

ARTICLE XVI

SPECIAL PROVISIONS

Section 16.00 OFF-STREET PARKING AREAS

1. Provisions of Off-Street Parking: In all Districts, off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth hereinafter, and to the extent indicated therewith, in addition to the above required loading and unloading spaces.
 - a. With the exception of the “C-2” or “C-3” Commercial Districts, parking areas in Commercial and Manufacturing Districts shall be on the premises intended to be served.
2. Number of Parking Spaces Required: With the exception of the “C-2” or “C-3” Commercial Districts, employee parking in Commercial and Manufacturing Districts shall be provided at the rate of one (1) space per employee.
3. Development Standards: Off-street accessory parking lot areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area.
 - a. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provide an access drive not less than eight (8) feet in width in the case of a one (1) or two (2) family dwelling. The drive shall not be less than sixteen (16) feet in width, at the widest point, in all other cases leading to the loading or unloading spaces and parking or storage areas required herein.
 - b. No part of any parking lot or space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins a Residential District, it shall be set back at least five (5) feet from the Residential District boundary and shall be effectively screened.
 - c. Any off-street parking or drive area, including any commercial parking lot, for more than five (5) vehicles shall be hard surfaced with either: Asphalt Cement Concrete (ACC), Portland Cement Concrete (PCC), or permeable concrete or such other surfaces so as to provide a durable and dustless surface. The parking area shall be so graded and drained to dispose of surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of self propelled vehicles. Stormwater shall be managed in such a way that it does not negatively impact surrounding properties.
 - d. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from, or shield, adjoining premises in any Residential District.
4. Off-Street Parking Lots In “R” Districts Abutting “C” Or “M” Districts: In any “R” Residence District abutting a “C” or “M” District off-street parking lots shall be permitted in accordance with the following requirements:
 - a. Off-street parking lots located in an “R” Residence District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a

contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.

- b. Off-street parking lot in any “R” Residence District shall provide a permanent fence or shrubbery screen on all side yards of the abutting “R” Residence District, such screen to be located in the provided side yard.
 - c. Off-street parking lots in any “R” Residence District shall be hard surfaced with either: Asphalt Cement Concrete (ACC), Portland Cement Concrete (PCC), or permeable concrete or such other surfaces so as to provide a durable and dustless surface. Such surfacing shall be approved further that such parking lots shall be maintained in an orderly manner free from refuse or debris.
 - d. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.
5. Gas Stations, Convenience Stores, Automotive Repair Shops, And Parking Lots: No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street, on which is located any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on a street which the lot in question does not abut. No gasoline filling station or public garage shall be permitted where any oil draining pit or fuel filling appliance is located within twelve (12) feet from any street line or within twenty-five (25) feet from any “R” District, except where such appliance or pit is within a building.
6. Exceptions: The Board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing parking requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction, time extension, or waiver.

Section 16.01 TRUCKS, BUSES, AND MOBILE HOMES

- 1. Truck trailers and buses shall not be parked or stored on any lot occupied by a dwelling.
- 2. Mobile Home: A “mobile home” shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied whether temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the City of New Hampton.

Section 16.02 MOBILE HOMES, RECREATIONAL VEHICLES, AND EMERGENCY USE PERMITS

Mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following provisions:

- 1. Mobile Home: A “mobile home” shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied, whether temporarily or permanently, unless it is parked or stored in a mobile home park, as authorized under the ordinances of the City of New Hampton. In any case, a mobile home shall not be used as an accessory building.
- 2. Recreational Vehicle: A “recreational vehicle” shall only be used as living quarters for a maximum of two (2) weeks. Using a “recreational vehicle” for living quarters beyond two (2) weeks, shall require Planning and Zoning Commission and City Council approval. A “recreational vehicle” shall not be stored on a vacant Residential lot.

3. Emergency Use and Disaster Recovery Permit: In the event of an emergency, a Factory built/Mobile Home may be used temporarily as living quarters in any Residential District or as a business in a Commercial District under the following conditions:
 - a. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe;
 - b. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster;
 - c. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building;
 - d. The owner has made arrangements satisfactory to the Zoning Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot;
 - e. The owner has applied to and been granted a permit under this section by the Zoning Administrator for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three (3) months. Each grant and extension is reviewable by City Council at the request of the applicant or the City Council.

