CHAPTER 165

ZONING CODE — GENERAL PROVISIONS

165.01 Interpretation of Standards
165.02 Definitions
165.03 Establishment of Districts; Official Zoning Map
165.04 Rules for Interpretation of District Boundaries
165.05 Application of District Regulations

165.01 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of Chapter 165 through 171 (herein referred to as the Zoning Code) shall be held to be minimum requirements. Where the Zoning Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Code shall control. In addition, the International Building Code, International Residential Code, International Existing Building Code, the International Fire Code, the National Electrical Code, the International Mechanical Code, and the International Plumbing Code shall apply.

(Ord. 2-18-08 #2 (275) – June 08 Supp.)

165.02 DEFINITIONS. The purpose of this section is to define certain words and terms used within and throughout the Zoning Code. All definitions are constant, unless otherwise specified.

1. **"Abut"** means to physically touch or border upon, or to share a common property line (i.e., adjoining and/or contiguous). See also "adjoining lot or land."

2. **"Accessory building"** — See "building, accessory."

3. **"Accessory structure"** means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use that is permitted in each particular zoning district. (Listed as "accessory uses.") See also "building, accessory."

4. **"Adjacent land"** — See "adjoining lot or land."

5. **"Adjoining lot or land"** means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See also "abut."

6. **"Alley"** means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

7. **"Alter"** or **"alteration"** means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

8. **"Amusement and recreation services"** means establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as dance halls; studios; theatrical producers; bands; orchestras; and

other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and coin-operated devices; amusement parks; membership sports and recreational clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors and animal shows.

9. **"Amusement park"** means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

10. **"Annexation"** means the incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

11. **"Apartment unit"** means one or more rooms with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a building containing more than two dwelling units. See also "dwelling unit."

12. **"Attached dwelling"** — See "dwelling, attached."

13. **"Basement"** means a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet. See also "cellar."

14. **"Bed and Breakfast"** (also known as a short term residential rental property rented for 31 days or less) means a dwelling used to provide transient lodging accommodations for compensation. The dwelling shall be the owner-operators primary residence and is occupied by the owner at the time of and during the duration of the customers stay. All parking generated by the use shall be accommodated on the property and off the street. The dwelling must meet the requirements of Chapter 162 – Housing Code.

15. **"Bi-attached houses"** — See "dwelling, semi-detached."

16. **"Board of Adjustment"** means an officially constituted body whose principal duties are to grant variances from the strict application of the Zoning Code and to grant special exceptions and conditional uses as provided by law.

17. **"Building"** means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. See also "structure."

18. **"Building, accessory"** means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Among other things, the following are considered to be accessory building(s): shed, gazebo, garage, shelter, greenhouse. See also "accessory structure."

(Ord. 4-21-08 #2 (280) – June 08 Supp.)

19. **"Building height"** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface is more than 10 feet above lowest grade.

C. The height of a stepped or terraced building is the maximum height of any segment of the building.

20. **"Bulk stations"** means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

21. **"Bulk storage"** means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

22. **"Carport"** means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides. See also "garage."

23. **"Cellar"** means a space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with floor-to-ceiling height of less than 6½ feet. A cellar is not included in computing the number of stories for the purpose of height measurement. See also "basement."

24. **"Child"** means a person under eighteen years of age.

25. **"Child care center"** means a facility providing child day care for seven or more children except when the facility is registered as a group day care home.

26. **"Child day care"** means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative or custodian for periods of two hours or more and less than twenty-four hours per day per child on a regular basis in a place other than the child's home, but does not have:

A. An instructional program administered by a public or nonpublic school system approved by the Department of Public Instruction or the State Board of Regents;

B. A church-related instructional program of not more than one day per week;

C. Short-term classes held between school terms.

27. **"Child day care facility"** means a child care center, group day care home or registered family day care home. See also "family day care home" and "group day care home."

28. **"Cluster"** means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. See Figure A.

29. **"Cluster subdivision"** means a form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. See Figure A. See also "planned unit development."

30. **"Common open space"** — See "open space, common."

31. **"Conditional use"** means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Zoning Code and authorized by the Board of Adjustment. A conditional use may only be granted for those uses listed under the "permitted conditional uses" sections of the Zoning Code.

(Ord. 7-17-06 #3 (224) – Dec. 06 Supp.)

32. **"Conditional use permit"** means a permit issued by the authorized board stating that the conditional use meets all conditions set forth in local ordinances. See also "special use permit."

33. **"Condominium"** means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

34. **"Conversion"** means a change in the use of land or a structure.

35. **"Data Center"** means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, **or**, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

(Ord. 06-18-2012 #1 (344) – June 12 Supp.)

36. **"Deck"** means any flat-floored, roofless structure, at or above the finished grade, adjoining or directly adjacent to a building. See also "terrace."

37. **"Developmental disability"** or **"developmentally disabled"** means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

A. Attributable to mental retardation, cerebral palsy, epilepsy or autism;

B. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or required treatment and services similar to those required for the persons;

C. Attributable to dyslexia resulting from a disability described in either subparagraph A or B;

D. Attributable to a mental or nervous disorder.

38. **"Dish antenna"** means any parabolic, spiracle, or other shaped structure used for, or intended to be used for, reception of satellite transmissions.

39. **"District"** means a geographic area within the City within which certain zoning or development regulations apply. See also "zone."

40. **"Duplex"** — See "dwelling, two-family."

41. **"Dwelling"** means a structure or portion thereof which is used exclusively for human habitation.

42. **"Dwelling, attached"** means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

43. **"Dwelling, detached"** means a dwelling which is not attached to any other dwelling by any means. See Figure B. See also "dwelling, single-family detached."

44. **"Dwelling, multi-family"** means a dwelling containing more than two dwelling units.

45. **"Dwelling, semi-detached"** means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. See Figure C. COMMENT: The semi-detached dwelling is part of a two-family structure with the dwelling units side by side as opposed to one on top of the other. The semi-detached dwelling also could be the end unit of a townhouse row or a duplex.

46. **"Dwelling, single-family"** means a building containing one dwelling unit.

47. **"Dwelling, single-family detached"** means a dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See also "dwelling, detached."

48. **"Dwelling, townhouse"** means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the

outside, no unit is located over another unit, and each unit is separated from any other unit by one or more walls. See Figure D.

49. **"Dwelling, triplex"** means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

50. **"Dwelling, two-family (duplex)"** means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell or hall exterior to both dwelling units. See Figure E.

51. **"Dwelling unit"** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See also "apartment unit."

52. **"Easement"** means a grant of one or more of the property rights by the property owner to and/or for the use of the public, a corporation or another person or entity.

53. **"Family"** means one or more individuals occupying a dwelling unit and living as a single household unit.

54. **"Family day care home"** means a facility which provides child day care to less than seven children. See also "child day care facility" and "group day care home."

55. **"Family home"** means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons and not meaning an individual foster family home licensed under Chapter 237. See also "boarding house" and "group quarters."

56. **"Fences"** means artificially constructed barriers of any material or combination of materials erected to enclose or screen areas of land.

57. **"Finished grade"** — See "grade, finished."

58. **"Fish farm"** means an area devoted to the cultivation of fish and other seafood for commercial sale.

59. **"Flag Lot"** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

60. **"Frontage"** means that side of a lot abutting on a street; the front lot line.

61. **"Garage"** means a deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles. See also "carport."

62. **"Garage, private residential"** means a structure which is accessory to a residential building and which is used for the parking and storage of vehicles

owned and operated by the residents thereof and which is not a separate commercial enterprise available to the general public.

63. **"Garage, public"** means a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

64. **"Garage, repair"** means any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

65. **"Gazebo"** means an accessory building or structure having a roof supported by columns with or without opaque and/or translucent materials constructed between said columns and intended for use as a shelter or housing of recreational activities associated with residential uses.

66. **"General public"** means any and all individuals without any prior qualifications.

67. **"Grade"** means the degree of rise or descent of a sloping surface. See Figure F.

68. **"Grade, finished"** means the final elevation of the ground surface after development.

69. **"Grade, natural"** means the elevation of the ground surface in its natural state, before man-made alterations.

70. **"Grading"** means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

71. **"Greenbelt"** means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

72. **"Greenhouse"** means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

73. **"Group day care home"** means a facility providing child day care for more than six but less than twelve children, with no more than six children at one time being less than six years of age. See also "child day care home" and "family day care home."

74. **"Group living quarters"** — See "group quarters."

75. **"Group quarters"** means a dwelling that houses unrelated individuals. "Group quarters" includes fraternities, sororities, army barracks, dormitories and the like. See also "boarding house" and "family home."

76. **"Home occupation"** means any activity carried out for gain by a resident, conducted in the resident's dwelling unit.

77. **"Hospital"** means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring chronic or convalescent care.

78. **"Hotel"** means a facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreation facilities. See also "motel."

79. **"Industrial park"** means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

80. **"Intermediate care facility"** means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours' accommodation, board, and nursing services, the need for which is certified by a physician to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse. See also "residential care facility."

81. **"Junk"** means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

82. **"Junk yard"** means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery of two or more unregistered, inoperable motor vehicles or other type of junk.

83. **"Living space"** means that part of the building which is enclosed and supported upon the main foundation system of the structure excluding garages and cellars.

84. **"Lot"** means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

85. **"Lot area"** means the total area within the lot lines of a lot, excluding any streets rights-of-way.

86. **"Lot, corner"** means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. See Figure G.

87. **"Lot coverage"** means that portion of the lot that is covered by buildings and structures.

88. **"Lot depth"** means the distance measured from the front lot line to the rear lot line. See Figure G.

89. **"Lot, double frontage"** — See "lot, through."

90. **"Lot, flag"** means a lot not fronting on or abutting a public road and where access to the public road is by narrow, private right-of-way. See Figure G.

91. **"Lot frontage"** means the length of the front lot line measured at the street right-of-way line.

92. **"Lot, interior"** means a lot other than a corner lot. See Figure G.

93. **"Lot line"** means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. See Figure G.

94. **"Lot, reverse frontage"** means a through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

95. **"Lot, through"** means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. See Figure G.

96. **"Lot width"** means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. See Figure G.

97. **"Manufactured home"** means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheel or axles. See also "modular home."

98. **"Mobile home"** means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.

