

ORDINANCE NO. 057-18

AN ORDINANCE AMENDING THE CEDAR RAPIDS MUNICIPAL CODE
IN VARIOUS RESPECTS NECESSITATED BY THE REPEAL
AND REPLACEMENT OF CHAPTER 32 (ZONING)

WHEREAS, pursuant to Ordinance No. 056-18 the City Council of the City of Cedar Rapids, Iowa repealed Chapter 32 of the Cedar Rapids Municipal Code (“the Code”) and replaced it with a new Chapter 32 regarding zoning; and

WHEREAS, various provisions of the Code are now, as a result of the new Chapter 32, inconsistent with Chapter 32, or otherwise need to be changed; and

WHEREAS the purpose of this ordinance is to incorporate the changes of Ordinance No. 056-18 elsewhere into the Code while not making substantive changes.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the Municipal Code of the City of Cedar Rapids, Iowa is hereby amended as follows:

Section 1. Section 9.28 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 9.28 as follows:

“9.28 USE FOR SIDEWALK CAFES.

(a) **Definitions .**

1. **Administrative Guide for Sidewalk Cafes.** Administrative Guide for Sidewalk Cafes means a guide adopted, and amended from time to time, by resolution of the City Council establishing rules and regulations relating to the application for a Sidewalk Café Lease Agreement, operation of a sidewalk café and a fee schedule.
2. **Parklet .** Parklet means a sidewalk café located on a temporary space constructed and installed by the City in the public right of way to provide food and beverages to the customers from the associated restaurant, as well as other amenities and public space for pedestrians. Parklets will be constructed and installed by the City as determined by the City Manager or designee using any combination of planters, barriers, removable platforms or other objects which serve to delineate a pedestrian space apart from the parking aisle and the street.
3. **Sidewalk .** Sidewalk means that portion of the street between the curb lines or the lateral lines of roadway and the adjacent property lines intended for use by pedestrians. As used in this section, sidewalk also means any parklet constructed and installed by the City.
4. **Sidewalk Café .** Sidewalk café means a designated area located within a sidewalk that is contiguous with any side of a property wherein a café or restaurant is located and where food and beverages from the associated restaurant are served to patrons within the area. Other uses for a sidewalk café may be considered for approval provided that the request meets the provisions of the Administrative Guide for Sidewalk Café.

- (b) **Lease Agreement Required** . Use of a sidewalk for a sidewalk café is unlawful without a Sidewalk Café Lease Agreement. No person shall operate a sidewalk café without first obtaining a Sidewalk Café Lease Agreement and paying the fees therefor to the City.
- (c) **Permitted Uses of Sidewalk Cafes** . Sidewalk cafes will be permitted only in Mixed Use Zoning Districts, as identified in Chapter. 32 of this Code. Sidewalk cafes shall be operated pursuant to the requirements and conditions, as specified in the Administrative Guide for Sidewalk Cafes and Sidewalk Café Lease Agreement.
- (d) **Sidewalk Cafe Request for Lease Agreement** .
 - 1. An applicant for a Sidewalk Café Lease Agreement shall submit a fully completed Sidewalk Cafe Request for Lease Agreement packet on forms provided by the city and containing all pertinent information, as the city may require. Applications shall be submitted in accordance with the Administrative Guide for Sidewalk Cafes.
 - 2. All requests shall be accompanied by a nonrefundable application fee as set forth in the Administrative Guide for Sidewalk Cafes.
- (e) **Review and Approval Process** .
 - 1. Sidewalk Cafe Requests for Lease Agreement shall be reviewed by the City Manager, or designee.
 - 2. Upon recommendation of approval by the City Manager, or designee, a Sidewalk Cafe Lease Agreement will be prepared, signed by the applicant and property owner, if a different person, and then forwarded to the City Manager for signature.”

Section 2. Section 23.23 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 23.23 as follows:

“23.23 - BEES.

It shall be unlawful for any person to keep or harbor bees unless same is specifically authorized under the Cedar Rapids Zoning Ordinances as permitted accessory uses.”

Section 3. Chapter 32D of the Cedar Rapids Municipal Code is hereby deleted in its entirety and substituted in its place is a new Chapter 32D hereby enacted as follows:

CHAPTER 32D - COMMUNICATIONS TOWERS

32D.01 - RULES AND DEFINITIONS.

In the interpretation of this chapter the rules and definitions of this section shall be observed and applied (except when the context clearly indicates otherwise):

- a) Communications Tower: A metal structure that is used primarily as a communication antenna or as a communications antenna support structure.
- b) Tower Height: The distance between the base of a tower and the top of the tower or the top of the highest appurtenance mounted on a tower. Thus, height is not necessarily a measure of the distance between the top of the tower and the ground.
- c) The following documents and agencies referenced herein are applicable to the extent specified:
 - (1) Uniform Building Code. Current adopted edition as prepared by the International Conference of Building Officials of Whittier, California.

(2) ANSI-95. 1. The most recently adopted standard of the American National Standards Institute which establishes guidelines for human exposure to non-ionizing electromagnetic radiation.

(3) EIA-222. Electronics Industries Association Standard 222 Structural Standards for steel antenna towers and antenna support structures.

(4) FAA. Federal Aviation Administration.

(5) FCC. Federal Communications Commission.

32D.02 GENERAL REQUIREMENTS

All communications towers and antenna(s) shall comply with all federal, state, and local codes and regulations and shall also comply with all of the requirements as follows.

a) Aesthetics

Towers and antenna(s) shall meet the following general aesthetic requirements:

(1) Towers shall be a galvanized finish or painted gray above the adjacent surrounding tree-line and/or development and painted gray, green, black, or similar colors designed to blend into the adjacent natural surroundings and/or development unless other standards are required by the Federal Aviation Administration (FAA). Towers should be designed and sited so as to avoid, wherever possible, application of FAA lighting and painting requirements.

(2) Accessory facilities to the tower site shall be designed using materials, colors, textures, screening, and landscaping that will blend them into the adjacent natural setting and/or adjacent development.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be effectively screened or shall be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

b) Screening and Fencing

Buffer/screen planting and security fencing shall be required as follows:

(1) An eight (8) foot high security fence shall completely surround the tower, equipment, building(s), guy wires and anchors if required.

(2) An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted ten (10) feet on center maximum. All plants shall be a minimum of five (5) feet in height at the time of planting.