Section 16.03 EXTERIOR SIDING IN CERTAIN RESIDENTIAL AND COMMERCIAL DISTRICTS

No exterior siding containing materials, unlike those of surrounding buildings, shall be used in the construction, remodeling, or repair of a structure within areas zoned as “R-1”, “R-2”, “R-3”, “C-2”, and “C-3”. Structures that are two hundred (200) square feet or less are excluded from this requirement. Property owners may appeal to the Board of Adjustment for an exception to this requirement to be determined on a case-by-case basis.

Section 16.04 WIND ENERGY CONVERSION SYSTEMS

1. Purpose. The purpose of this section is to allow and encourage the safe, effective and efficient use of small wind energy systems; identify locations in areas of the City which would be least adversely impacted by the visual, aesthetic, and safety implications of their siting; and enhance the ability of the providers of wind energy services to provide such services to the community quickly, efficiently, and effectively.
2. Definitions.
 - a. Blade: an element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - b. Height, Total System: the height above grade of the wind energy system, including the tower generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.
 - c. Meteorological Equipment: equipment primarily used to measure wind speed and directions, including other data relevant to locating an operational wind energy conversion system.

- d. Qualified Professional: an individual certified by the manufacturer of a wind energy conversion system as qualified to install and/or maintain that manufacturer's wind energy conversion system.
- e. Rotor Diameter: the diameter of the circle described by the moving rotor blades.
- f. Shadow Flicker: alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.
- g. Tower: the vertical component of a wind energy conversion system that elevates the wind generator above the ground.
- h. Wind Turbine: a wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy.
- i. Wind Energy Conversion System: a system consisting of at least one of the following: a wind turbine, a tower, and associated control or conversion electronics, which is intended to reduce on-site consumption of utility power, is incidental and subordinate to a permitted use on the same parcel and has a rated capacity of up to one hundred (100) kilowatts.

3. General Regulations.

- a. General: wind energy conversion systems shall be allowed as a special use accessory to a permitted use in all zoning districts other than residential zoning districts.
- b. Prohibited: commercial wind energy conversion systems are prohibited within the City.
- c. Number of systems per property: no property shall contain more than one wind energy conversion system.
- d. Permit required: all wind energy conversion systems require a special use permit to be obtained from the Board of Adjustment prior to site grading and installation. The Board of Adjustment can revoke a special permit at any time if the requirements set forth in this ordinance and/or any conditions imposed by the Board of Adjustment are not met. The Board of Adjustment will revoke the special use permit of an abandoned wind energy conversion system.
- e. Insurance: the owner/operator of a wind energy conversion system unit must demonstrate adequate liability insurance.
- f. FAA Regulations: wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The applicant has the responsibility of determining applicable FAA regulations and must provide evidence of securing the necessary approvals.
- g. Maintenance: all wind energy conversion systems shall be properly maintained in operational condition at all times, subject to reasonable maintenance and repair outages. The owner of any wind energy conversion system deemed unsafe by the zoning official or his/her designee shall repair the structure to meet all federal, state and local safety standards or remove it within six (6) months.

4. Bulk Regulations:

- a. Minimum Lot Size: two (2) acre minimum lot size required for any tower mounted wind energy conversion systems.
- b. Minimum Setback Requirements: all wind energy conversion systems shall require a setback of one hundred ten percent (110%) of the total system height from any property line.
- c. Maximum Height: the maximum height for wind energy conversion system is eighty (80) feet.
- d. Number of Systems Allowed: no more than one (1) wind energy system may be placed on any parcel.
- e. Location:
 - (1) Tower mounted wind energy conversion systems shall only be located outside of any minimum building setback requirements.
 - (2) No part of a wind energy conversion system shall be located within or over drainage, utility or other established easements, or on or over property lines.
 - (3) A wind energy conversion system shall be in compliance with guidelines of the Federal Aviation Administration (FAA) regulations.
 - (4) No wind energy conversion system shall be constructed within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five (5) feet.
 - (5) No wind energy conversion system shall be located in a residential zoning district.
 - (6) No roof mounted wind energy conversion system will be allowed.

5. Minimum System Design Standards. The following standards are required of all wind energy conversion systems and shall be deemed to be conditions of approval for every wind energy system.

- a. Color: the wind energy conversion system shall be white or light gray in color. Other neutral colors may be allowed at the discretion of the Board of Adjustment. The surface of the structure shall be non-reflective.
- b. Lighting: no lights shall be installed on the tower, unless required by the Federal Aviation Administration (FAA).
- c. Signs: One sign, limited to four (4) square feet, shall be posted at or near the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number to the property owner/operator to call in case of emergency. Such sign shall be directly visible from any external fencing and/or landscaping. Brand names or advertising associated with any installation shall not be visible from any public right-of-way.