99. **"Mobile home park"** means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

100. **"Model Home" –** A representative home used solely for the purpose of showing the design, structure, and appearance of units within a specific development, and used for on-site sales of homes or lots by realtors within the same approved preliminary subdivision plat as said model home or within a specific final plat if so restricted by the Community Development Director. A

model home shall not operate out of a temporary structure or trailer, only a permanent structure designed for residential habitation.

(Ord. 04-15-2019 #02 (519) – Jun. 19 Supp.)

101. **"Modular home"** means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles. See also "mobile home."

102. **"Motel"** means an establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. See also "hotel" and "lodging house."

103. **"Noise"** means any undesired audible sound.

104. **"Noise pollution"** means continuous or episodic excessive noise in the human environment. Noise pollution is defined in terms of a maximum decibel level by frequency range.

105. **"Nonconforming use"** means a use or activity that does not conform to the present requirements of the zoning district.

106. **"Nursing home"** means any institution or facility, or part thereof, defined as such for licensing purposes under State law or pursuant to the rules and regulations for nursing homes established by the State Department of Public Health, whether proprietary or nonprofit, including but not limited to, nursing homes owned or administered by the Federal or State government or an agency or political subdivision thereof.

107. **"Open space"** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

108. **"Open space, common"** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

109. **"Open space, green"** means an open space area not occupied by any structures or impervious surfaces.

110. **"Ordinance"** means a municipally adopted law or regulation.

111. **"Parapet"** means the extension of the main walls of a building above the roof level.

112. **"Parking area"** means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

113. **"Parking space"** means a space for the parking of a motor vehicle within a public or private parking area.

114. **"Patio"** — See "terrace."

115. **"Permitted use"** means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

116. **"Planned unit development"** or **"PUD"** means an area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. See also "cluster development."

117. **"Porch"** means a roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. COMMENT. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50 percent.

118. **"Preschool"** means a child day care facility which provides to children ages three through five for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills and motor skills and to extend their interest and understanding of the world about them.

119. **"Principal building"** means a building in which is conducted the principal use of the lot on which it is located.

120. **"Principal use"** means the primary or predominant use of any lot.

121. **"Recreation facility"** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

122. **"Recreational vehicle"** means a vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: camping trailer, motor home, travel trailer and truck camper. Dwelling in these units is permissible in recreational vehicle parks and campgrounds. Dwelling is also allowed in "R" zoning districts for a period not to exceed fourteen (14) consecutive days or thirty (30) days in a calendar year. (See also Chapter 145 – Recreational Vehicle Parks)

(Ord. 9-00 #1 (55) – Sep. 00 Supp.)

123. **"Relative"** means a person who by marriage, blood or adoption is a parent, grandparent, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, or guardian.

124. **"Residence"** means a home, abode or place where an individual is actually living at a specific point in time.

125. **"Residential"** means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

126. **"Residential care facility"** means any institution, place, or building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof, within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis. See also "intermediate care facility."

127. **"Resort"** means a facility for transient guests where the primary attraction is general recreational features or activities.

128. **"Right-of-way"** means (a) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, gas or oil pipeline, water line, sanitary storm sewer and other similar uses; or (b) generally, the right of one to pass over the property of another.

129. **"Residential Swimming Pool"** A water filled enclosure accessory to a one or two family dwelling or townhouse structure, that is portable or permanently constructed, intended for swimming or recreational bathing that has the ability to contain water more than 24 inches (610 mm) in depth. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs and spas."

130. **"Residential Wading Pools"** A water filled enclosure accessory to a one or two family dwelling or townhouse structure, that is portable or permanently constructed, intended for swimming or recreational bathing that does not have the ability to contain water more than 24 inches (610 mm) in depth. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs and spas."

131. **"Right-of-way lines"** means the lines that form the boundaries of a right-of-way. See Figure H.

132. **"Row houses"** — See "dwelling, townhouse."

133. **"Screening"** to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms, and/or a living screen of deciduous or coniferous type vegetation.

134. **"Semi-attached houses"** — See "dwelling, single-family detached."

135. **"Setback"** means the distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps. See Figure H. COMMENT: Where the setback is narrow, as in an urban area, even steps may be required to be behind the setback.

136. **"Solar access"** means a property owner's right to have the sunlight shine on his land.

137. **"Solar energy system"** means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

138. **"Solar skyspace"** means the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

139. **"Special use permit"** means a permit issued by the proper governmental authority which must be acquired before a special exception use can be constructed. See also "conditional use permit."

140. **"Story"** means that portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it then the space between the floor and the ceiling next above it and including those basements used for the principal use.

141. **"Story half"** means a space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

142. **"Street"** means any vehicular way which (a) is an existing State, County or municipal roadway, or (b) is shown upon a plat approved pursuant to law, or (c) is approved by other official action, or (d) is shown on a plat duly filed and recorded in the office of the County Recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats and includes the land between the street lines, whether improved or unimproved.

143. **"Street line"** — See "right-of-way lines."

144. **"Structural alterations"** means any change in either the supporting members of a building such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

145. **"Structure"** means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. See also "building." COMMENT. By this definition, all buildings are structures, however, not all structures are buildings.

146. **"Swimming Pools"** A water filled enclosure that is portable or permanently constructed, intended for swimming or recreational bathing that has the ability to contain water more than 24 inches (610 mm) in depth, and is not defined as a residential swimming pool. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs and spas."

147. **"Terrace"** means a level, landscaped and/or surfaced area directly adjacent to a building at or within three (3) feet of the finished grade and not covered by a permanent roof. See also "deck."

148. **"Townhouse"** — See "dwelling, townhouse."

149. **"TV dish"** — See "dish antenna."

150. **"Wading Pool"** A water filled enclosure that is portable or permanently constructed, intended for swimming or recreational bathing that does not have the ability to contain water more than 24inches (610 mm) in depth. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs and spas"

151. **"Wall"** means (a) the vertical exterior surface of a building; or (b) vertical interior surfaces which divide a building space into rooms.

152. **"Wind (Generator) Energy Conversion System (WECS)"** means any device that converts wind power to another form of energy, such as electricity or heat, including wind chargers, wind turbines, and windmills.

153. **"Yard"** means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Code. See Figure I.

154. **"Yard depth"** means the shortest distance between a lot line and a yard line.

155. **"Yard, front"** means a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.

156. **"Yard line"** means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard. See Figure I.

157. **"Yard, rear"** means space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I and Figure M for corner lots.

(Ord. 6-20-05#2 [178] – Dec. 05 Supp.)

158. **"Yard, required"** means the open space between a lot line and the buildable area within which no structure shall be located except as provided in the Zoning Code.

159. **"Yard, side"** means a space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.

160. **"Zero lot line"** means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. See Figure J.

161. **"Zone"** means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. See also "district."

162. **"Zoning"** means the dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

163. **"Zoning district"** — See "zone."

164. **"Zoning map"** means the map or maps, which are a part of the Zoning Code, and delineate the boundaries of zone districts.

(Ord. 4-21-08 #1 (279) – June 08 Supp.)
(Ord. 08-21-2017 #3 (464) – Dec 17 Supp.)
(Ord. 07-02-2018 #03 [494] – Dec. 18 Supp.)

EDITOR'S NOTE: See Figures A through M at the end of this Chapter 165.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP. For the purpose of this Zoning Code, the following twelve classes of districts are hereby established within the City as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Code:

A-1 Agricultural District

R-1 Single-family Residential District

R-2 One-family and Two-family Residential District

R-3 Multi-family Residential District

R-4 Mobile Home Park Residential District

R-5 Planned Unit Development

C-1 Residential-Commercial District

C-2 General Commercial District

C-3 Planned Commercial District

C-4 Village Commercial District

C-5 Office Park

C-6 Commercial Entertainment/Recreational District

C-7 Regional Commercial District

M-1 Limited Industrial District

M-2 Heavy Industrial District

Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map.

Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway.

General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map.

(Ord. 12-03-2018 #02 [504] – Dec. 18 Supp.)

The Official Zoning Map shall bear the signature of the Mayor, attested by the Clerk, under the certification that it is the Official Zoning Map. If, in accordance with the provisions of the Zoning Code and Chapter 414, of the Code of Iowa, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the Council. The Council may, from time to time, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City. *(See Editor's Note at end of this chapter for ordinances amending Zoning Map.)*

165.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining location of said boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following City limits shall be construed as following City limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

165.05 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, throughout each district, but the regulations in one district may differ from those in other districts. In addition:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this Zoning Code, or cause the same to be done without first obtaining a separate permit for each building or structure from the administrative official. See Section 169.03.

2. No building or other structure shall hereafter be erected or altered:

   A. To exceed the height;

   B. To accommodate or house a greater number of families;

   C. To occupy a greater percentage of lot area; or

   D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Zoning Code.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of the ordinance codified herein shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established by said Zoning Code.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.03 of this chapter and have not been codified herein, but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
7-1-85.2	7-1-85	7-99 #1 (35)	8-16-99
7-88 #1 (31)	7-5-88	8-99 #1 (37)	8-16-99
8-88 #1 (33)	8-15-88	11-99 #2 (39)	11-15-99
2-89 #2 (46)	2-6-89	5-00 #1 (46)	5-15-00
6-90 #2 (72)	6-18-90	6-00 #1 (48)	7-10-00
6-90 #3 (73)	6-18-90	6-00 #2 (49)	6-5-00
8-90 #2 (75)	8-20-90	6-00 #3 (50)	6-19-00
11-90 #1 (79)	12-10-90	8-00 #1 (53)	8-21-00
2-91 #2 (86)	2-18-91	10-00 #1 (57)	10-16-00
2-92 #2 (104)	2-17-92	10-00 #2 (58)	10-16-00
3-92 #1 (105)	3-16-92	10-00 #5 (61)	10-16-00
6-92 #1 (108)	6-22-92	11-00 #5 (66)	1-8-01
6-92 #2 (109)	6-22-92	11-00 #6 (67)	11-20-00
9-92 #1 (113)	10-5-92	12-00 #4 (71)	1-8-01
3-93 #2 (117)	3-15-93	12-00 #5 (72)	1-8-01
4-94 #1 (129)	4-4-94	01-01 #1 (73)	1-22-01
4-94 #2 (130)	4-4-94	4-01 #2 (80)	4-2-01
4-94 #4 (132)	4-18-94	4-01 #4 (82)	5-7-01
4-94 #5 (133)	4-18-94	5-01 #1 (83)	6-4-01
5-94 #2 (135)	5-16-94	8-01 #2 (87)	9-17-01
7-94 #2 (138)	7-11-94	8-01 #4 (89)	9-4-01
7-94 #3 (139)	7-11-94	10-01 #1 (90)	10-15-01
7-94 #4 (140)	7-11-94	04-02 #1 (101)	4-1-02
5-95 #1 (151)	5-22-95	02-02 #1 (97)	12-16-02
5-95 #3 (153)	5-30-95	8-19-02 #1 (105)	9-16-02
11-95 #3 (161)	11-20-95	4-7-03#1 (126)	4-21-03
3-96 #1 (167)	3-18-96	5-19-03#1 (128)	6-2-03
3-96 #2 (168)	3-18-96	6-2-03#2 (130)	6-2-03
3-96 #3 (169)	3-18-96	7-21-03#1 (133)	8-18-03
5-96 #1 (173)	6-3-96	7-21-03#2 (134)	8-18-03
8-96 #1 (178)	9-3-96	7-21-03#3 (135)	8-18-03
8-96 #2 (179)	8-5-96	9-15-03#1 (136)	9-15-03
8-96 #3 (180)	9-3-96	10-20-03#1 (140)	10-20-03
12-96 #1 (3)	12-2-96	1-5-04#1 (144)	1-5-04
2-97 #1 (6)	2-17-97	4-19-04#1 (147)	4-19-04
7-97 #1 (13)	7-7-97	7-19-04#3 (157)	8-16-04
11-97 #2 (21)	11-17-97	9-20-04#1 (159)	10-4-04
11-98 #4 (26)	11-16-98	11-15-04#1 (166)	11-15-04
12-98 #1 (28)	12-15-98	3-21-05#1 (172)	3-21-05
3-99 #1 (30)	4-5-99	3-21-05#2 (173)	3-21-05

