

## CHAPTER 168

### ZONING REGULATIONS – UNCLASSIFIED AND SPECIAL USES

**168.01 Regulations****168.02 Unclassified Uses****168.03 Special Uses****168.04 Adult Entertainment and Uses****168.05 Small Wind Energy Conversion Systems****168.06 Required Conditions****168.07 Restrictions****168.08 Temporary Uses**

**168.01 REGULATIONS.** The regulations set forth in this chapter or elsewhere in the Zoning Regulations which are applicable shall apply to the unclassified and special uses listed in this chapter. It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various districts established by these Zoning Regulations; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Commission and the issuance of a special use permit by the Council; provided, however, a special use permit may not be granted for a use in a zone from which it is specifically excluded by the provisions of this chapter.

**168.02 UNCLASSIFIED USES.** The following uses are declared unclassified uses and are subject to the provisions of this chapter:

1. Borrow pits and quarries for rock, sand, gravel, or other soil deposits.
2. Columbaria, crematories and mausoleums unless inside a cemetery, provided that these uses are specifically excluded from any R District.
3. Establishments or enterprises involving large assemblages of people or automobiles, as follows, provided these uses are specifically excluded from any R District:
  - A. Amusement parks.
  - B. Carnivals, circuses and fairgrounds, except as hereinafter provided.
  - C. Commercial sport or recreational enterprises, including non-profit amphitheaters, convention halls and auditoriums.
  - D. Race tracks and rodeo grounds.
4. Mental hospitals.
5. Mining operations.
6. Rock crushing plants or the processing of materials from borrow pits and quarries.
7. Radio and television transmitters.
8. Rescue missions and leagues, provided these uses are specifically excluded from R Districts.
9. Refuse and garbage dumps, incinerators and other waste disposal methods, provided these uses are specifically excluded from R Districts.
10. Sewage disposal plant.

11. Shooting ranges, including pistol, rifle, skeet and trap ranges.

**168.03 SPECIAL USES.** The following uses are declared special uses, and upon the issuance of a special use permit, such special uses may be authorized in any zone in addition to those zones in which such special uses are specifically authorized.

1. Accessory or branch structures and facilities for public utilities and public service uses, including reservoirs and tanks, pumping stations, telephone exchanges and power and transformer stations, but not including business offices or equipment storage yards and garages, which are considered commercial, business, and industrial uses.
2. Buildings and uses owned by a municipality, county, and/or other political subdivision and which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages that are operated and maintained for the necessary business and industrial service of the community.
3. Churches.
4. Clubs, lodge and fraternal buildings that are operated by nonprofit benevolent organizations for the social benefit or convenience of the public.
5. Educational schools, facilities and institutions, including elementary schools, junior high schools, high schools and colleges, both public and privately owned, providing for the general education of mankind. Schools that specialize in limited short business, commercial, and industrial training courses and are operated for commercial gain are specifically excluded from this chapter and shall be considered as a regular business or commercial use.
6. Golf, swimming and tennis clubs or country clubs and similar public and privately owned uses.
7. Mobile home parks, subject to the minimum development requirements as follows,<sup>†</sup> R-2 and C-1 Districts only:
  - A. Minimum Requirements for Park:
    - (1) Front yard (measured from all streets on which park abuts) – 50 feet.
    - (2) Side yard – 35 feet.
    - (3) Rear yard – 35 feet.
    - (4) Area – 2 acres.
    - (5) Drives surfaced with asphaltic or Portland cement concrete (width) – 25 feet.
    - (6) Sanitary facilities shall be connected with the municipal sewer system or adequate private sewage disposal facilities.
  - B. Requirements for Mobile Home Spaces:
    - (1) Space size – 50 feet by 90 feet.
    - (2) Space area – 4,500 square feet.
    - (3) Off-drive parking – one parking space for each mobile home space.
    - (4) Front yard – 15 feet.

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<sup>†</sup> **EDITOR'S NOTE:** See illustration at the end of this chapter.