(3) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(4) All required plant materials shall be maintained and or replaced if necessary as set forth in Sec. 32.04.06.E.2.d

c) Lighting

Towers and antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least possible disturbance to the surrounding views.

d) Shared Use

(1) At all times, shared use of existing towers, including legal conforming and legal nonconforming, shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennas on pre-existing structures shall be considered. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower, structure, or alternative technology can accommodate the applicant's needs. Evidence submitted shall address the following:

(A) That no existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.

(B) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

(C) That existing towers or structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.

(D) That the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing tower or structure, or antenna on the existing tower or structure would interfere with the applicant's proposed antenna.

(E) That the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

(F) That other limiting factors that render existing towers or structures unsuitable are demonstrated.

(G) That alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.

(2) An applicant intending to share use of an existing tower or structure, including legal conforming and legal nonconforming, shall be required to document intent from an existing tower or structure owner to share use. The applicant shall pay reasonable fees and costs of adapting an existing tower or structure to a new shared use.

(3) An applicant intending to share use of an existing tower, including legal conforming and legal nonconforming, or locate an antenna and supporting electrical and mechanical equipment on a pre-existing building or structure shall be required to submit to the Development Services Department the following information for review and approval prior to the issuance of a Building Permit:

(A) Documentation of the intent from the owner of the existing facility to allow shared use.

(B) A site plan which shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking, and landscaping. Any methods used to conceal the modification of the existing facility, as required in Section 32D.02.A-B., shall be indicated on the site plan.

(C) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tower, building, or structure and explaining what modifications, if any, will be required in order to certify to the above.

(D) A copy of its Federal Communications Commission (FCC) license.

e) New Tower/Future Shared Use

The applicant shall design a proposed new communications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the City a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other communications providers in the future. This letter shall be filed with the City prior to issuance of a Building Permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the approval for siting the new tower. The letter shall commit the tower owner and his/her interest to:

- (1) Respond within ninety (90) days to a request for information from a potential shared use applicant.
- (2) Negotiate in good faith concerning future requests for shared use of the new tower by other communications providers.
- (3) Allow shared use of the new tower if another communications provider agrees in writing to pay reasonable charges. The charges may include but are not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

f) Setback

(1) In order to ensure public safety the minimum distance from the base of any new ground mounted communication tower to public right-of-way unless approved by the Board of Adjustment, any property line or "Fall Zone" easement line, habitable dwelling property line, shall be:

- (A) A distance equal to at least fifty percent (50%) of the height of the tower from any adjoining property line or "fall zone" easement line for monopole towers.
- (B) A distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining property line or "fall zone" easement line for all other types of towers.
- (C) A distance of one hundred feet (100') or one hundred percent (100%) of the height of a monopole tower, whichever is greater, from any residential zoned district or residential use property line.
- (D) A distance of three hundred feet (300') or three hundred percent (300%) of the height of all other tower types, whichever is greater, from any residential zoned district or residential use property line.

g) New Tower/Future Shared Use

No signs shall be allowed on an antenna or tower, other than safety or warning signs.

32D.03 - REGULATION OF ALL TOWERS IN EXCESS OF FORTY FEET IN HEIGHT.

a) Nier: The NIER (non-ionizing electromagnetic radiation) emitted from a communications tower or associated equipment shall not exceed the most recently adopted standard of the American National Standards Institute (ANSI-95.1).

- b) Height: Towers (including top-mounted appurtenances) shall not exceed the overall height recommended by the FAA or the FCC.
- c) Precedence: Where regulations and requirements of this chapter conflict with those of the FAA or FCC, the federal requirements shall take precedence.
- d) Signage: No signs shall be allowed on an antenna or tower, other than safety or warning signs.
- e) Fees: The City Council shall set, by resolution, whatever fees it deems appropriate to cover the cost of administering the registration of towers as described in this chapter.
- f) Exemption: All towers between 40 and 125 feet in height which are located a distance of more than the height of the tower from any adjacent property line or habitable structure shall be exempt from Section 32D.04(c) of this chapter.
- g) Tower Removal: The tower owner and/or operator shall notify the city Building Department when the owner and/or operator removes a tower or when it is destroyed, removed or otherwise dismantled by casualty or Act of God.
- h) Interference: Any signal interference complaints associated with communications towers or related equipment shall be addressed in accordance with FCC rules and procedures.
- i) Building Permits: Prior to the construction of communications towers in the City of Cedar Rapids, building permits shall be obtained from the Building Department by the tower owner, operator or the contractor who is installing the tower. All towers built after the passage of this chapter shall be registered at the time the building permit is obtained.

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32D.04 - REGULATION OF TOWERS BETWEEN FORTY AND ONE HUNDRED TWENTY-FIVE FEET IN HEIGHT.

a) Registration. Towers shall be registered within 60 days of the passage of this chapter. The following information shall be requested on the registration form and shall be supplied by the tower owner and/or operator:

- (1) Name and address of the tower owner;
- (2) Name and address of the tower operator;
- (3) Name, address, phone number and Title of primary contact person;
- (4) Address of the tower;
- (5) Principal use of the tower;
- (6) Tower height;
- (7) A list of appurtenances mounted on the tower including model numbers, if available, and
their location on the tower, or a drawing indicating location;
- (8) Site plan;
- (9) Date of the last inspection of the tower.

(b) Installation. The following applies to the installation of towers 40 to 125 feet in height.

- (1) Towers shall be subject to all applicable city codes.

(2) Plans and specifications for tower design shall be submitted to the Building Department for approval, by the tower owner, operator or contractor installing the tower.

(3) Setbacks shall comply with the applicable zoning ordinance district regulations.

(c) Inspection. The following applies to inspection of towers 40 to 125 feet in height.

(1) Towers shall be inspected within 12 months of the enactment of this chapter by the owner or his/her representative.

(2) A checklist such as that which is suggested in the EIA standard shall be filled out at each tower inspection.

(3) Inspection records shall be kept and made available upon request to the Cedar Rapids Building Department.

(4) Towers shall be inspected at least once every 3 years by the owner or his/her representative.

(5) The Cedar Rapids Building Department shall be notified when inspections are complete.

(6) If an inspection indicates a structural deficiency in the tower, the owner shall take immediate action to correct it.

32D.05 - REGULATION OF TOWERS IN EXCESS OF ONE HUNDRED TWENTY-FIVE FEET IN HEIGHT.