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
4-18-05#1 (174)	5-2-05	05-18-2015 #2 (408)	7-20-15
6-6-05#1 (176)	6-20-05	11-16-2015 #01 (416)	12-21-15
6-20-05#1 (177)	6-20-05	01-04-2016 #1 (420)	1-4-16
6-20-05#5 (181)	6-20-05	3-21-2016 #01 (422)	3-21-16
8-15-05#1 (184)	9-6-05	03-21-2016 #02 (423)	3-21-16
8-15-05#2 (185)	9-6-05	06-20-2016 #01 (432)	7-5-16
8-15-05#4 (187)	9-6-05	07-05-2016 #01 (434)	7-5-16
9-6-05#1 (190)	9-6-05	08-15-2016 #01 (435)	8-15-16
10-17-05#1 (193)	10-17-05	09-19-2016 #01 (437)	10-3-16
10-17-05#2 (194)	10-17-05	10-17-2016 #01 (442)	10-17-16
2-20-06#1 (206)	2-20-06	11-21-2016 #02 (444)	11-21-16
2-6-06#2 (207)	3-6-06	12-19-2016 #01 (445)	3-20-17
2-20-06#1 (208)	3-6-06	04-17-2017 #01 (451)	4-17-17
2-20-06#2 (209)	3-6-06	04-17-2017 #02 (452)	4-17-17
2-20-06#3 (210)	2-20-06	04-17-2017 #03 (453)	4-17-17
5-15-06#1 (215)	5-15-06	07-03-2017 #1 (459)	7-3-17
6-19-06#3 (219)	6-19-06	07-17-2017 #01 (460)	7-17-17
8-21-06#3 (228)	8-21-06	07-17-2017 #02 (461)	7-17-17
9-18-06#1 (231)	10-2-06	10-02-2017 #01 (471)	10-2-17
10-16-06#2 (234)	10-16-06	10-16-2017 #02 (473)	10-16-17
11-20-06#1 (236)	11-20-06	11-20-2017 #03 (477)	11-20-17
2-19-07#1 (246)	3-19-07	11-20-2017 #04 (478)	11-20-17
7-16-07#2 (253)	7-16-07	12-18-2017 #01 (481)	1-2-18
7-16-07#1 (252)	8-6-07	03-19-2018 #01 (483)	3-19-18
8-20-07#1 (256)	9-4-07	05-21-2018 #01 (489)	5-21-18
9-17-07#1 (265)	9-17-07	05-21-2018 #02 (490)	5-21-18
1-21-08#1 (273)	1-21-08	07-16-2018 #02 (498)	7-16-18
8-4-08#1 (283)	8-4-08	07-16-2018 #03 (499)	7-16-18
10-20-08#1 (290)	10-20-08	01-21-2019 #01 (511)	1-21-19
12-15-2008 #3(296)	12-15-08	02-18-2019 #01 (512)	2-18-19
2-2-2009 #1(299)	2-16-09	02-18-2019 #02 (513)	2-18-19
11-2-2009 #1(314)	11-2-09	03-18-2019 #01 (514)	3-18-19
09-20-2010 #1(326)	10-4-10	03-18-2019 #03 (516)	3-18-19
09-06-2011 #1(340)	9-6-11	04-15-2019 #01 (518)	3-18-19
06-18-2012 #5 (348)	6-18-12	05-06-2019 #01 (521)	5-6-19
07-16-2012 #1 (350)	7-16-12	06-17-2019 #01 (524)	6-17-19
09-04-2012 #1 (355)	9-17-12	01-20-2020 #01 (540)	1-20-20
09-04-2012 #2 (356)	9-17-12	03-16-2020 #03 (543)	3-16-20
8-19-2013 #01 (379)	9-16-13	03-16-2020 #04 (544)	3-16-20
8-19-2013 #02 (380)	9-16-13	03-16-2020 #05 (545)	3-16-20
9-16-2013 #01 (382)	9-16-13	04-20-2020 #02 (547)	4-20-20
9-16-2013 #02 (383)	9-16-13		
02-17-2014 #01 (387)	2-17-14		
08-18-2014 #03 (397)	8-18-14		
12-15-2014 #01 (400)	12-15-14		