- (5) Rear yard – 10 feet.
  - (6) Side yard – 10 feet.
- 8. Museums and libraries not operated for profit.
- 9. Nursery schools for the day care or temporary overnight care of children.
- 10. Public parks.
- 11. Recreations, refreshment and service buildings in public parks, playgrounds, and golf courses.
- 12. Temporary offices, billboards, and buildings incidental to the development and construction of commercial, industrial, and residential projects.
- 13. Travel trailer parks (C-1 District only).
  - A. Minimum Requirements for Park:
    - (1) Front yard – same as C-1 District or 50 feet, whichever is greater. This requirement shall apply to any and all roads or streets upon which the travel trailer park abuts.
    - (2) Side yard – 35 feet.
    - (3) Rear yard – 35 feet.
    - (4) Minimum area – 1½ acres.
    - (5) Maximum density – 20 unit spaces per gross acre of park site.
    - (6) Drives – 25 feet in width with asphaltic concrete surface.
    - (7) A common service building providing laundry facilities, short order food service, accessory supplies, etc. may be included in the travel trailer parks, provided any such building is located within the central park area, is not visible to passing traffic, and is restricted to the use of the park occupants. Such service buildings shall be permitted in the C-1 District, provided such use conforms to the requirements of the C-1 District Regulations.
    - (8) The rear and/or side yards shall be screened from adjacent property access by a planting screen not less than 10 feet in width, or by an un-climbable fence wall.
  - B. Requirements For Trailer Spaces:
    - (1) Minimum space size – 20 feet by 55 feet.
    - (2) Minimum space area – 1,100 square feet.
    - (3) Off-drive parking – one parking space for (and within the area of) each trailer space.
    - (4) Minimum front yard – 10 feet.
    - (5) Minimum rear yard – 5 feet.
    - (6) Minimum side yard – 5 feet.
    - (7) Trailer separation – the minimum distance between any two trailers shall be not less than 10 feet.
  - C. Site Plan Requirements.

- (1) A site plan of the park site shall be required for review and consideration of a special use permit.
  - (2) The site plan shall be prepared at a scale of not less than 1 inch = 100 feet.
  - (3) The provisions to meet the requirements of the Zoning Regulations shall be clearly illustrated.
  - (4) All existing drainage and public utility facilities shall be shown, and proposed methods of storm water removal, waste removal, and water distribution shall be stated on the plan. Detailed requirements shall be approved by the Health Department prior to the issuance of a special permit.
14. Residential uses, buildings or structures in use districts other than R Districts.
  15. Adult entertainment and uses, subject to the regulations contained in Section 168.04 of this chapter.
  16. Bed and breakfast establishments.
  17. Small wind energy conversion systems, subject to the regulations contained in Section 168.05 of this chapter.
  18. Sales of fireworks limited to a C-2 Highway Commercial District and subject to licensing by the State Fire Marshall Office.  
*(Ord. 724 – Jun. 17 Supp.)*

**168.04 ADULT ENTERTAINMENT AND USES.** It is the purpose of this section to regulate sexually oriented businesses and related activities to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

1. Definitions. The following terms are defined for use in this section.
  - A. “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
  - B. “Adult bookstore” or “adult video store” means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
    - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or
    - (2) Instruments, devices, or paraphernalia designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. A principal business purpose need not be a primary use of an establishment, so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

C. “Adult cabaret” means a commercial establishment that regularly features:

- (1) Persons who appear in a state of semi-nudity; or
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. “Adult motel” means a hotel, motel, or similar commercial establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of these adult types of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than 24 hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.

E. “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

G. “Director” means the City Administrator or Police Chief and such employees of the Police Department as the Police Chief may designate to perform the duties of the Director under this section.

H. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

- I. “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- J. “Establishment” means and includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
  - (4) The relocation of any sexually oriented business.
- K. “Licensed day-care center” means a facility licensed by the State, whether situated within the City or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, of less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.
- L. “Nude model studio” means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.
- M. “Nudity” or “state of nudity” means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque, complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- N. “Permittee” means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
- O. “Semi-nude” means a state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque, complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- P. “Sexual encounter center” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is semi-nude.
- Q. “Sexually oriented business” means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

R. “Specified anatomical areas” means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

S. “Specified sexual activities” means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subparagraphs (1) through (3) above.

T. “Substantial enlargement” of a sexually oriented business means the increase in floor areas occupied by the business by more than 25 percent from the original premises.

U. “Transfer of ownership or control” of a sexually oriented business means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities that form a controlling interest in the business, whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

2. Classification. Sexually oriented businesses are classified as follows:

- A. Adult arcades;
- B. Adult bookstores or adult video stores;
- C. Adult cabarets;
- D. Adult motels;
- E. Adult motion picture theaters;
- F. Adult theaters;
- G. Escort agencies;
- H. Nude model studios; and
- I. Sexual encounter centers.