(a) Application. A building permit and/or conditional use permit shall be obtained prior to construction of communications towers in excess of 125 feet in height. Towers shall be registered at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the tower owner, operator or contractor installing the tower:

(1) Site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, landscape areas (specifying size, spacing and plant materials proposed), fences and adjoining property uses;

(2) Plans and specifications from a registered professional engineer, licensed in the State of Iowa and experienced in the design and/or analysis of communications towers. The plans and specifications shall include:

(A) Tower height,

(B) Type of structure,

(C) Type of materials,

(D) Specification for materials used for structural elements of tower,

(E) Name of tower manufacturer,

(F) Soils investigation (where required for footing design),

(G) Method of installation or erection,

(H) List of the type and location of all antennas, cables and other appurtenances which will be installed at the time the tower is erected,

(I) List of the type and location of all antennas, cables and other appurtenances which may be installed in the future.

(3) This plan and specification shall include a statement that to the best of the engineer's knowledge, information and belief, the proposed structure has been designed in accordance with all of the following:

(A) The current Uniform Building Code (as adopted by the City of Cedar Rapids)

(B) Applicable ordinances as adopted by the City of Cedar Rapids

(C) The current version of EIA 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures. The structure shall be designed for the maximum stresses or forces resulting from the following combinations:

1. Dead load of structure, plus the weight of all antennas, cables or appurtenances (including those to be placed on the structure at the time of construction and those anticipated for future placement), plus a load generated by applying a basic wind speed of 90 miles per hour to all tower members, cables, antennas and other appurtenances on the tower.

2. Dead load of structure, plus the weight of all antennas, cables or appurtenances (including those to be placed on the structure at the time of construction and those anticipated for future placement), plus 75% of a load generated by applying a basic wind speed of 90 miles per hour to all tower members, cables, antennas and other appurtenances on the tower, plus 100% of the weight of 1/2 inch of ice applied radially to all tower members, cables, antennas and other appurtenances on the tower.

(4) The tower owner shall supply a letter from the contractor stating that the tower has been installed according to the design submitted to obtain the building permit. This letter shall be accompanied by as-built drawings and test results.

(5) Other supporting information shall be submitted as required by the Building Official or an authorized representative.

(b) Setbacks. Setbacks for tower installation shall comply with Section 32.02 of the City of Cedar Rapids Zoning Regulations.

(c) Landscaping. Tower sites shall be landscaped as required by the zoning ordinance.

(d) Security. Access by the general public to the tower and all guy anchors (if any) shall be restricted by the use of security fencing or other obstacles not less than 8 feet in height. Appropriate signage shall be posted indicating that trespassing and/or vandalism to the property may be punishable under local, state or federal statutes.

(e) Inspections. Tower owners shall maintain, at their own expense, a tower modification and maintenance log which shall be made available for inspection by the city Building Department upon demand during regular business hours.

(1) At least once every 36 months the tower shall be inspected by an independent expert who is regularly involved in the maintenance, inspection and/or erection of communications towers. This inspection shall be conducted in accordance with the tower inspection checklist provided in the EIA standard as applicable. The Building Department shall be notified in writing when the inspection is complete and a copy of the inspection report shall be made available to the department upon request.

(2) At least once every 12 months a visual inspection shall be performed by properly trained staff or tower consultant. This inspection shall include tower

foundations, structures, guys, and connections from the ground for evidence of settlement or lateral movement, soil erosion, condition of paint or galvanizing, rust or corrosion, loose or missing bolts, loose or corroded lightning protection connectors, tower plumbness, significant variation in guy sags (i.e., guy tensions), etc.

(3) A structural inspection shall be performed if high winds, ice storms or other events have caused visible damage to the tower or its appurtenances. The Building Department shall be notified in writing when the inspection is complete, and a copy of the inspection report shall be made available to that department upon request.

(f) Compliance with Standards. Current or former EIA standards shall apply to the addition of antennas or other appurtenances to communications towers under the following conditions:

(1) Additions to towers constructed prior to the adoption of the ordinance codified in this chapter, regardless of whether the additions were accounted for in the original design, shall comply with the current EIA standard, and the wind loading specified therein, and shall include the ½ inch of radial ice requirement described in Section 32D.05(a)3.c.2 of this chapter. Additions to towers constructed subsequent to the passage of this ordinance shall comply with standards set forth in Section 32.05(h) of this chapter. If the EIA standard has changed since the tower was designed, a structural analysis shall be performed before any appurtenances or equipment are added.

(2) Existing towers which will not have any appurtenances added to them may comply with the EIA standard in existence at the time the tower was erected.

(3) Replacement of antennas or other appurtenances may comply with the EIA standard in existence at the time the tower was erected if the replacement does not add to the original design loading.

(4) If a structural analysis shows a tower is not in compliance with the appropriate EIA standard, the owner shall notify the city Building Department promptly, and provide that department with a plan to bring the tower into compliance within 6 months.

(5) The city Building Department shall be notified in writing when a required analysis is complete. A copy of the analysis report shall be made available to that department upon request. That report shall also give details of the net result of any changes made to the tower or its appurtenances since the last inspection.

(g) Registration. Owners and/or operators of all towers in excess of 125 feet in height shall register their towers with the city Building Department within 60 days of the passage of the ordinance codified in this chapter. Registration shall include the following information:

(1) Name and address of the tower owner;

(2) Name and address of the tower operator;

(3) Name, address, title and phone number of primary contact person;

(4) Address of the tower;

(5) Principal use of the tower;

(6) Tower height;

(7) A list of appurtenances on the tower, including model numbers, if available, and their location on the tower, or a drawing indicating location;

(8) Date of the last structural analysis;

(9) Site plan;

(10) Date of the last inspection.

(h) Analysis of Existing Towers. Within 12 months prior to or following the passage of the ordinance codified in this chapter, an analysis shall be performed on all towers in excess of 125 feet in height. This analysis shall determine the tower's compliance or lack thereof with the EIA standard in effect at the time the tower was constructed or when the most recent structural loading change was made. The tower owner shall, within 30 days of completion of the analysis or the passage of the ordinance codified in this chapter, provide the Building Department with a letter from a registered professional engineer licensed in the state of Iowa stating the current structural status of the tower. If the tower does not meet the aforementioned EIA standard, the letter shall indicate what would be required to bring the tower up to standard.