○ ○ ○ ○ ○ ○ ○ ○ ○ ○

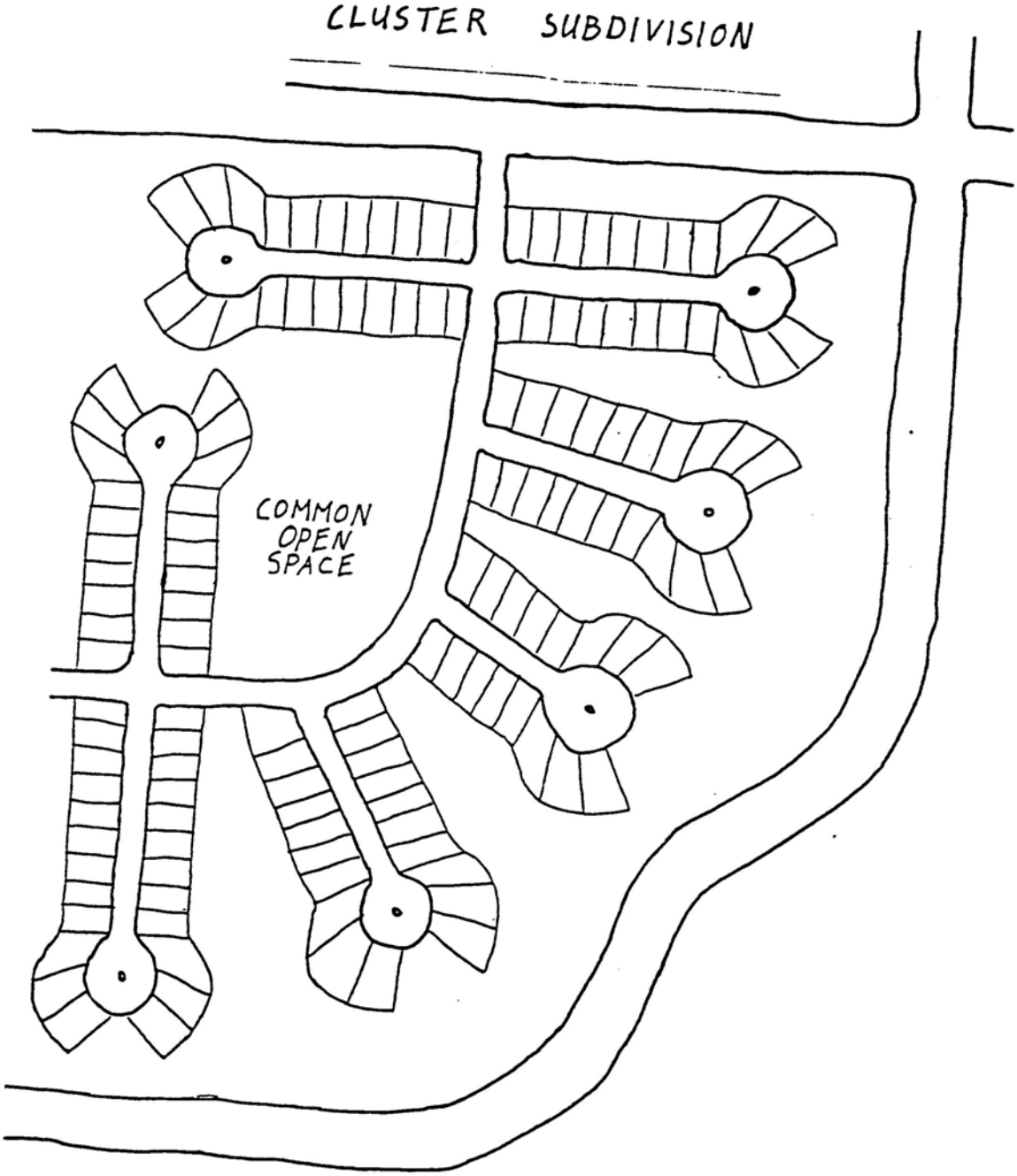

Figure A

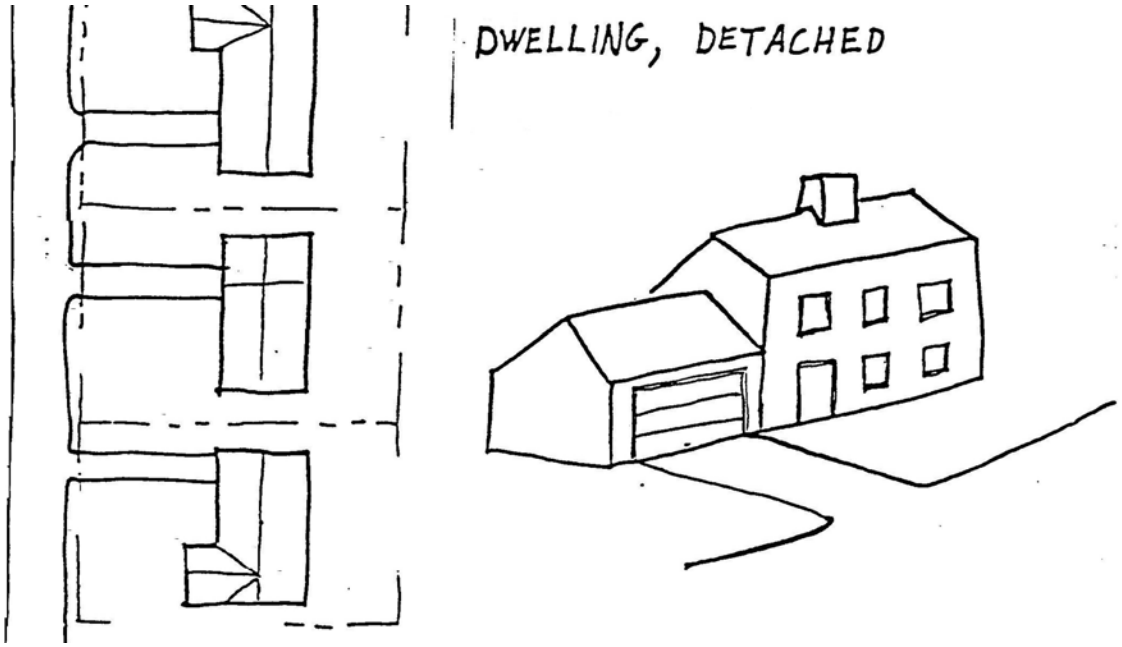

Figure B

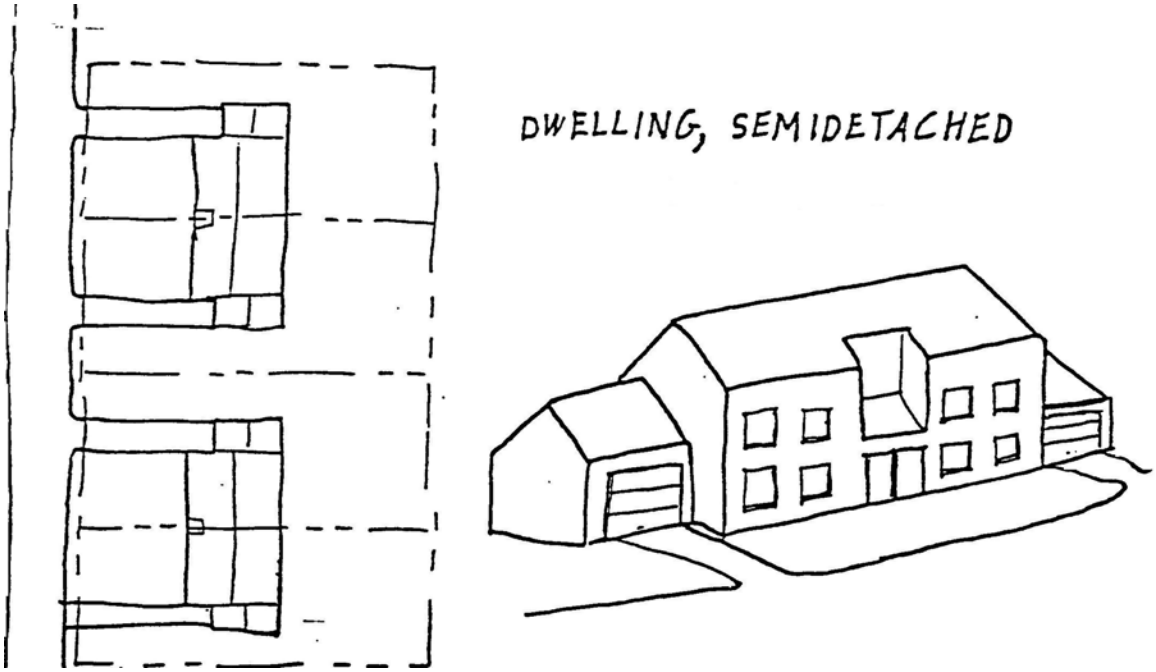

Figure C

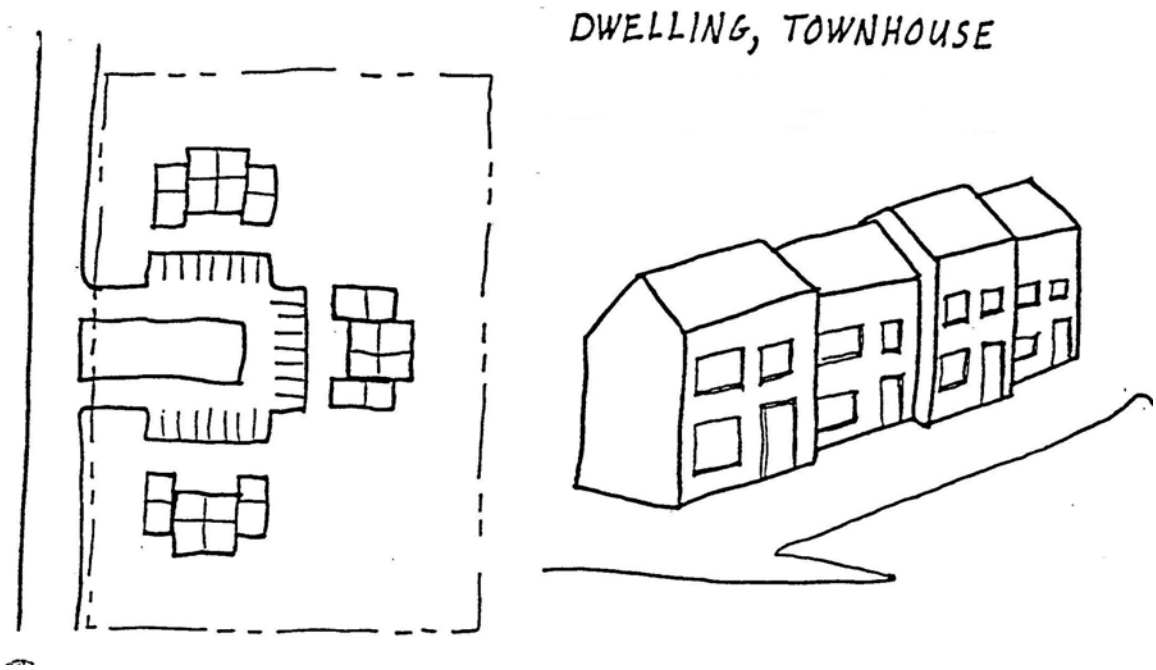

Figure D

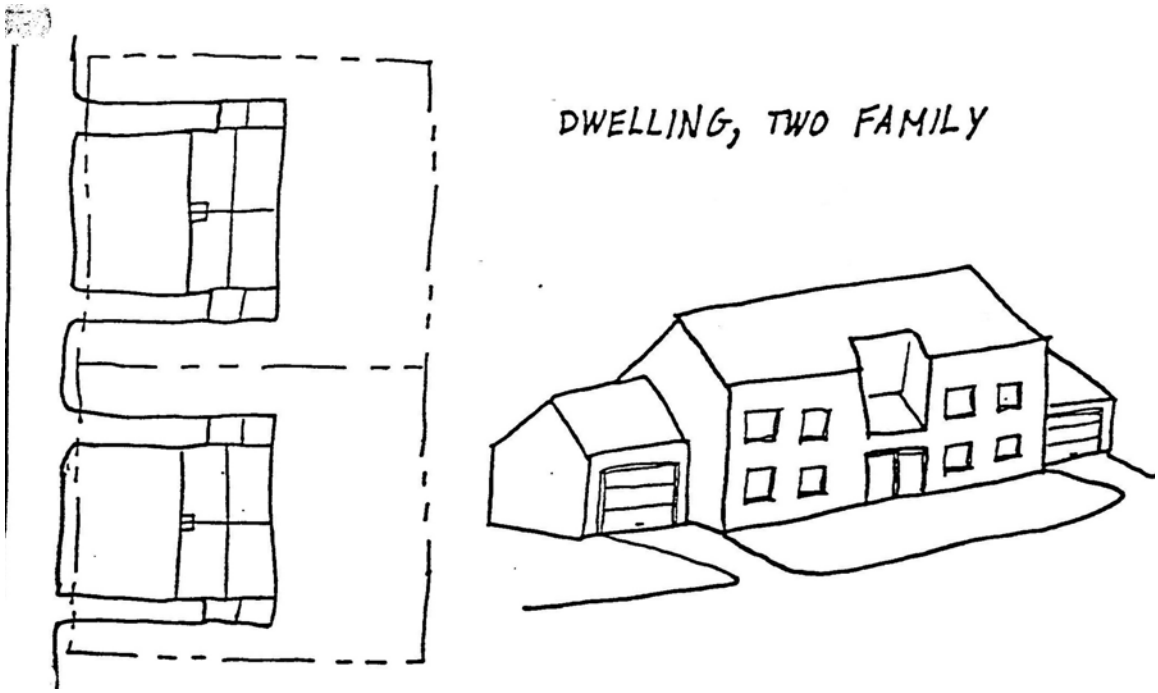

Figure E

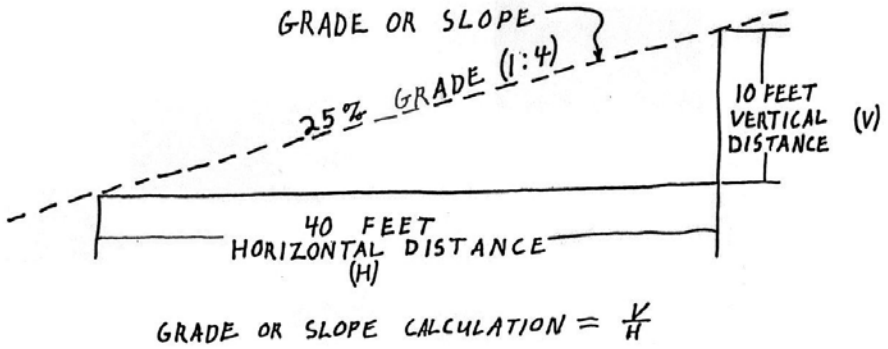

Figure F

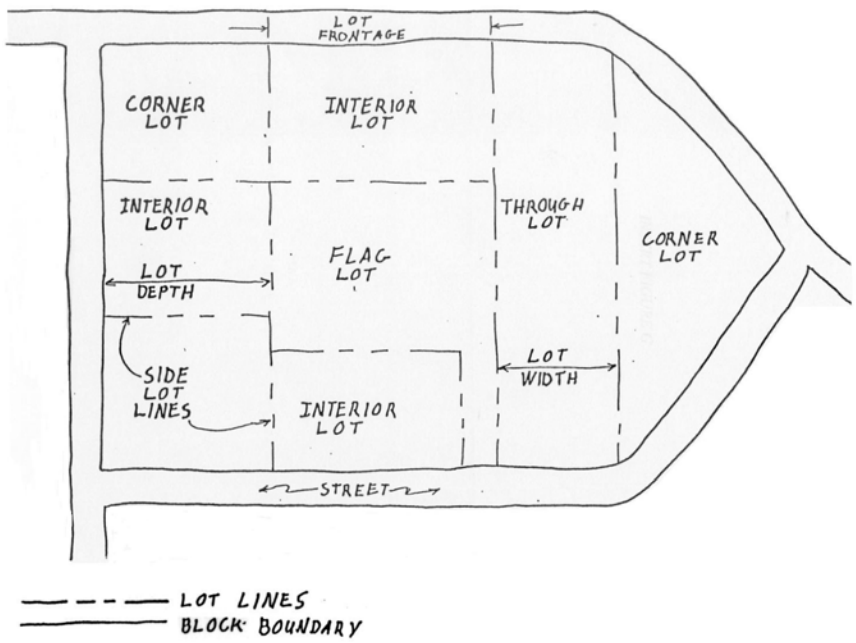

Figure G

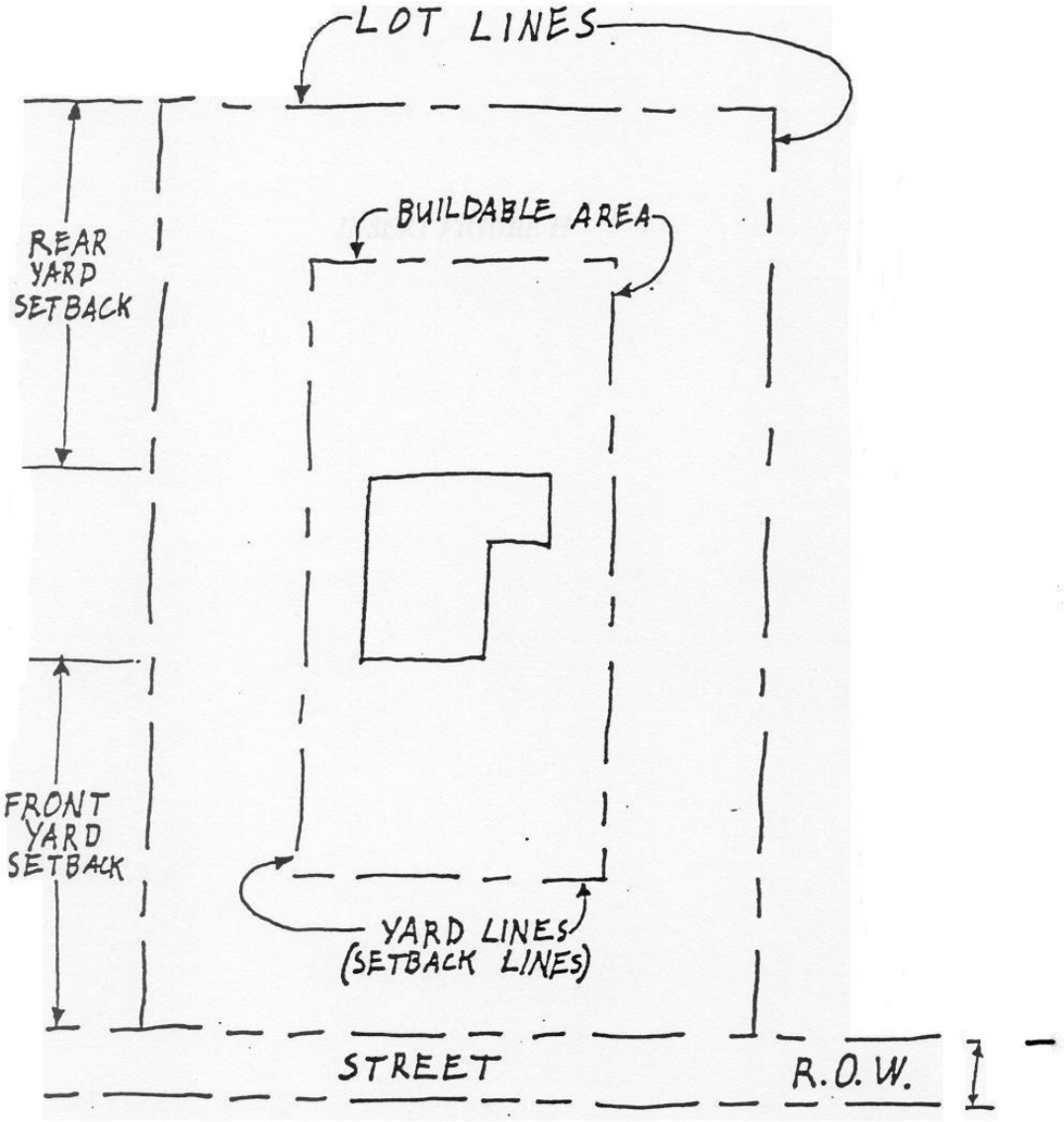
LOT LINES