3. Standards of Conduct. The following standards of conduct must be adhered to by entertainers and employees of any sexually oriented business while on the premises:

- A. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any specified anatomical area, except when such entertainer or employee is separated from any and all customers by a window or other partition that is maintained free of holes or other structural openings that would permit physical contact between such entertainer and employee and any customer within the viewing area and customers are not permitted within four feet of the window or other partition. However, a single opening in such window or partition, allowing for payment for entertainment, by a customer to the entertainer, shall be permitted and at this

point customers are permitted within two feet of the window or other partition to allow customers to reach the opening.

B. No employee or entertainer shall perform:

- (1) Any specified sexual activities; or
- (2) The displaying of any specified anatomical area, except as provided for in paragraph A of this subsection.

C. No employee or entertainer who is either not separated from any and all customers as provided in paragraph A of this subsection, or in an area of the premises not open to customers shall be unclothed or in less than opaque and complete attire, costume or clothing as described in paragraph A of this subsection.

D. No employee or entertainer shall knowingly touch any specified anatomical area of another person, or knowingly permit another person to touch any specified anatomical area of such employee or entertainer; or no employee or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed, or knowingly permit another person to fondle or caress any specified anatomical area of such employee or entertainer, whether such area is clothed, unclothed, covered or exposed.

E. No entertainer shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, while such entertainer is unclothed or in such attire, costume or clothing to expose to view any specified anatomical area or while performing any entertainment, either while clothed or unclothed.

F. No entertainer shall solicit, demand or receive any payment or gratuity from any customer for any act prohibited by this section.

G. No entertainer shall receive any payment or gratuity from any customer, except through an opening in the window or partition separating such entertainer from a customer, as described in paragraph A of this subsection.

4. Standards of Operation. At any sexually oriented business, the following are required:

A. A sign, on which upper-case letters are at least two inches high and lower-case letters are at least one inch high, shall be conspicuously displayed in the common area at the principal entrance and shall read as follows:

*THIS ADULT ENTERTAINMENT BUSINESS  
IS REGULATED BY THE CITY OF CARLISLE, IOWA.  
ENTERTAINERS ARE:*

- 1. Not permitted to engage in any type of sexual conduct on the premises or in prostitution;*
- 2. Not permitted to be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks and/or genitals, except when separated from customers by the window or partition between the entertainer and customers.*
- 3. Not permitted to receive any payment or gratuity from any customer, except through an opening in the window or partition separating such entertainer from a customer.*

B. Neither entertainment nor any photograph, drawing, sketch, or other pictorial or graphic representation thereof displaying any specified anatomical area shall be visible from a public place.

C. The premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not



less than one foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.

5. Permit Required.

A. It is unlawful for a person to operate a sexually oriented business without a valid permit issued by the Director.

B. An application for a permit must be made on a form provided by the City. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

C. The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the law by the Health Department, Fire Department, Building Official and Zoning Official.

D. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent or greater interest in the corporation must sign the application for a permit as applicant.

E. The fact that a person possesses other types of State or City permits and/or licenses does not exempt said person from the requirement of obtaining a sexually oriented business permit.

F. Applications for a permit, whether original or renewal, must be made to the Director by the intended operator of the enterprise. Applications must be submitted by hand delivery to the office of the Director during regular working hours. Application forms shall be supplied by the Director. The intended operator shall be required to give the following information on the application form:

(1) The name, street address (and mailing address if different) and Iowa driver's license number of the intended operator.

(2) The name and street address (and mailing address if different) of the owner.

(3) The name under which the establishment is to be operated and a general description of the services to be provided.

(4) The telephone number of the establishment.

(5) The address and legal description of the tract of land on which the establishment is to be located.

(6) If the establishment is in operation, the date on which the owner acquiring the establishment began operations as a sexually oriented business at the location for which the permit is sought.

(7) If the establishment is not in operation, the expected start-up date (which shall be expressed in number of days from the date of issuance of the permit). If the expected start-up date is to be more than ten days following the date of issuance

of the permit, then a detailed explanation of the construction, repair, or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.

(8) Statement that the applicant has not been convicted of a felony or released from confinement for conviction of a felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of a misdemeanor or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, sexual abuse of a child, or pornography and related offenses, as defined in the *Code of Iowa*, Federal law, or the statutes of any other state, or controlled substance or illegal drugs or narcotics offenses, as defined in the *Code of Iowa*, Federal law or the statutes of any other state, or has not been convicted of a municipal ordinance violation or released from confinement for conviction of a municipal ordinance violation, whichever event is later, within two years immediately preceding the application, where such municipal ordinance violation involved indecent exposure, prostitution or the possession or sale of controlled substances or illegal drugs or narcotics.

G. The application shall be accompanied by the following:

(1) Payment of the application fee in full.