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32D.06 DISTRICT REGULATIONS

a) In the A-AG Agriculture and A-RR Rural Residential Districts, communication towers and antennas may be permitted as either a principal or accessory use subject to the following regulations:

(1) Height

A communication tower no more than seventy (70) feet in height, and a tower with attached antenna(s) with a combined height of no more than eighty (80) feet in height, shall be permitted. Towers and towers with attached antenna(s) that exceed those height limits may be permitted as a conditional use.

(2) Required Yards

(A) A communication tower shall meet the minimum setback as set forth in Sec. 32D.02(f). All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet minimum yard requirements for the district in which the tower is located. However, in no instance shall the setback for associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors be less than twenty-five (25) feet from the nearest lot line.

(B) Principal communication towers may be permitted subject to approval of a conditional use permit. The Board of Adjustment shall establish maximum height when approving a conditional use permit for a principle communication tower.

b) In the residential districts, communication towers are permitted subject to the following regulations.

(1) Height

A communication tower no more than seventy (70) feet in height, and a tower with attached antenna(s) with a combined height of no more than eighty (80) feet in height shall be permitted by right provided it is accessory to an existing Permitted Use. Accessory towers and accessory towers with attached antenna(s) that exceed those height limits may be permitted as a conditional use. All other communication towers, including those for commercial uses, may be permitted as a conditional use for properties that are not developed with residential uses.

However, a conditional use shall not be approved for a tower or for a combined tower and antenna exceeding one hundred twenty five (125) feet in height.

(2) Required Yards

An accessory communication tower shall meet the minimum setback required for a principal structure within the zoning district in which the tower is located. All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet the minimum yards required for an accessory building.

All other communication towers shall meet the minimum setback as set forth in Section 32D.02(f). All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet minimum yard requirements for the district in which the tower is located. However, in no instance shall the setback for associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors be less than twenty-five (25) feet from the nearest lot line.

c) In residential districts, antennas are a permitted use and are subject to the following regulations.

(1) Location

An antenna may be attached to a multiple family residential or nonresidential building or structure that is a permitted use in the district including, but not limited to a multi-story multiple family residential structure, a religious facility, existing lawful communication tower, a municipal or government building or facility, and building or structure owned by a utility. Antennas other than accessory use antennas are not to be allowed on any property developed with a detached single family residential structure.

d) In the T-ML zone district, communication towers are permitted only as an accessory use and are subject to the following regulations.

(1) Height

A communication tower no more than seventy (70) feet in height, and a tower with attached antenna(s) with a combined height of no more than eighty (80) feet in height shall be permitted. Towers and towers with attached antenna(s) that exceed those height limits up to, but not to exceed one hundred twenty-five (125) feet in height, may be permitted as a conditional use.

(2) Required Yards

A communication tower shall meet the minimum setback required for a principal structure within the zoning district which the tower is located. All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet the minimum yards required for an accessory building.

e) In the T-ML district antennas are a permitted use and are subject to the following regulations.

(1) Location

An antenna may be attached to a residential or nonresidential building or structure that is a permitted use in the district including but not limited to multi-story buildings, a religious facility, a municipal or government building or facility, and building or structure owned by a utility. Antennas other than accessory use antennas are not to be allowed on any property developed with a detached single family residential structure.

(B) Height

An antenna shall not exceed a maximum height of thirty (30) feet above the existing building or structure.

f) In Mixed Use districts, communication towers need not be differentiated between principal or accessory uses since the regulations are the same for both.

(1) Height

A communication tower, with or without attached antenna(s), shall not exceed a total height of one hundred twenty-five (125) feet. Towers exceeding one hundred twenty-five (125) feet in height may be permitted as a conditional use.

(2) Required Yards

A communication tower shall meet the minimum setback as set forth in Sec. 32D.02(f). All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet minimum yard requirements for the district in which the tower is located. However, in no instance shall the setback for associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors be less than twenty-five (25) feet from the nearest lot line.

(3) Drives and Parking

Parking spaces are not required for a communication tower itself. Any associated uses and buildings shall be provided parking spaces as required by Sec. 32.04.02. Any drives to the tower shall be constructed and maintained with a dust free surface.

g) In the I-LI and I-GI districts, communication towers need not be differentiated between principal or accessory uses since the regulations are the same for both.

(1) Height

There are no height limits imposed by this ordinance.

(2) Required yards

A communication tower shall meet the minimum setback as set forth in Sec. 32D.02(f). All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet minimum yard requirements for the district in which the tower is located. However, in no instance shall the setback for associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors be less than twenty-five (25) feet from the nearest lot line.

(3) Drives and Parking

Parking spaces are not required for a communication tower itself. Parking spaces shall be provided for any associated uses and buildings as required by Sec. 32.04.02. Any drives to the tower shall be constructed and maintained with a dust free surface.

- h) In the P-AP District, communication towers and antennas are permitted only as accessory uses which are subject to operational control by the Airport Commission and are subject to FAA regulations, and are exempt from use-specific standards and other regulations within this ordinance.

32D.07 NONCONFORMING TOWERS AND ANTENNA(S)

a) Nonconforming Use

Towers and antennas that exist prior to June 4, 2003 and are not in accordance with provisions of these regulations shall be deemed legal nonconforming uses or structures. Nonconforming towers and antennas shall be allowed to continue their usage as they presently exist. Routine maintenance and installation of shared use equipment such as additional antennas and associated equipment shall be permitted on such pre-existing towers.

b) Expansion of Nonconforming Use

Existing towers and antennas that are installed, in accordance with provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

c) Rebuilding Nonconforming Towers and Antennas

Any nonconforming tower and/or antenna that is obsolete, damaged, or destroyed may be rebuilt subject to the following:

- (1) That the applicant satisfy the requirements of Secs. 32D.02.
- (2) That if shared usage is not possible, the type, height, and location of the tower to be constructed on site shall be of the same type and intensity as the original facility approval.
- (3) Building permits to reconstruct the facility shall comply with the current applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is demolished, damaged, or destroyed. If no permit is obtained or if said permit expires, the tower or antennas shall be deemed abandoned as specified in Sec. 32D.08 of the Cedar Rapids Municipal Code.

32D.08 - REMOVAL OF ABANDONED ANTENNAE AND TOWERS.

(a) At such time that a license carrier plans to abandon or discontinue operation of a communications tower and associated facilities, such carrier will notify the City Department of Building, Housing, and Zoning by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed

carrier fails to give notice, the communications tower and associated facilities shall be considered abandoned upon discontinuation of operations.