BUILDABLE AREA
REAR YARD SETBACK
FRONT YARD SETBACK
YARD LINES (SETBACK LINES)
STREET
R.O.W.

Figure H

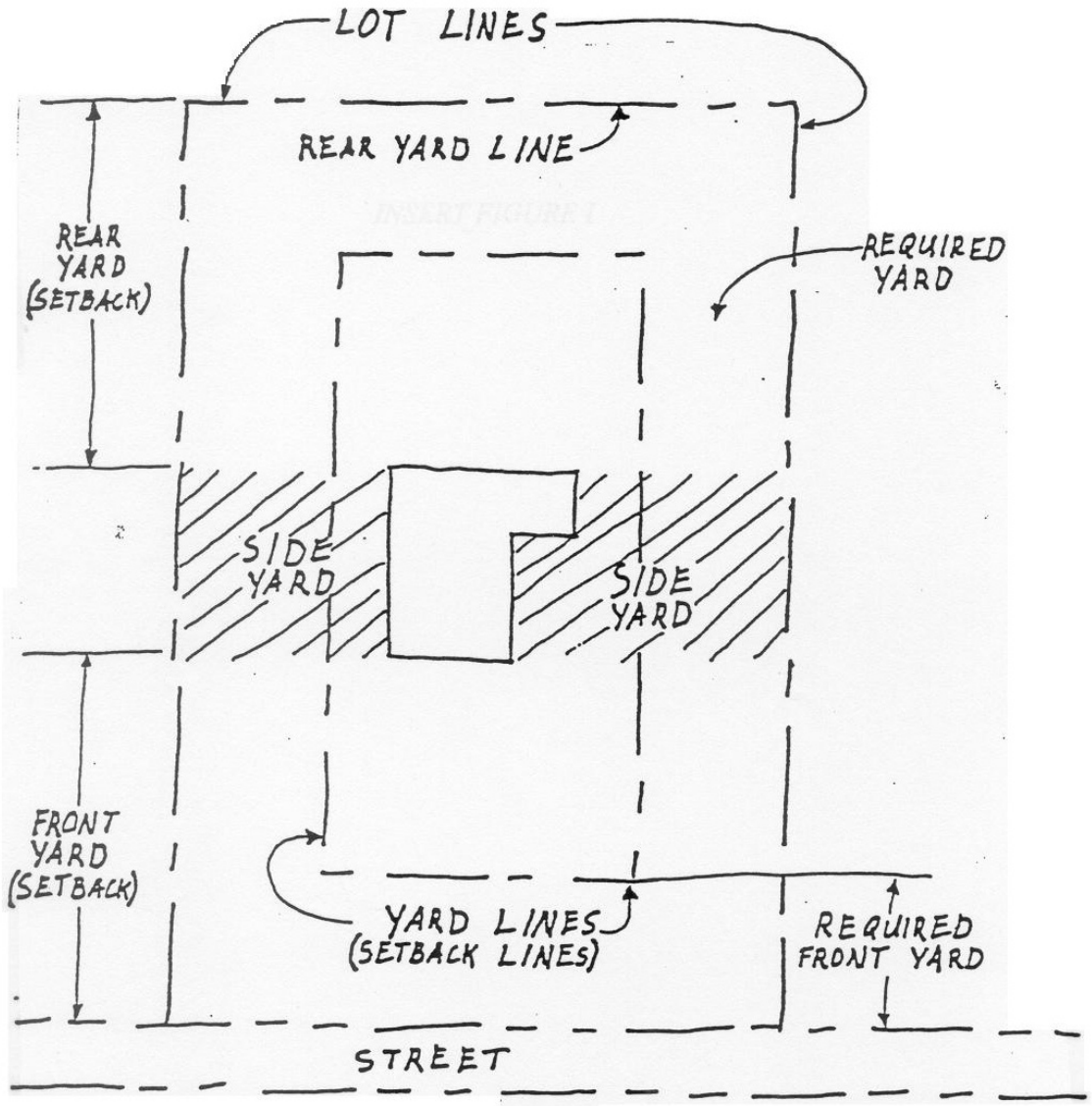
LOT LINES
REAR YARD LINE
REAR YARD (SETBACK)
REQUIRED YARD
SIDE YARD
SIDE YARD
FRONT YARD (SETBACK)
YARD LINES (SETBACK LINES)
REQUIRED FRONT YARD
STREET

Figure I

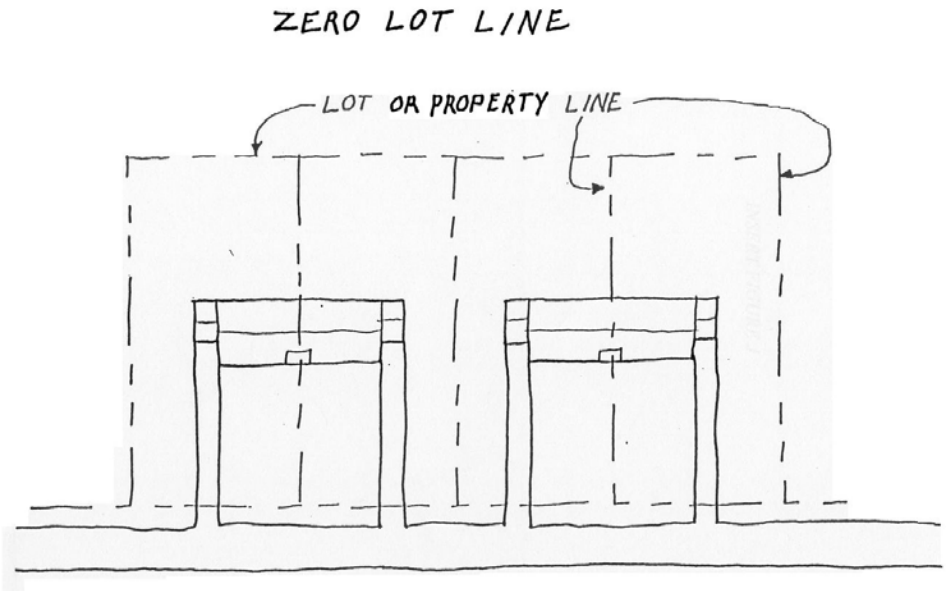

Figure J

INSERT FIGURE K

(R-4, Minimum Lot requirements, Setbacks, typical spacing, etc.)