- d. Clearance of Blade Above Ground: no portion of the tower mounted wind energy conversion system shall extend within thirty (30) feet of the ground. No blades may extend over parking areas, driveways or sidewalks.
- e. Installation: installation must be done by a qualified professional and according to manufacturer's recommendations.
- f. Noise: the wind energy conversion system shall not exceed 65 decibels, except during short term events such as severe wind storms and utility outages. Maximum sound pressures will be measured from the closed point on the closest property line.
- g. Use of Electricity Generated: a wind energy conversion system shall be used exclusively to supply electrical power for onsite consumption, except that when a parcel on which a wind energy conversion system is installed also receives electrical power supplied by a utility company, excess electrical power generated by the wind energy system and not presently needed for onsite use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
- h. Automatic Overspeed Controls: all wind energy conversion systems shall be equipped with manual and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system.
- i. Electromagnetic Interference: all blades shall be constructed of a nonmetallic substance. No wind energy conversion system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind energy conversion system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- j. Interconnection: the wind energy conversion system, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.
- k. Wind Access Easements: the enactment of this section does not constitute the granting of an easement by the City. The owner/operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the wind energy conversion system unless adequate accessibility to the wind is provided by the site.
- l. Shadow Flicker: a shadow flicker model demonstrates that shadow flicker shall not fall on, or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of residentially zoned parcel may be acceptable if the flicker does not exceed thirty (30) hours per year; and the flicker will fall more than one hundred (100) feet from an existing residence; or the traffic volumes are less than five hundred (500) vehicles per day on the roadway. The shadow flicker model shall:
 - (1) Map and describe within a one thousand (1,000) foot radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The

model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;

- (2) Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations;
- (3) Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

m. Appearance: the property owner of any wind energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any structures remain quality in appearance.

6. Abandonment. Any wind energy system that is not operated for a period of one hundred eighty (180) consecutive days shall be considered abandoned and shall constitute a nuisance. Within the next 180 days, after notice from the City, the owner shall reactivate the tower or it shall be dismantled and removed at the owner's expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If the abandoned wind energy system is not removed in the specified amount of time, the City may remove it and recover its costs from the wind energy conversion system owner or owner of the ground upon which it is located.
7. New Technologies. Should new technology present itself after construction that is more effective, efficient, and economical, the owner may petition the City to allow the upgrade, provided that the upgrade does not alter the conditions set forth in this chapter.
8. Liability and Damages. The owner/operator of a wind energy conversion system must demonstrate adequate liability insurance. Upon the granting of a permit, applicant shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney's fees related to or caused by the erection, location, use, or removal of a facility, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the facility.
9. Engineer Certification. Applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted.
10. Utility Notification. A wind energy conversion system shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
11. Application and Approval Requirements. Applications for a special use permit shall be submitted with the following information:

- a. A properly completed and signed application.
- b. A statement from the applicant that the wind energy conversion system will be installed in compliance with manufacturer's specifications, and a copy of the manufacturer's specifications.
- c. A statement indicating what hazardous materials will be used or stored on the site and how those materials will be stored.
- d. A description of the wind energy conversion system's height and design, including a cross section, elevation, and diagram of how the wind energy conversion system will be anchored to the ground, prepared by a professional engineer licensed in the State of Iowa.
- e. A site plan including the following information:
 - (1) Legal description of the property
 - (2) Parcel boundaries
 - (3) Existing buildings
 - (4) Easements
 - (5) Fencing
 - (6) Proposed location of wind energy conversion system
 - (7) Setbacks
 - (8) Travel ways
 - (9) Overhead utility lines
 - (10) Contour map with contours at intervals of two feet, if the general slope is less than ten (10) percent, and at vertical intervals of five feet if the general slope is greater than ten (10) percent.
 - (11) If connection to the publicly regulated utility grid is proposed, a copy of the contract between applicant and utility verifying the proposed connection is acceptable, and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
 - (12) Shadow flicker model.
- f. The City may require that the application and site plan be reviewed by a City Engineer before the Board of Adjustment schedules a hearing on the application for a special use permit.

12. Accessory Use. A wind energy conversion system shall only be allowed as an accessory use to a permitted principal use.