(b) Upon abandonment or discontinuation of use, the carrier shall physically remove the communications tower and associated facilities within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not limited to:

1. Removal of antennae, mount, equipment shelters and security barriers from subject property in accordance with local permitting and regulations;
2. Proper disposal of waste materials from the site in accordance with local and state solid waste disposal regulations;
3. Restoring the location of the communications tower and associated facilities to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(c) The Board of Adjustment may grant a variance to allow the communications tower and associated facilities to remain in place based upon evidence submitted for review in each specific case and in accordance with Section 32.05.13 of the City of Cedar Rapids Zoning Regulations.

(d) If a carrier fails to remove a communications tower and associated facilities in accordance with this section of this code, the City of Cedar Rapids shall have the authority to enter the subject property and physically remove the facility. The City Council may levy an assessment on the subject property to cover costs for removal of the communications tower and associated facilities in the event the City must remove the facility.

Section 4. Section 33C.03 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 33C.03 as follows:

"33C.03 - FENCE REGULATIONS.

- (a) Fences hereafter erected, altered, and/or replaced shall conform with the provisions of Section 32.11 of the Municipal Code of Cedar Rapids. The section shall describe fence size, location, type and height.
- (b) **Barbed Wire.** The use of a barbed wire for any fence is prohibited except as follows:
 1. A fence in an Industrial District may be topped with barbed wire provided that no barbed wire shall be maintained below a height of seven feet nor shall any barbed wire be permitted to project over public property.
 2. A fence in a Mixed Use district may be topped with barbed wire provided that no barbed wire is maintained below a height of seven feet nor shall any barbed wire project over public property, and further provided said fence is not in the general area of public and business use access.
 3. A fence on agricultural land or on a farm may be constructed, replaced or repaired with barbed wire except that no barbed wire shall be erected in a boundary fence adjacent to a platted residential area or lot.
- (c) **Electrical Fence.** The use of an electrical fence is prohibited in all zoning districts except as follows:

An electrical fence may be erected in an agricultural district, provided adequate notices are posted to warn the public of any potential dangers should they come in

contact with the fence. (optional language) Such notice shall indicate the amount of current being carried by said fence.”

Section 5. Section 33E.10 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 33E.10 as follows:

“33E.10 - PERMITS.

- (a) **Permits Required.** Permits shall be required prior to the installation of all signs erected within the city limits, except any specifically exempted from the requirements of this section.

1. Permits shall also be required for the following work:

- A. Major repairs to existing signs; or
- B. Repainting any sign when the permanent copy is changed, except billboard signs; or
- C. Rehangng any sign which has been removed for remodeling, repairs or repainting.

2. Permits shall not be required for the following:

- A. Temporary ground sign when placed on property to advertise the sale or rental of said property, provided said sign does not exceed 12 square feet in surface area in a single unit zoning district or 16 square feet in a multi- unit zoning district.
- B. Construction activity sign on tracts of ground containing the equivalent of 6 or more contiguous lots and located in a single unit or multi- unit zoning district.

- (b) **License Required.** Only persons, firms or corporations with a valid sign contractor's license approved by the Building Official shall be issued permits for installation of signs, except for the following:

- 1. Temporary banner signs; or
- 2. Flat nonilluminated signs mounted on a building which requires a front yard setback, that do not exceed 32 square feet in size and are less than 8 feet above grade; or
- 3. Nonilluminated pole signs that do not exceed 32 square feet in size and are less than 8 feet in height.

Permits for these types of signs will be issued to the owner/occupant of the property on which said signs will be displayed.

- (c) **Permit Application.** No permit for installation of any sign shall be issued until an application has been submitted and approved by the Building Department. Said application shall include the location, size, construction method or support and any other information that may be required by the Building Department.

An application shall also include the following information, if appropriate;

- 1. Illuminated Signs. The name of the electrical contractor;
- 2. Roof Signs. Plans which show the construction of the roof, method of reinforcing said roof, if necessary, and method of attaching or anchoring said sign to the roof structure. Said plans shall also show load limits of the sign on the roof structure.

- (d) **Penalty.** It shall be the duty of the Building Official and/or designees to direct any firm or person erecting a sign without a valid permit to obtain said permit. An

investigation fee shall be charged on any sign installation started without a permit. Said fee shall be equal to 2 times the required permit fee.

- (e) **Public Protection.** The issuance of a permit for installation of any sign will permit the contractor to occupy the street or sidewalk and to block the sidewalk to protect pedestrians, subject to issuance of a Street Occupancy Permit. "

Section 6. Section 33E.13 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 33E.13 as follows:

"33E.13 - SIGN REGULATIONS.

All signs installed, erected, altered and/or maintained shall conform with the provisions of Section 32.04.08 of the Municipal Code of Cedar Rapids. Said section shall describe signs permitted, prohibited, size, location, removal, type, height, projection and illumination."

Section 7. Section 33E.20 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 33E.20 as follows:

"33E.20 - BILLBOARDS.

- (a) Billboards and ground signs shall be constructed and engineered so as to comply with regulations as specified in the Cedar Rapids Building Code.
- (b) Maintenance. Any person, firm or corporation occupying any vacant lot or premises with a billboard, ground sign or other advertising structure or device, shall be subject to the same duties and responsibilities as the owner of the lot or premises on which such structure is located, with respect to keeping the same clean, sanitary and free of all weeds and noxious substances in the vicinity of such structure, as prescribed by the City of Cedar Rapids Municipal Codes. All such structures shall be maintained in a safe condition at all times and be kept in good repair and painted as needed or determined by the Building Official.
 - 1. The name of the person, firm or corporation owning or controlling each billboard shall be placed and maintained on such billboard so as to be legible.
 - 2. Insurance. Every person, firm or corporation engaged in the business of maintaining billboards or roof signs in the City of Cedar Rapids shall comply with insurance requirements herein before set for sign contractors.
 - 3. Size and Locations. Billboards shall be subject to regulations as set forth in Chapter 32.04.08.H of the Municipal Code of Cedar Rapids, Iowa."

Section 8. Section 42.04 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 42.04 as follows:

"42.04 - LOCATION RESTRICTIONS.

- (a) Pushcart operators when located curbside in a parking meter space, as approved by the Traffic Engineering Department, shall pay the standard meter fee and hooding fees established by resolution of the City Council. When located at other than a parking

meter space, the pushcart shall be so situated as to be in conformance with all applicable restrictions and ordinances of the city and specifically approved by the City Council or by a duly authorized representative.