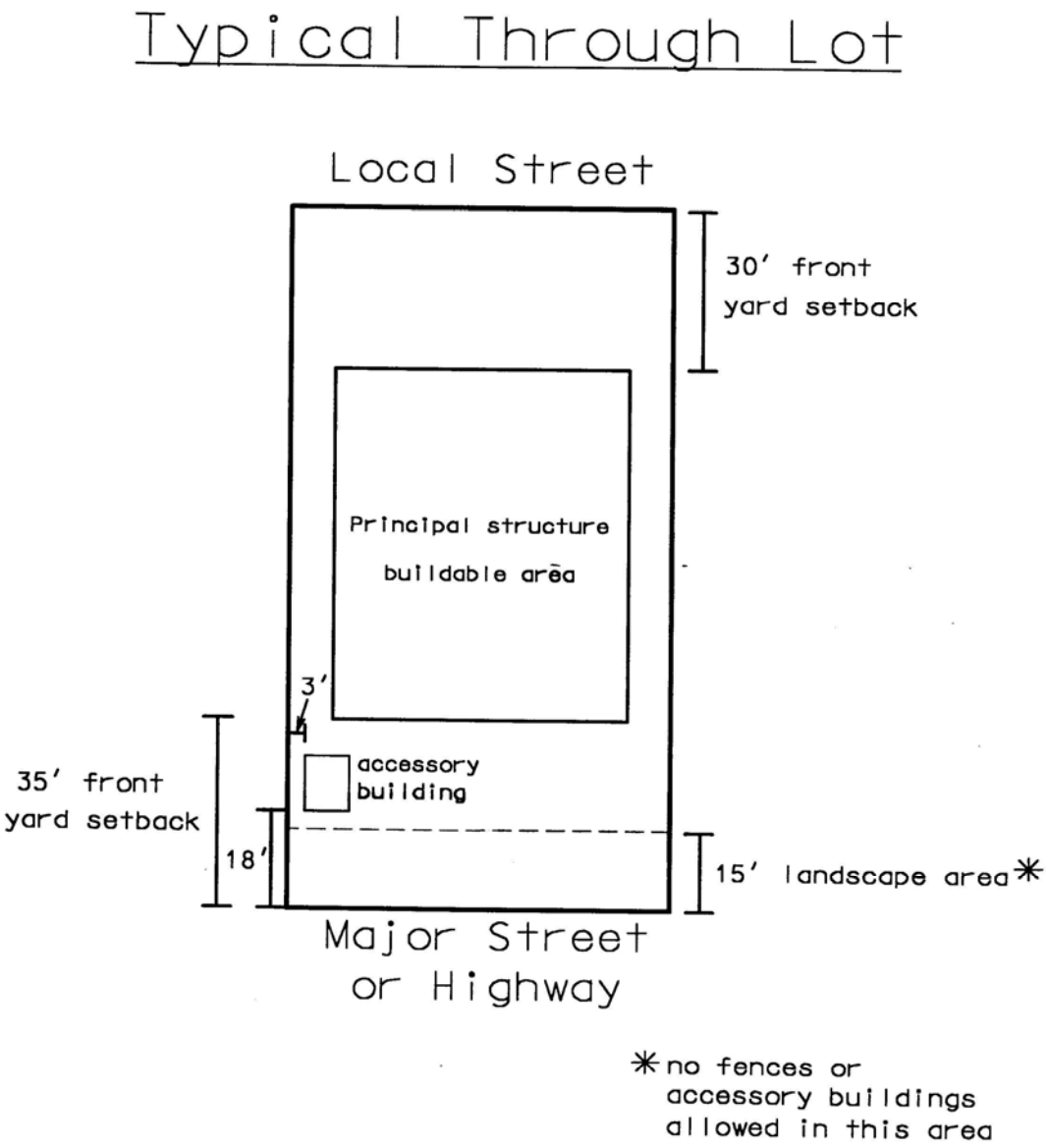
Typical Through Lot
Local Street
30' front yard setback
Principal structure buildable area
3'
accessory building
35' front yard setback
18'
15' landscape area*
Major Street or Highway
*no fences or accessory buildings allowed in this area

Figure L

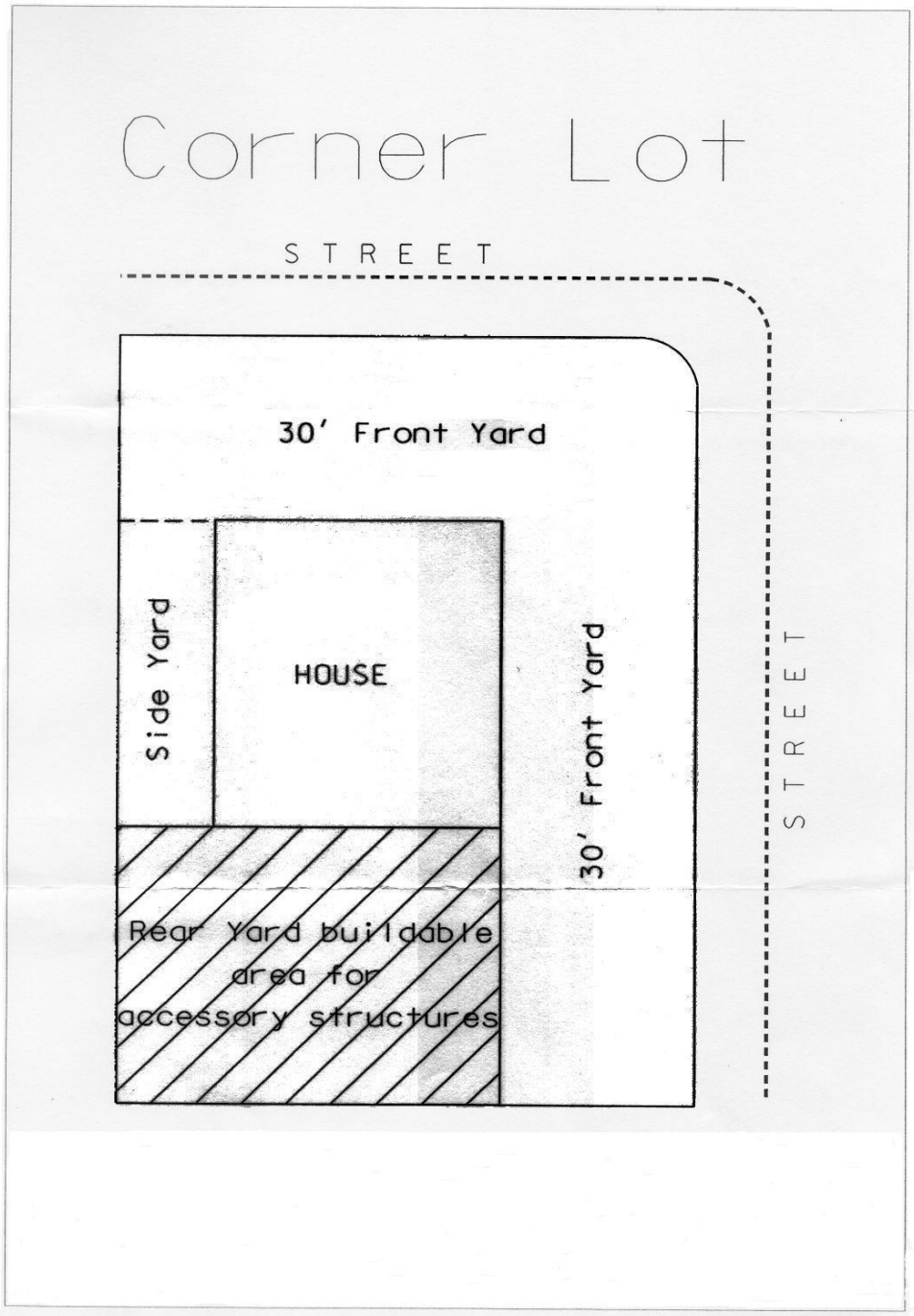
Corner Lot
STREET
30' Front Yard
Side Yard
HOUSE
30' Front Yard
STREET
Rear Yard buildable
area for
accessory structures

