to ten (10) feet behind the curb line. (See Figure 1)

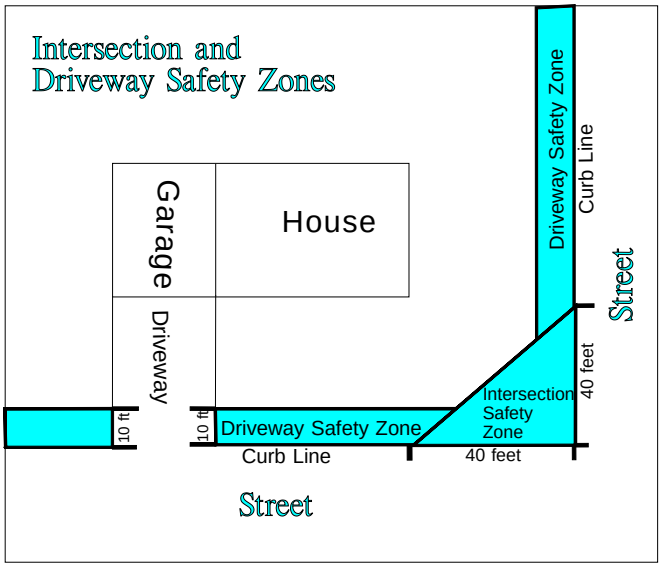

Figure 1