- (b) No person, firm, corporation, or other organization shall sell, display, or otherwise offer for sale any merchandise or other materials on any sidewalk, street, public right-of-way, or other public property without first obtaining approval by the City Council or by a duly authorized representative. Application for such license shall be made in writing to the City Clerk. The Clerk shall refer such application to the appropriate city departments for review and report. Said application along with the appropriate department reports shall then be forwarded to the City Council or to a duly authorized representative for action to approve or disapprove.
- (c) Persons, firms, corporations or other organizations having valid contracts with the City of Cedar Rapids authorizing activities hereinbefore described in subsection (b) above are excepted from the terms of said paragraph for the activities specifically authorized in the contract.
- (d) The City Council reserves the right to require the relocation of any licensed pushcart or transient merchant to a new location in the event public safety or congestion so requires, based on the discretion of the Council.
- (e) Transient merchants who are engaged in business on private property may only do so in the following Zoning Districts as defined in the Cedar Rapids Zoning Ordinance, Chapter 32 of the Municipal Code of Cedar Rapids: T-ML Traditional Mixed-Use Limited District, S-MC Suburban Mixed-Use Community Center District, S-MR Suburban Mixed-Use Regional Center District, and Urban Form Districts.
- (f) No transient merchant shall be permitted to operate from one location for more than 7 consecutive days and no other transient merchant shall be permitted to operate another business at that location within the immediate 30 days following the previous transient merchant.
- (g) The City Council may by resolution, following a request by a pushcart operator, vendor or permanent merchant, grant exceptions to the time constraints of Section 42.01(e) and Section 42.04(f) and the license requirements of Section 42.04 based upon just cause.
- (h) All pushcart operators and vendors shall comply with all requirements of the Cedar Rapids Zoning Ordinance (Chapter 32, Municipal Code, City of Cedar Rapids), except that transient merchants shall not be required to provide off-street parking facilities as required by Section 32.04.02 of the Cedar Rapids Zoning Ordinance, however, if off-street parking facilities are provided the design and maintenance of said facilities shall be in accord with the specifications and standards set forth in Section 32.04.02.L, of the Cedar Rapids Zoning Ordinance.
- (i) No vendor vending from a motor vehicle shall conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life, or property, or an obstruction to adequate access to fire, police, sanitation, or emergency vehicles. Furthermore, no vehicle shall remain in any one place for a period longer than necessary to make a sale after having been approached or stopped for that purpose."

Section 9. Section 42.05 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 42.05 as follows:

"42.05 - PERMANENT LOCATION (HOME BASE).

Every pushcart licensee shall maintain a permanent location within the City of Cedar Rapids for the storage and preparation of food and beverages carried by the licensee's food carts, and for the cleaning and servicing of carts. Such permanent location shall not be located in any Residential Zoning District as defined in Section 32.02 of the Cedar Rapids Zoning Ordinance unless conforming to all requirements of the Home Occupation Section of the Zoning Ordinance being Section 32.03.04.C.8 of the Municipal Code including the prohibition of any person who is not a member of the family as defined in Section 32.03.04.C.8 of the Cedar Rapids Zoning Ordinance being employed in the activity. Such permanent location shall comply in all respects with requirements of the U.S.D.A. Food and Drug Administration Food Service Sanitation Ordinance passed in 1976, amended in 1981, and as may be amended hereafter. Each pushcart shall return to the permanent location at least once daily for cleaning and servicing. Said location shall be identified in writing to the city, and shall be accessible for inspection."

Section 10. Section 52A.05 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 52A.05 as follows:

"52A.05 - PROHIBITED ACTIVITIES.

1. No tow truck/wrecker business shall be located in an Agricultural and Rural or Residential zoning district.
2. No drivers and/or vehicles shall be transferred in a residential district.
3. Not more than one tow truck or wrecker can be kept on a residential zoned lot, provided that such vehicle does not exceed a net legal carrying capacity of 1-½ tons and provided such vehicle is legally parked on the property in compliance with current zoning regulations.
4. No tow truck/wrecker operator or driver that has a vehicle in tow or is transporting another vehicle shall park on a residential lot nor on any street within the city limits more than one hour.
5. No towing or wrecker service shall knowingly tow or conceal any motor vehicle wanted by a law enforcement agency in any police investigation. All towing and wrecker services shall notify the Cedar Rapids Police Department prior to towing a vehicle which has been either parked without permission or abandoned on private property and which the property owner, or the owner's agent or employee, has requested be towed. In addition, all towing and wrecker services shall submit to the Cedar Rapids Police Department on a daily basis a report of any and all such tows which have occurred on that day."

Section 11. Section 53.14 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 53.14 as follows:

"53.14 - RIDING ON SIDEWALK.

- (a) No person, except for handicapped individuals with specially equipped bicycles, shall ride a bicycle upon the sidewalk or walkway in any Urban General Flex District as defined in Section 32.02.05.B of this Code, unless authorized signs specifically designate a sidewalk or walkway for bicycle use. The Department of Public Works is authorized to erect signs on any sidewalk or roadway within the city prohibiting the riding of bicycles thereon.
- (b) Whenever a person is riding a bicycle upon a sidewalk, such a person shall yield the right-of-way to any pedestrian."

Section 12. Section 65.05 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 65.05 as follows:

“65.05 - MANUFACTURED/MOBILE HOME PARK DEVELOPMENT PLAN.