(2) If the establishment is an Iowa corporation, a certified copy of the articles of incorporation, together with all amendments thereto.

(3) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in the State, together with all amendments thereto.

(4) If the establishment is a partnership formed under the laws of the State, a certified copy of the certificate of partnership, together with all amendments thereto.

(5) If the establishment is a foreign partnership, a certified copy of the certificate of partnership and the qualification documents, together with all amendments thereto.

(6) Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed.

(7) If the persons identified as the fee owners of the tract of land in item (6) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment.

(8) Any of items (2) through (7) above shall not be required for a renewal application if the applicant states that the documents previously furnished the Director with the original application or previous renewals thereof remain correct and current.

H. The application shall contain a statement under oath that:

(1) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and

(2) The applicant has read the provisions of this section.

I. A separate application and permit are required for each sexually oriented business.

6. Issuance of Permit.

A. The Director shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless the Director finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in the payment to the City of taxes, fines or penalties assessed against said applicant or spouse or imposed in relation to a sexually oriented business.

(3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.

(4) An applicant is residing with a person who has been denied a permit by the City to operate a sexually oriented business within the preceding 12 months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding 12 months.

(5) The premises to be used for the sexually oriented business has not been approved by the Health Department, Fire Department, Building Official, and Zoning Official as being in compliance with applicable laws and ordinances.

(6) The permit fee required by this section has not been paid.

(7) An application of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.

B. The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business that it may be easily read at any time.

C. The Health Department, Fire Department, Building Official, and Zoning Official shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application by the Director. The certification shall be promptly presented to the Director.

D. In the event that the Director determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within 45 days after the receipt of the application by the Director, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than 10 days at any time before the notice is issued in order to make modifications necessary to comply with this section.

E. An applicant may appeal the decision of the Director regarding a denial to the Council by filing a written notice of appeal with the Clerk within 15 days after the applicant is given notice of the Director's decision. The notice of appeal shall be accompanied by a

memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Director may submit a memorandum in response to the memorandum filed by the applicant on appeal to the Council. After reviewing such memoranda, as well as the Director's written decision, if any, and exhibits submitted to the Director, the Council shall vote either to uphold or overrule the Director's decision. Such vote shall be taken within 21 calendar days after the date on which the Clerk receives the notice of appeal. However, all parties shall be required to comply with the Director's decision during the pendency of the appeal.

7. Fees. The annual fee for a sexually oriented business permit is \$500.00. This fee is to be used to pay for the cost of the administration and enforcement of this section.
8. Inspection. An applicant or permittee shall permit representatives of the Police Department or other City or State department or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
9. Expiration of Permit.
  - A. Each permit shall expire one year after the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least 30 days before the expiration date and when made less than 30 days before the expiration date, the expiration of the permit will not be affected.
  - B. When the Director denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to the denial, the Director finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least 90 days has elapsed since the date the denial became final.
10. Suspension. The Director shall suspend a permit for a period not to exceed 30 days if it is determined that the permittee or an employee of a permittee has:
  - A. Violated or is not in compliance with any section of this section.
  - B. Become impaired or intoxicated through the use of alcoholic beverages or controlled substances while on the sexually oriented business premises.
  - C. Refused to allow an inspection of the sexually oriented business premises as authorized by this section.
  - D. Knowingly permitted illegal gambling by any person on the sexually oriented business premises.
11. Revocation.
  - A. The Director shall revoke a permit if a cause of suspension in subsection 10 occurs and the permit has been suspended within the preceding 12 months.
  - B. The Director shall also revoke a permit if it is determined that:
    - (1) A permittee gave false or misleading information in the material submitted during the application process.
    - (2) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
    - (3) A permittee or an employee has knowingly allowed prostitution on the premises.

(4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended.

(5) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the premises.

(6) A permittee is delinquent in the payment to the City or State for any taxes or fees past due.

(7) The owner or operator of the establishment knowingly allowed a person under 18 years of age to enter an establishment.

(8) There was a change of owner or operator for which a transfer application was not filed in a timely manner.

C. When the Director revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation became effective. If, subsequent to revocation, the Director finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days has elapsed since the date the revocation became effective.

12. Transfer of Permit. A permittee shall not transfer the permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.

13. Location Restrictions. Sexually oriented business shall be permitted in any C-3 zoned commercial district, provided that:

A. The sexually oriented business may not be operated within 2,000 feet of:

(1) A church or synagogue or regular place of religious worship.

(2) A public or private elementary or secondary school.

(3) A boundary of any residential district.

(4) A public park.

(5) A licensed day-care center.