Figure M

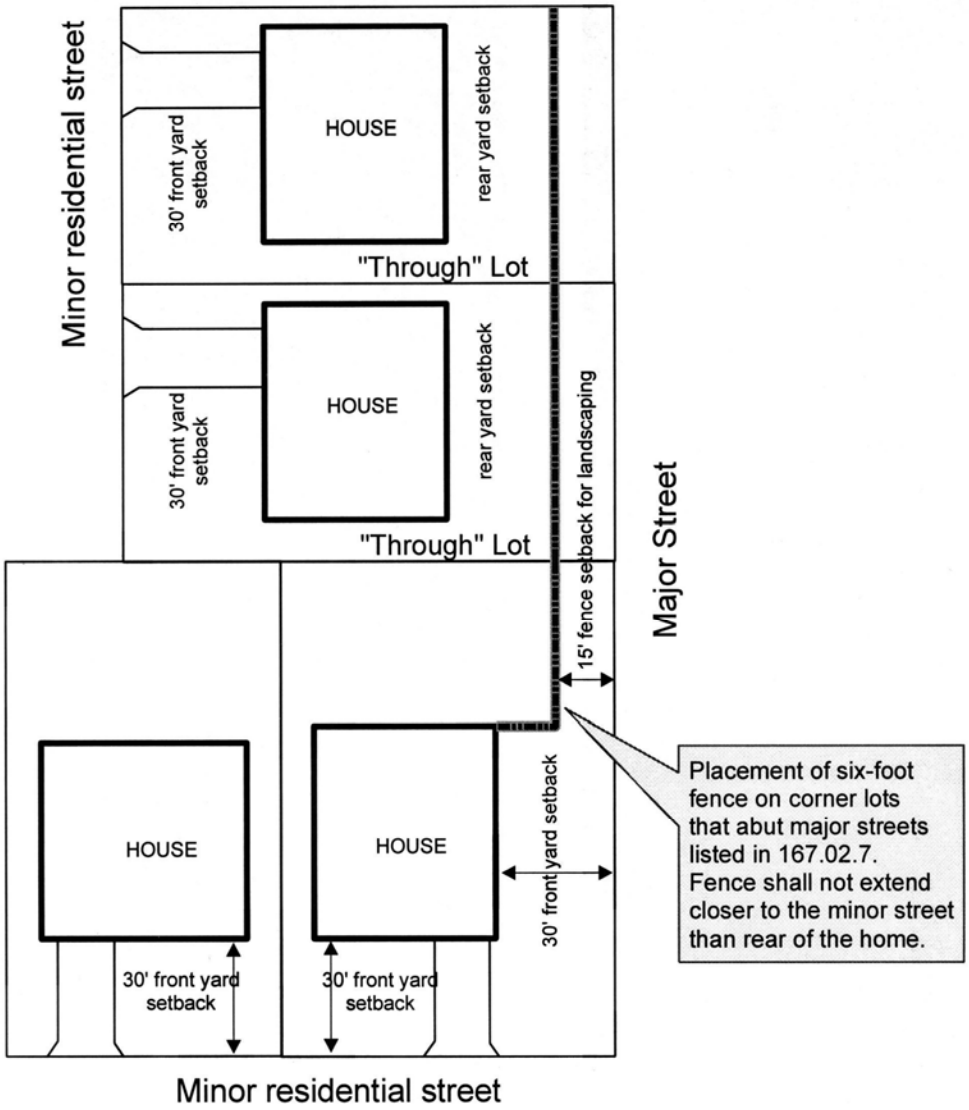
Minor residential street
30' front yard setback
HOUSE
rear yard setback
"Through" Lot
30' front yard setback
HOUSE
rear yard setback
"Through" Lot
HOUSE
HOUSE
30' front yard setback
30' front yard setback
15' fence setback for landscaping
30' front yard setback
Major Street
Minor residential street
Placement of six-foot fence on corner lots that abut major streets listed in 167.02.7. Fence shall not extend closer to the minor street than rear of the home.

Figure N

CHAPTER 166

ZONING CODE — NONCONFORMING USES

166.01 Intent
166.02 Nonconforming Lots of Record
166.03 Nonconforming Use of Land
166.04 Nonconforming Use of Structures
166.05 Repairs and Maintenance
166.06 Special Exemptions
166.07 Registration of Nonconforming Uses

166.01 INTENT. Within the districts established by the Zoning Code or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the Zoning Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of the Zoning Code or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

166.02 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of the Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

166.03 NONCONFORMING USE OF LAND. Where, at the effective date of adoption or amendment of the Zoning Code, lawful use of land exists that is made no longer permissible under the terms of the Zoning Code as enacted or amended, such use may be continued subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the Zoning Code.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the adoption or amendment of the Zoning Code.

3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Zoning Code for the district in which such land is located.

166.04 NONCONFORMING USE OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Code that would not be allowed in the district under the terms of the Zoning Code, the lawful use may be continued subject to the following provisions:

1. No existing structure devoted to a use not permitted by the Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any of the parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Code, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to a more restricted classification.

4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

5. Where nonconforming use status applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

166.05 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or

amendment of the Zoning Code shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

166.06 SPECIAL EXCEPTIONS. Any use for which a special exception is permitted as provided in Section 167.07 of this Zoning Code shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

166.07 REGISTRATION OF NONCONFORMING USES. No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued pursuant to Section 169.04 hereof.

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CHAPTER 167

ZONING CODE — GENERAL REGULATIONS

167.01 Visibility at Intersections in Residential District
167.02 Fences, Walls, and Hedges
167.03 Street Frontage Required
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167.01 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICT. On a corner lot in a residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection of right-of-way lines.

167.02 FENCES, WALLS, AND HEDGES. Notwithstanding other provisions of the Zoning Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that:

1. In a residential district, no fence, wall, or hedge in any front yard shall exceed forty-eight (48) inches in height; and no fence, wall or hedge shall exceed forty-eight (48) inches in height along the street side yard of a corner lot with the following exception – for corner lots that abut the major streets outlined in subsection 7 of this section, a six (6) foot tall fence may be constructed in the front yard along the street side of the major street if setback 15 feet from the property line of the major street. Said six foot tall fence shall not extend any closer to the minor street than the rear wall line of the home. The landscaping requirements of subsection 6 of this section apply to the area between the fence and right-of-way along the major street or highway for the length of the fence. See Figure N.

(Ord. 07-02-2018 #03 (495) – Dec. 18 Supp.)

2. No fence or wall in any rear yard shall exceed six (6) feet in height in a residential district, or ten (10) feet in height in a commercial or industrial district unless otherwise approved by the Board of Adjustment.

3. Every fence hereafter erected shall be done in the following manner: posts, supporting rails and other such supporting elements when located shall be on and face the property on which the fence is located.

4. No person shall place, construct or maintain, or cause to be placed, constructed or maintained any electric fence.

5. No person shall place, construct or maintain, or cause to be placed, constructed or maintained any barbed wire or similar type material fence on residential zoned property.

6. On "through" lots, also known as "double frontage" lots, within a subdivision or plat of survey recorded after February 7, 2003 (but not corner lots), no fence shall be closer than fifteen (15) feet from the major street or highway right-of-way. The yard between the major street or highway right-of-way and the 15-foot setback shall include one hardwood deciduous tree (Ash: "Autumn Purple," Green [seedless]; Maple: Crimson King, Norway, Sugar; Oak: Burr, English, Northern Red) and three (3) shrubs for every twenty-five (25) linear feet, or major fraction thereof, of lot width along the major street or highway. The trees shall be at least one and one-half inch (1½") caliper and the shrubs shall be at least eighteen (18) to twenty-four (24) inches in height. The property owner is required to maintain the plantings and replace them as necessary with approved materials from the list above. Whenever practical, existing trees and shrubs should be preserved and incorporated into the overall design. This section does not replace the screening requirements for commercial and industrial properties. *(Refer to Chapter 165, General Provisions: Figure L.)*

(Ord. 07-02#1(104) – 2004 Update)

7. The following streets are considered major streets or highways used in correlation with subsections 1 and 6 of this section:

A. Adventureland Drive NE and NW

B. 8th Street SE and SW

C. 24th Street SE and SW

D. 36th Street SE and SW

E. 1st Avenue North and South

F. 14th Avenue SE and NE

G. 17th Avenue SW and NW

H. 34th Avenue SW and NW

(Ord. 7-21-08 #1 (282) – Dec. 08 Supp.)

167.03 STREET FRONTAGE REQUIRED. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, and there shall be not more than one (1) single-family dwelling for such frontage. The Council may also allow, at its own discretion, the construction of a building to be used in whole or in part for residence purposes on a lot which has an exclusive unobstructed private easement of access at least twenty (20) feet wide to a street, for one (1) single-family dwelling, if the Council determines that such construction is not in conflict with the intent of the Zoning Code.

167.04 ACCESSORY BUILDINGS. No accessory building shall be erected in any required court or in any yard other than a rear yard. (for corner lots, see Figure M.) Only one (1) detached garage and one (1) yard shed shall be allowed in a rear yard (this is not to be construed as not allowing gazebo's, greenhouses, shelters and "children's playhouses", as long as the total aggregate building area does not exceed 30% of the rear yard). In A-1, R-1, R-2, R-4 Zoned Districts and for One & Two family dwelling lots in an R-3 and R-5 Zoning District, accessory garages shall be no larger than 1,000 square feet and yard sheds shall not be larger than 160 square feet. Accessory buildings shall be distant at least three (3) feet from alley lines, and/or lot lines of adjoining lots. However in no case shall any eave or overhang extend closer than twelve (12) inches to a rear or side yard line and no accessory structure(s), except those permitted pursuant to the provisions of Ordinance Section 167.02 (fences) shall be permitted to be constructed, placed, located or built in and/or on any easement. On "through" lots, also known as "double frontage" lots, within a subdivision plat or plat of survey recorded after February 7, 2003 (but not corner lots), no accessory buildings shall be closer than eighteen (18) feet from the major street or highway right-of-way. *(Refer to Chapter 165, General Provisions: Figure L.)* Accessory buildings must be erected separately from and six (6) feet distant (into rear yard) from the principle structure except in R-4 districts where accessory building shall be no closer than four (4) feet to the principal structure providing they meet all applicable fire and building codes as adopted. Any building so connected to the principal building shall be considered a part of the principal building and must meet the space requirements thereof. Accessory buildings shall not occupy more than 30% of the rear yard and shall not exceed fourteen (14) feet in height in any "R" district. This regulation shall not be interpreted to prohibit the construction of a minimum four hundred forty (440) square foot, detached garage on a rear yard. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is also being used. Accessory buildings exceeding 160 square feet in area shall be constructed of materials that are the same or similar to the principal building. Accessory buildings may be connected to the principal building by a breezeway with setbacks for the principal structure. An addition may be made to an existing principal structure which extends past the front of an existing legally established detached accessory structure, provided no connection or attachment is made between the existing detached structure and the addition unless setbacks can be met as required for a principal structure.

Exception: Those properties located along the east side of 26th Avenue SW between 10th Street SW and 17th Street SW shall be allowed to place accessory structures in the easement(s) (recorded Bk 5099 Page 518 and Book 2246 page 409) located in the rear yard if all of the following conditions are being met:

1. The property owner has obtained an encroachment agreement from the owner of the easement, and

2. The property owner provides a copy of the encroachment agreement to the City of Altoona, and

3. The accessory structure is located as indicated on the encroachment agreement, and

4. The accessory structure meets all of the other provisions listed within this section

(Ord. 05-18-2015 #4 (410) – June 15 Supp.)