- (a) No manufactured/mobile home shall be located or altered, or land or water used, until the required manufactured/mobile home park development plan is officially approved by ordinance of the City Council, and provisions of the State of Iowa are complied with.
- (b) The proposed manufactured/mobile home park development plan shall show the following:
 - 1. Topography with topographic lines at a minimum of 5-foot intervals.
 - 2. Park boundaries and dimensions including typical street sections, drainage plan (both within and total) and a sanitary sewer plan.
 - 3. The location and area of all uses, including streets adjacent to and within the park; walks, patios, manufactured/mobile home stands; play areas, parks, and common open spaces, parking areas; storm shelters; utilities including street lighting and fire hydrants; physical features such as retaining walls, fences, trees, and natural features; other information that may be required by the Planning, Engineering, Traffic, Fire, Health, Water, Forestry or Building Departments; easements and dedications.
 - 4. The manufactured/mobile home park plan shall be prepared by a registered landscape architect, architect, engineer, land surveyor, or other experienced designer and have the seal of a duly authorized engineer or land surveyor in the State of Iowa certifying boundaries, boundary measurements, and such other matters as are required to be so approved by the Cedar Rapids platting ordinance.
- (c) The proposed manufactured/mobile home park development plan shall be in accordance with the park development plan approved by the City Council with the S-MH Zoning granted for the proposed manufactured/mobile home park.
- (d) Every manufactured/mobile home park shall be constructed and maintained in accordance with the Development Standards as defined by Chapter 32.04 of the Municipal Code of Cedar Rapids, Iowa.
- (e) In recommending upon and approving manufactured/mobile home parks, the City Council shall consider the location, size, height, spacing, and extent of use of any manufactured/mobile home and their appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces and the relationship to adjacent property. The City Planning Commission shall not recommend nor the City Council adopt such manufactured/mobile home park plan unless it finds that such plan conforms to all applicable provisions of this chapter.
- (f) If said manufactured/mobile home park development plan contains no dedication to the city for streets or utilities or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, water and sewer lines, garbage collection or other related functions, then such owner shall be required to record with such manufactured/mobile home park plan a covenant that he will maintain said streets, sidewalks, water and sewer lines in compliance with the minimum standards as established by the City of Cedar Rapids, Iowa, and that should he fail to maintain said standards in any of these respects, the City of Cedar Rapids, Iowa, may, after 10 days' notice to such owner, effect all the necessary repairs or improvements as required to maintain said minimum standards and the cost of all these and necessary repairs or improvements including all administrative costs shall become a lien against said real

estate and enforced and recorded as mechanic's liens are enforced and recorded against such real estate, and said covenant shall contain the following proviso:

"that (name of owner) being the owner or owners of the real estate contained in the above attached manufactured/mobile home park development plan hereby consent that if they or their assignees, heirs or those holding or owning said land through said owners fail to maintain the streets, sidewalks, water and sewer mains according to and in compliance with the minimum standards for the maintenance of streets, sidewalks, water and sewer mains as established by the City of Cedar Rapids, Iowa, that after 10 days notice in writing to the owner of said land as shown upon the records in the County Auditor's office of Linn County, Iowa, and at the address therein, shown, then said owner, assignees, heirs, and those holding or owning through said owners, hereby authorize the City of Cedar Rapids, Iowa, to file a mechanic's lien or such other lien or encumbrance against said real estate and enforce said lien pursuant to laws then applicable."

(g) **Amending Procedure.**

1. If it is found necessary to make material and substantial alterations or modifications to an approved manufactured/mobile home park development plan, such alterations or modifications shall be subject to the approval of the City Council.
2. A request for approval of alterations or modifications of a previously approved manufactured/mobile home park development plan shall be accompanied by the same kind and number of exhibits as is required for a new request for approval insofar as such exhibits are applicable to the requested alterations or modifications. When City Council by official resolution approves the revised manufactured/mobile home park development plan said revised plan will supplant the original approved manufactured/mobile home park development plan.
3. If a reasonable length of time (360 days) has elapsed without significant progress having been made in completion of the manufactured/mobile home park or if there has in the interim been a significant environmental change, as determined by City Council, within or surrounding the area covered by the plan, the City Council may require that a revised plan be submitted by the developer."

Section 13. Section 65.06 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 65.06 as follows:

"65.06 - AREA.

Every lot upon which a manufactured/mobile home unit is located shall front onto an approved public or private street or right-of-way as defined in this chapter and shall conform to the following minimum lot area and width requirements.

(a) **Residential Use.**

1. The lot area shall be a minimum of 5,500 square feet, have a minimum dimension of 110 feet on its longest side, and a minimum of 50 foot frontage on an approved public or private street or right-of-way and not less than 15 feet in depth from back of curb.

(b) **Accessory Uses.**

1. The lot area shall be a minimum of 4,000 square feet for basic requirements for such uses as direct servicing, management and maintenance of the park. Any such structure shall be of permanent-type construction meeting all local

applicable building and zoning codes. Building setbacks shall be the same as defined in the T-ML—Traditional Mixed Use Limited.

2. For uses requiring larger lot areas than heretofore set forth under this section, such uses may be permitted if lot sizes are increased proportionately to maintain minimum yard and separation requirements as set forth in this chapter or Chapter 32 of the Municipal Code of Cedar Rapids, Iowa. The most restrictive rules shall apply.

(c) **Unit Placement.**

1. Parallel orientation of at least 75% of the units on lots which have public street frontage or are adjoining residential development. In areas adjoining residential development, buffering may be provided in lieu of parallel orientation with the design and location of said buffering to be reviewed and approved as part of the overall development plan.
2. Double wide lots shall be developed at the perimeter of the park.”

Section 14. Section 65.08 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 65.08 as follows:

“65.08 - PARK PERIMETER GENERAL AREA BUFFERING GUIDELINES.

- (a) Each yard area abutting on a perimeter public street or adjoining other property shall provide an appropriate width and screening to effectively buffer the park based on alternatives indicated within this section. The standards contained in this chapter shall be considered as guidelines and reviewed on a case by case basis. The buffering may include a combination of screening trees, vertical berming, and/or screening fencing. A detail regarding the proposed screening combination as identified under subsection (b) of this section shall be prepared by a Landscape Architect or other qualified professional and be included in the park plan reviewed by the city staff, the City Planning Commission, and City Council as part of the S-MH Overlay District review as provided under Chapter 32 of the Cedar Rapids Municipal Code.

The buffer yard matrix described under subsection (b) of this section shall be used for determining the design and approach for the perimeter buffering. It is intended that the buffering should be appropriate for the adjoining land uses.