(6) Another sexually oriented business.

(7) Residential lot or residence.

B. A sexually oriented business may not be operated in the same building, structure or portion thereof, containing another sexually oriented business.

C. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district or residential lot, or licensed day-care center.

D. For purposes of paragraph C of this subsection, the distance between any two sexually oriented business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

14. Nonconforming Uses.

A. Any business lawfully operating on the effective date of the ordinance codified in this section and which is in violation of the configuration requirements with regard to structure and location contained in this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 2,000 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.

B. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, synagogue or regular place of religious worship, public or private elementary school or secondary school, licensed day-care center, public park, or residential district within 2,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

15. Additional Regulation for Adult Motels.

A. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this section.

B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented business permit, rents or sub-rents a sleeping room to a person and, within 10 hours from the time the room is rented, rents or sub-rents the same sleeping room again.

For purposes of paragraph B of this subsection, the term “rent” or “sub-rent” means the act of permitting a room to be occupied for any form of consideration.

16. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:

A. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Director may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was

previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- B. The application shall be sworn to be true and correct by the applicant.
- C. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Director.
- D. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- E. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- F. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in paragraph E remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph A of this subsection.
- G. No viewing room may be occupied by more than one person at any time.
- H. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to an illumination of not less than one foot-candle as measured at the floor level.
- I. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

17. Exterior Portions of Sexually Oriented Businesses.

- A. It is unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- B. It is unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent permitted by the provisions of this section.
- C. It is unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
  - (1) The establishment is a part of a commercial multi-unit center; and
  - (2) The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color

as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

Nothing in this section shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

18. Signage.

A. Notwithstanding any other City ordinance, code or regulation to the contrary, it is unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.

B. Primary signs shall have no more than two display surfaces. Each such display surface shall:

- (1) Not contain any flashing lights.
- (2) Be a flat plane, rectangular in shape.
- (3) Not exceed 75 square feet in area.
- (4) Not exceed 10 feet in height or 10 feet in length.

C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

D. Each letter forming a word on a primary sign shall be of solid color and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

E. Secondary signs shall have only one display surface. Such display surface shall:

- (1) Be a flat plane, rectangular in shape.
- (2) Not exceed 20 square feet in area.
- (3) Not exceed 5 feet in height and 4 feet in width.
- (4) Be affixed or attached to any wall or door of the enterprise.

F. The provisions of subparagraph (1) of paragraph B and of paragraphs C and D shall also apply to secondary signs.

19. Persons Younger Than Eighteen Prohibited.

A. It is unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.

B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished:

- (1) A valid operator's, commercial operator's, or chauffeur's driver's license;  
or
- (2) A valid personal identification certificate issued by the State reflecting that such person is 18 years of age or older.



20. Messages or Baths Administered by Person of Opposite Sex. It is unlawful for any establishment, regardless of whether it is a public or private facility, to operate a massage salon, massage parlor or any similar type of business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless licensed by the State of Iowa.
21. Consumption of Alcoholic Beverages Prohibited. The permittee of a sexually oriented business shall not allow the possession or consumption on premises by any person of any alcoholic beverage, wine or beer. No person shall possess or consume any alcoholic beverage, wine or beer on the premises of any sexually oriented business.
22. Notices.
- A. Any notice required or permitted to be given by the Director or any other City office, division, department or other agency under this section to any applicant, operator, or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application that has been received by the Director, or any notice of address change that has been received by the Director. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Director shall cause it to be posted at the principal entrance to the establishment.
- B. Any notice required or permitted to be given to the Director by any person under this section shall not be deemed given until and unless it is received in the office of the Director.
- C. It is the duty of each owner who is designated on the permit application and each operator to furnish a notice to the Director in writing of any change of residence or mailing address.
23. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit or who otherwise violates this section is subject to a suit for injunction as well as prosecution for criminal violations.
24. Exemptions. It is a defense to prosecution under this section that a person appearing in a state of nudity did so in a modeling class operated by:
- A. A proprietary school licensed by the State of Iowa or a college, junior college, or university supported entirely or partly by taxation; or
- B. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

**168.05 SMALL WIND ENERGY CONVERSION SYSTEMS.** The intent of this section is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City finds these regulations are necessary to ensure that Small Wind Energy Conversion Systems are appropriately designed, sited and installed.

1. Definitions. The following terms are defined for use in this section.
- A. “Height, total system” means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
- B. “Lot” (or parcel) means any legally established lot or parcel which contains or could contain a permitted or permitted conditional principal use as provided by Chapter 166 of this Code of Ordinances.

- C. “Off grid” means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
- D. “Shadow flicker” means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
- E. “Small Wind Energy Conversion System” (SWECS) means a wind energy conversion system that has a nameplate rated capacity of up to 15 kilowatts for residential uses and districts and up to 100 kilowatts for commercial and industrial districts, and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.
- F. “Small Wind Energy Conversion System, free standing” means a SWECS that is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers do not meet this definition.
- G. “Small Wind Energy Conversion System, horizontal axis” means a SWECS that has blades that rotate through a horizontal plane.
- H. “Small Wind Energy Conversion System, building mounted” means a SWECS that is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure, which is in turn fastened to the principal building.
- I. “Small Wind Energy Conversion System, vertical axis” means a SWECS that has blades that rotate through a vertical plane.
- J. “Tower” means the vertical component of a Wind Energy Conversion System that elevates the wind turbine generator and attached blades above the ground.
- K. “Wind Energy Conversion System” (WECS) means an aggregation of parts, including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill, or wind turbine.
- L. “Wind turbine generator” means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.
2. Use. A Small Wind Energy Conversion System shall be allowed only as an accessory conditional use to a permitted principal use or approved permitted principal use.
3. Zoning. A SWECS may be allowed in all nonresidential zoning districts, subject to the provisions contained in this chapter and elsewhere in this Code of Ordinances.
4. Permit Required. It is unlawful to construct, erect, install, alter, or locate any SWECS within the City, unless a permitted conditional use permit has been obtained from the Planning and Zoning Commission. The conditional use permit may be revoked by resolution of the City Council, upon recommendation of the Commission, any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Commission and Council. The owner/operator of the SWECS must also obtain any other permits required by other Federal, State and local agencies/departments prior to constructing the system.

5. Number of Systems Per Zoning Lot.
  - A. Residential Use. No SWECS may be placed on any parcel or lot zoned for residential use.
  - B. Commercial, Industrial, Institutional and Agricultural Use. No more than one freestanding SWECS may be placed on any parcel or lot with a commercial, industrial, or institutional use that is taller than the tallest existing principal building located on said parcel or lot. Additional freestanding Small Wind Energy Conversion Systems that conform to setback requirements contained herein and which are no taller than the tallest existing principal building located on said parcel or lot may be allowed. Additional building mounted Small Wind Energy Conversion Systems may be allowed within the parameters herein below. The generating capacity of aggregated Small Wind Energy Conversion Systems shall not exceed the anticipated energy needs for on-site consumption.
  - C. Mixed Use. Any building containing both residential and commercial uses or described as a “mixed use” building shall be considered to be a commercial use for the purposes of this section.
  - D. All Small Wind Energy Conversion Systems must be located a minimum of 500 feet from any residential zoning or use.
6. Tower. Only monopole towers shall be permitted for freestanding Small Wind Energy Conversion Systems. Lattice, guyed, or towers of any other type shall not be considered to be in compliance with this section.
7. Color. Freestanding Small Wind Energy Conversion Systems shall be a neutral color such as white, sky blue, or light gray. A building mounted SWECS shall match the color of the building on which it is mounted. Other colors may be allowed at the discretion of the Commission and Council. The surface shall be non-reflective.
8. Lighting. No lights shall be installed on the tower, unless required to meet FAA regulations.
9. Signage. No signage or advertising of any kind shall be permitted on the tower or any associated structures.
10. Climbing Apparatus. The tower must be designed to prevent climbing within the first ten feet.
11. Maintenance. Facilities shall be well maintained in accordance with manufacturer’s specifications and shall remain in an operational condition that poses no potential safety hazard or which is in violation of any provisions contained within this section or elsewhere within this Code of Ordinances.
12. Displacement of Parking Prohibited. The location of the SWECS shall not result in the net loss of required parking as specified elsewhere in the City zoning code.
13. Utility Notification. The City shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.
14. Interconnection. The SWECS, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind shall be issued until the City has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.