- (b) **Buffer Yard Matrix.** The following buffer yard matrix is intended to provide flexibility to the developer through the manipulation of 4 basic elements—distance, plant material type, berming, and structural or land forms.
1. Location. Buffer yards shall be located on all exterior property of a manufactured/mobile home park.
 2. Buffer Yard Elements. Buffer yards consist of 4 elements which may be adjusted to provide adequate buffering to adjoining land uses. It should be noted that the intent of the buffer yard is to provide a visual separation of the park from adjoining property and land uses and will not constitute a full visual barrier. The 4 elements include:
 - a. Width. Buffer width provides for a physical separation between the park and adjoining uses.
 - b. Planting. The buffer planting includes a combination of living ground cover, deciduous and evergreen shrubs, deciduous trees, and evergreen trees. As the buffer width is reduced, the density of trees and shrubs should be

increased to provide a comparable visual separation. The intensity of planting falls into three categories including:

1.	Low Intensity	Living ground cover
		10% area shrubs
		One tree per 100 linear feet
2.	Medium Intensity	Living ground cover
		20% area shrubs
		2 trees per 100 linear feet
3.	High Intensity	Living ground cover
		25% area shrubs
		3 trees per 100 linear feet

- c. Berming. Berming provides a vertical enhancement for the buffer separation. This allows the planting to be more effective.
- d. Fence/Wall. This element provides for a solid screening in cases where the buffer width is reduced so that planting and berming cannot provide a fully effective visual separation. In general, walls and fences should only be used where other elements are not practical.
- 3. Determination of Buffer Yard. To determine how the elements of the buffer yard are applied, the following procedure should be followed:
 - a. Identify the land use class of the adjoining land use based on the following chart. In the case of agricultural or undeveloped land, the identification of land use shall be based on the Comprehensive Plan Land Use designation.

Land Use Classification Chart

	Low density residential uses
Class 1	
	Parks, open space, and conservation areas
	Major highway corridors
Class 2	Moderate to high density residential uses
	Public facilities

	Religious facilities
	Professional office facilities
	Retail commercial uses
	General retail commercial and office uses
	Research and development park uses
Class 3	Service commercial uses
	Warehouse distribution facilities and industrial uses

b. Determine the basic buffer yard alternatives as identified below.

	Width	Planting	Berm/Wall
Class 1			
	100 feet	low intensity	optional
	50 feet	medium intensity	8 feet
	25 feet	high intensity	optional
Class 2			
	50 feet	low intensity	optional
	25 feet	medium intensity	4 feet
	10 feet	high intensity	optional
Class 3			
	75 feet	low intensity	8 feet
	50 feet	medium intensity	8 feet
	25 feet	high intensity	optional

Notes:

1. Existing site conditions such as plant material, natural features, and topography may be considered in determining the extent of buffering required.

2. Trees to be large specimen (minimum 2-inch dbh) to be reviewed and approved by the City Forester.
 3. Berms to have slopes no greater 1:3.
 4. Walls to be constructed with solid, durable, materials such as concrete block.
 5. Elements of the buffer yard shall be installed and maintained in good condition.
- (c) **General Exemption.** The developer may elect to provide for new low density residential development adjoining the park in lieu of providing the buffer yard as described above. In such cases, said low density residential development shall be approved as part of the manufactured/mobile home park plan and constructed prior to, or concurrent with, development of the adjoining manufactured/mobile home lots. If the adjoining manufactured/mobile home lots are to be developed prior to the low density residential development, the buffer yard as required by the section shall be constructed.

Section 15. Section 65.39 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 65.39 as follows:

“65.39 - APPEALS OF DECISIONS OR VARIANCE FROM THE PROVISIONS OF THIS CHAPTER.

Any person(s) affected by a decision of the Zoning Administrator in the enforcement of this chapter may appeal to the Cedar Rapids Board of Adjustment as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa, Section 32.05.01.R. “

Section 16. Section 66.03 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 66.03 as follows:

“66.03 - BUSINESS HELIPORTS.

The establishment, location and use of a business heliport shall be governed by the following regulations:

- (a) A minimum ground space for the takeoff and landing area shall be a minimum of 100 feet on each of all four sides, of a rectangular shape.
- (b) There shall be at least two paths at least 90° apart for approach and takeoff from the landing area.
- (c) There shall be no obstacle or obstruction exceeding 50 feet in height within 100 feet of the landing area in the takeoff or approach paths; that further, all obstructions and obstacles beyond said 100 feet in the approach and takeoff paths shall not exceed a two to one gliding ratio, such that the distance from the landing area shall be at least twice the height.
- (d) The heliport shall either be located in an enclosed area which does not permit access by the public at will. or be immediately enclosed by a temporary or permanent fence or wall designed to provide for the safety of persons, vehicles and other things or property in the area.

- (e) The heliport shall be surfaced such to minimize the blowing of dust, dirt, or other material.
- (f) The heliport shall be located and used only in areas zoned Urban Form or Industrial.
- (g) The heliport and the operation thereof shall comply with all rules and regulations established by the FAA now in force or hereafter enacted.”

Section 17. Section 66.05 of the Cedar Rapids Municipal Code is hereby deleted and in its place is enacted in lieu thereof the following new Section 66.05 as follows:

“66.05 – PRIVATE HELIPORT.

The location, operation and use of a private heliport shall be governed by the following regulations:

- (a) A minimum ground space for the takeoff and landing area shall be a minimum of 100 feet on each of all four sides, of a rectangular shape.
- (b) There shall be at least two paths at least 90° apart for approach and takeoff from the landing area.
- (c) There shall be no obstacle or obstruction exceeding 50 feet in height within 100 feet of the landing area in the takeoff or approach paths; that further, all obstructions and obstacles beyond said 100 feet in the approach and takeoff paths shall not exceed a two to one gliding ratio, such that the distance from the landing area shall be at least twice the height.
- (d) Such safety arrangements shall be made as necessary to protect persons and property in connection with any landing or takeoff from a private heliport and no person shall land or take off from a heliport such that persons or surrounding property are endangered.
- (e) A conditional use permit shall be obtained under the use regulations of the Cedar Rapids Zoning Ordinance for a private heliport.
- (f) The heliport and the operation thereof shall comply with all rules and regulations established by the FAA now in force or hereafter enacted.”

Section 18. That the aforesaid described replacement sections shall be included as part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa and made a part of said Code as otherwise provided for by law.

Section 19. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

Section 20. That this Ordinance shall be effective, after its passage, publication, and as otherwise provided by law, as required by the statutes of the State of Iowa.

Section 21. That the changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 22. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 23. This Ordinance shall be in full force and effect on January 1, 2019.

Introduced this 4th day of December, 2018.

Passed this 18th day of December, 2018.

Voting: Council member Olson (Scott) moved the adoption of the ordinance; seconded by Council member Weinacht. Adopted, Ayes, Council members Hoeger, Olson (Scott), Overland, Poe, Todd, Vanorny, Weinacht and Mayor Hart.



Bradley G. Hart, Mayor

Attest:



Amy Stevenson, City Clerk