15. **Restriction on Use of Electricity Generated.** A SWECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.
16. **Noise.** A SWECS shall be designed, installed, and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in this Code of Ordinances.
17. **Shadow Flicker.** No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
18. **Safety Controls.** Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.
19. **Shut Off.** A clearly marked and easily accessible shut off for the wind turbine will be required, as determined by the Building Official.
20. **Electromagnetic Interference.** All Small Wind Energy Conversion Systems shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.
21. **Wind Access Easements.** The enactment of this chapter does not constitute the granting of an easement by the City. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.
22. **Insurance.** The owner/operator of a SWECS must demonstrate and maintain liability insurance of not less than \$1,000,000 coverage.
23. **Engineer Certification.** Applications for any SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the SWECS showing compliance with the applicable regulations and certified by an Iowa licensed professional engineer shall also be submitted.
24. **Installation.** Installation must be done according to manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.
25. **Removal.** If the SWECS remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The SWECS owner/operator shall remove the abandoned system at said owner/operator's expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The SWECS owner/operator and successors shall make available to the City Administrator all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the City Administrator shall notify the SWECS

owner/operator. Removal shall be completed within six months after written notice to remove has been provided to the owner/operator by the City.

26. Right of Entrance. As a condition of approval of a conditional use permit, an applicant seeking to install a SWECS shall be required to sign a petition and waiver agreement, which shall be recorded and run with the land, granting permission to the City to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

27. Feasibility Study. It is required that a feasibility study be made of any site prior to installing a wind turbine. The feasibility study shall include measuring actual wind speeds at the proposed turbine site for at least three months. If the site is not feasible, no SWECS will be permitted.

28. Bulk Regulations.

A. Setbacks.

(1) The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to 150 percent of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.

(2) The required setback for any building mounted SWECS shall be equal to the required setback of the principal building to which the SWECS is to be attached at such time that the application to install a building mounted SWECS is received by the City.

B. Maximum Height. Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.

(1) For lots of more than one and fewer than three acres, the maximum height shall be 65 feet.

(2) For lots of three to seven acres, the maximum height shall be 80 feet.

(3) For lots of more than seven acres, the maximum height shall be 100 feet.

(4) A building mounted SWECS may be a maximum of 10 feet higher than the point of attachment to the building on which it is attached.

C. Minimum Lot Size.

(1) The minimum lot size for a freestanding SWECS shall be one acre.

(2) The minimum lot size for a building mounted SWECS shall be one acre for any building mounted SWECS to be mounted on a building of less than five stories in height.

(3) There shall be no minimum lot size for a building mounted SWECS to be mounted on buildings of five or more stories in height.

D. Clearance of Blade. No portion of a horizontal axis SWECS blade shall extend within 30 feet of the ground. No portion of a vertical axis SWECS shall extend within 10 feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure, or above ground utility facilities.

E. Location.

- (1) No part of a SWECS shall be located within or over drainage, utility or other established easements.
  - (2) A freestanding SWECS shall be located entirely in the rear yard.
  - (3) A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations, as amended from time to time.
  - (4) No SWECS shall be constructed so that any part thereof can extend within 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 feet.
  - (5) Building mounted Small Wind Energy Conversion Systems are prohibited unless the owner has obtained a written analysis from an Iowa-licensed structural engineer determining that installation of a SWECS will not cause damage to the structure and that the SWECS can be securely fastened so as to not pose a hazard caused by detaching from the structure.
29. Application Required. Application for a SWECS shall be made on forms provided by the City. No action may be taken regarding requests for Small Wind Energy Conversion Systems until completed applications have been filed and fees paid.

#### **168.06 REQUIRED CONDITIONS.**

1. A special use permit shall not authorize a use that does not comply with the minimum requirements of the district in which it is located.
2. A special use permit shall not authorize a use which is in conflict with any ordinance of the City or law of the State regulating nuisances, pollution, or hazardous occupation.
3. Required Site Plan and Statistical Information. The request for authorization of an unclassified or special use shall be accompanied by a site plan in compliance with Section 165.06. In addition, the following information shall be required:
  - A. A vicinity map illustrating the approximate location of existing buildings and all existing land use within 500 feet of the proposed site boundaries.
  - B. As the uses herein are classified as possessing characteristics of unique and special form making automatic inclusion in the various districts impractical, a brief technical report, prepared by a qualified professional person, which shall outline and illustrate the provisions and methods for the abatement of undesirable effects on the public, which are peculiar to the use, such as but not limited to the following:
    - (1) Traffic density and control.
    - (2) Excessive lighting.
    - (3) Noise level.
    - (4) Hazardous conditions to spectators, participants, trespassers or neighboring uses.
    - (5) Pollution of the air, water or earth.

**168.07 RESTRICTIONS.** Authorization for a special use permit shall not be granted for failure to comply with the following conditions:

1. Buildings involving the large assemblages of people shall not be located less than 300 feet from any existing dwelling site.
2. Uses involving nuisances such as noise, vibration, pollution, etc., shall not be located less than 500 feet from an R District or less than 1,000 feet from an existing dwelling.
3. Uses involving the extensive use of exterior lighting shall not be located in a vicinity where such lighting may be hazardous to air or ground traffic, and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any R District boundary.
4. Uses of a utility or public service which are located within an R or C District, for the benefit of improved public service, shall be screened from public view by buffer walls or effective landscape screening.

**168.08 TEMPORARY USES.** Notwithstanding other provisions of the Zoning Regulations, the Council may, without notice, public hearing, or other procedure described in this chapter, for the issuance of a special permit, issue a special permit authorizing the operation of a charitable or other nonprofit sponsored carnival for a period not to exceed seven (7) days.

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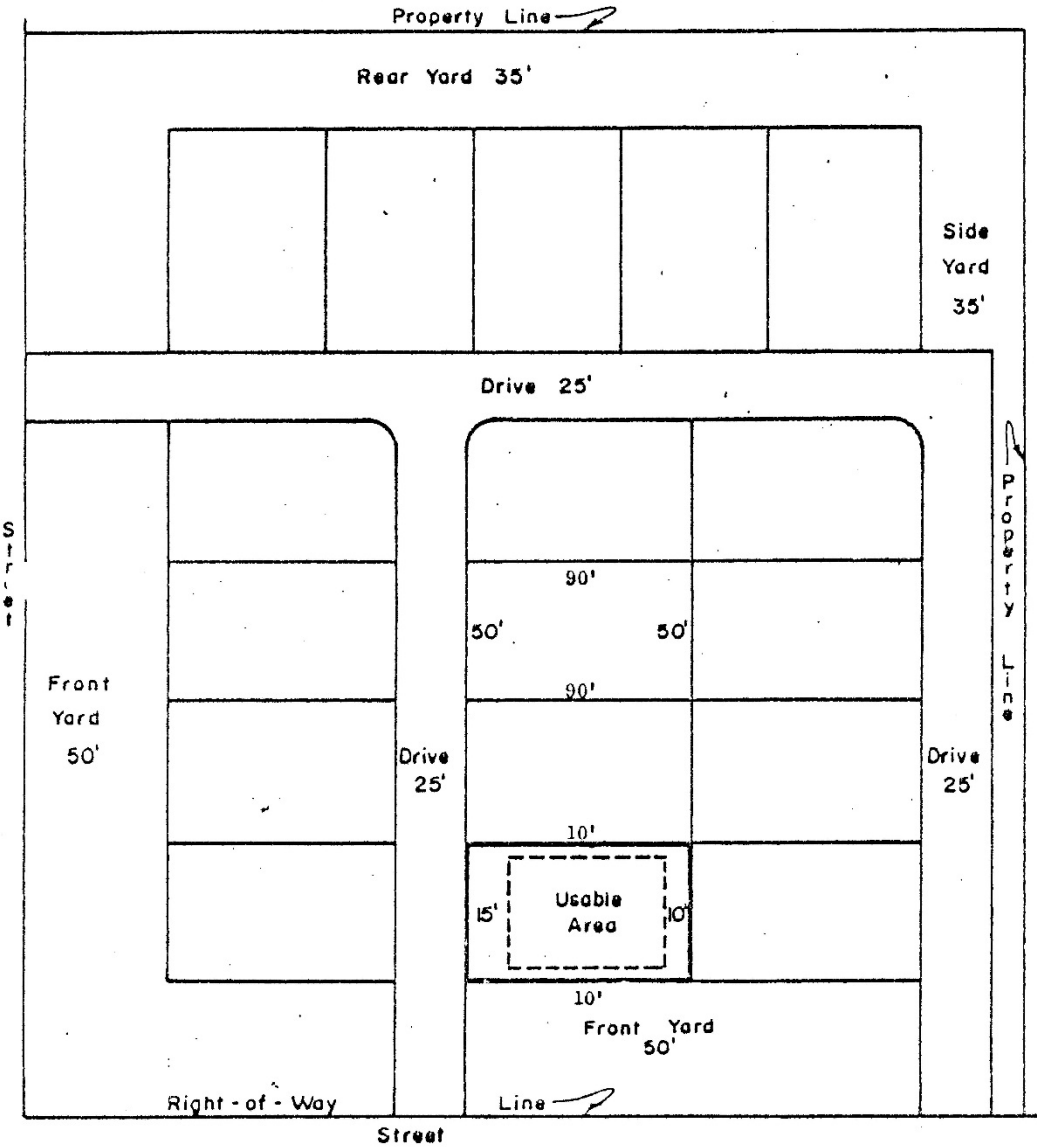


ILLUSTRATION OF MOBILE HOME PARK REQUIREMENTS

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