167.05 CORNER LOTS; SIDE YARDS. For corner lots platted after the effective date of the Zoning Code, the street side yard shall be equal in width to the setback regulations of the lots to the rear having frontage on the intersecting street.

167.06 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in the Zoning Code unless specific yard requirements in the Zoning Code require a greater setback.

167.07 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS.

1. Structures Permitted Above Height Limit. No permit will be issued for any structure above height limits, except as specifically approved by the Board of Adjustment.

2. Double Frontage Lots. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.

3. Rear and Side Yards Adjacent to Alleys - How Computed. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (½) of the alley width may be included as a portion of the rear or side yard as the case may be.

4. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the following:

A. Projections not exceeding twenty-four (24) inches except for:

(1) Yards with a 5 foot setback requirement no projection shall be permitted except for a roof overhang not exceeding twenty-four (24) inches. This includes decks and stairs that are not considered accessory structures.

B. Decks that serve the principle structure; not constructed per the requirements for accessory structures and that have a walking surface over 36 inches above grade shall be permitted to encroach into the rear yard a maximum distance of 10 feet on properties with a platted rear yard of 25 feet or more.

C. Structures built over a deck/patio in a rear yard that have at least 65 percent of the space between roof joists that are clear, open and unobstructed to the sky may encroach a maximum distance of 10 feet on properties with a platted rear yard of 25 feet or more. If openings are less than 65 percent of the space between roof joists then the structure shall be considered a roof and must meet the setback distances of that for the primary structure. A membrane covered frame structure

meaning a building/structure that is non-pressurized, movable and not permanently secured and is comprised of a rigid framework to support a tensioned membrane which provides a weather barrier is exempt from this requirement.

Notwithstanding the provisions noted above no part of any structure or building shall encroach into a recorded easement.

(Ord. 08-20-2012 #2 (352) – Dec. 12 Supp.)

5. Billboards. No permit will be issued for any billboards except as specifically approved by the Council.

6. Front Yard Exceptions. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Zoning Code or where some lots have been developed with a front yard greater than required by the Zoning Code, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

A. Buildings located entirely on the rear half of a lot shall not be counted.

B. No residential dwelling shall be required to have a front yard greater than fifty (50) feet.

C. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

7. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the Zoning Code shall be zoned A-1 Agricultural until the Zoning Commission and Council shall have studied the area and adopted a final zoning plan for the area. Said final zoning plan shall be adopted within six (6) months of the date of annexation.

8. Single-family, Semi-attached. Single-family, semi-attached dwellings are permitted only under the following terms and conditions:

A. A "single-family, semi-attached dwelling is a building designed for or occupied by one (1) family only and which is erected on a separate lot and is joined to another such residence on one (1) side only by a wall located on the lot line and has yards on the remaining sides. The joining wall must be a party wall and must be a fire wall.

B. Must have an "R-2" or "R-3" zoning.

C. The lot width requirement where approved by plat approval by the Council shall be forty (40) feet.

D. Each unit must have its own water service, sewer service, and secondary storm sewer service.

E. The joining wall must be a party wall and must be a fire wall having a one-hour rating.

F. The lot setback requirement shall be thirty-five (35) feet.

167.08 OFF-STREET LOADING SPACES REQUIRED. In a "C" or "M" District, in connection with every building or part thereof hereafter erected having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, data center or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space.

1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length.

2. Such space may occupy all or any part of any required yard or court space.

(Ord. 06-18-2012 #2 (345) – June 12 Supp.)

167.09 OFF-STREET PARKING AREA REQUIRED. In all districts, in connection with every industrial, business, institutional, recreational, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

1. Automobile sales and service garages: one (1) space per 200 square feet of gross floor area.

2. Business and professional offices: one (1) space per 200 square feet of gross floor area.

3. Bowling alleys: five (5) spaces for each alley plus one (1) space per 300 square feet of gross floor area used for purposes other than alley space.

4. Schools:

A. One (1) space for each eight (8) seats in a principal auditorium.

B. When no auditorium is involved, one (1) space for every two (2) employees.

5. Convenience stores: one (1) space per 150 square feet of gross floor area.

6. Dance halls, assembly halls: one (1) space for each 100 square feet of floor area used for dancing or assembly.

7. Dwellings:

A. Single-family dwelling - two (2) parking spaces accessible to the street;

B. Duplex family dwelling - four (4) parking spaces accessible to the street;

C. Multi-family dwelling - for each one (1) bedroom unit - 1½ parking spaces; for each two (2) bedroom unit, or larger - 2 parking spaces.

8. Funeral homes, mortuaries: one (1) parking space for each five (5) seats in the principal auditorium.

9. Hotels and motels: one (1) space for each room to be rented plus additional space (in accordance with other sections of this chapter) for restaurant or other facilities.

10. Medical or dental clinic: five (5) spaces for each staff doctor or dentist.

11. Restaurants, bars, or night clubs:

A. No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure allowed - one (1) space per 100 square feet of gross floor area;

B. Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed - one (1) space per 100 square feet of gross floor area plus one (1) space for every four (4) outside seats plus reservoir lane capacity equal to five (5) spaces per drive-in window.

12. Hospitals: two (2) spaces per bed or one (1) space per 150 square feet of gross floor area, whichever is greater.

13. Nursing care institutions: three (3) spaces for every five (5) beds. Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only one (1) space per unit.

14. Movie theaters: one (1) space for every four (4) seats.

15. Social, fraternal clubs, lodges and similar uses: one (1) space per 300 square feet of gross floor area.

16. Churches: one (1) space for every 80 square feet of worship area plus one (1) space for every two (2) employees with sufficient space for safe and convenient loading and unloading.

17. Banks: one (1) space per 200 square feet of area within main building plus reservoir land capacity equal to five (5) spaces per window (10 spaces if window serves two stations).

18. Wholesale: one (1) space per 400 square feet of gross floor area.

19. Retail sales and rental of goods, merchandise and equipment:

A. No storage or display of goods outside fully enclosed building: one (1) space per 200 square feet of gross floor area.

B. Low volume traffic with no storage or display of goods outside fully enclosed building: one (1) space per 400 square feet of gross floor area.

C. Storage and display of goods outside fully enclosed building allowed:

(1) High volume traffic generation: one (1) space per 200 square feet of gross floor area.

(2) Low volume traffic generation: one (1) space per 400 square feet of gross floor area.

D. For projects in the C-7 zoning district for which a site plan approval has been issued allowing at least 275,000 square feet of gross floor area, 4.5 parking spaces per 1,000 square feet of gross leaseable area (GLA). For purposes of determining allowable parking spaces hereunder, the term "gross leasable area" ("GLA") shall mean the gross floor area, exclusive of food court and other service and common areas.

(Ord. 02-23-2015 #02 (402) – June 15 Supp.)

20. Manufacturing plants, testing laboratories, bottling plants: one (1) space for each 1.5 plant employees plus one (1) space for each managerial person plus one (1) visitor parking space for each ten (10) managerial personnel or one (1) space for each 500 square feet of gross floor area used for manufacturing, whichever is greater.

21. Warehousing: one (1) space per employee.

22. Sports arenas and auditoriums other than in schools: one (1) space for each six (6) seats.

23. Car wash: one (1) space per employee plus one (1) space for manager plus space equaling five times the vehicle capacity of the wash.

24. Dry cleaner or Laundromat: one (1) space per 200 square feet of gross floor area.

25. Nursery schools or day care centers: one (1) space per employee, plus one and a half (1.5) spaces per 10 clients, plus one space per van.

(Ord. 03-17-2014 #01 (391) – June 14 Supp.)

26. Commercial greenhouse operation: one (1) space per 200 square feet of gross floor area.

27. Data center:

A. Office area: one (1) space per 200 square feet of gross floor area.

B. Data storage: one (1) space per employee (excluding office area employees).

(Ord. 06-18-2012 #3 (346) – June 12 Supp.)

In case of any building, structure or premises the use of which is not specifically mentioned herein, requirements for a use which is so mentioned and to which said use is similar shall apply. In cases not specifically covered, the City Administrator is authorized to determine the parking requirements using a similar use as a guide.

167.10 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS. All proposed off-street parking, including commercial parking lots and automobile, trailer or other vehicular sales lots, in conjunction with any multi-family residential, commercial, industrial, public or semi-public land use, whether such use is existing or proposed, shall meet all of the required development standards set forth in this section:

1. No part of any parking space shall be closer than three (3) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least fifteen (15) feet from the "R" District boundary and shall be effectively screen planted by any one or approved combination of the following options:

A. A buffer yard of fifteen (15) feet in width; a six (6) foot high masonry wall to be designed with face brick, stucco or similar finished surface facing toward the residential district; or

B. A buffer yard of 35 feet or more in width; four (4) foot high earth berm or opaque wood fence; and four (4) overstory trees, six (6) understory trees, six (6) coniferous trees, and fifteen (15) shrubs for each 100 lineal feet.

The buffer yard shall be located on the entire common perimeter of the contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers or similar activity which may create a nuisance. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

2. Any off-street parking area, including any commercial parking lot, shall be surfaced with an asphaltic or portland cement binder pavement.

3. Any lighting used to illuminate any off-street parking area including any commercial parking lots, shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

4. Off-street parking areas may be established in any "R" District that immediately joins a "C" or "M" District, or is directly across an alley from a "C" or "M" District, provided such parking shall be accessory to and for use of one or more business or industrial establishments located in the adjoining "C" or "M" District; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.

5. Where the Zoning Code and regulations specify parking space, that space size shall be determined in accordance with the layout criteria and the table of standard dimensions[†]. Handicapped stalls shall be provided as required by the Code of Iowa. The spaces shall be delineated to define their boundaries exclusive of driveway and access drive areas, except for one and two family dwelling units, and shall be shown as part of the parking lot plan on the site plan drawing.

6. Where a parking area does not abut a public or private alley or easement of access, there shall be provided a permanently surfaced drive, not less than eight (8) feet in width in case of a dwelling and not less than sixteen (16) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required under the provisions of this chapter in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district.

[†] **EDITOR'S NOTE:** See layout criteria figures and the table of standard dimensions at the end of this chapter.

7. When visible from a public street or land zoned for residential use, the interior of such parking areas shall be developed as follows:

A. Not less than five percent (5%) shall be landscaped and continuously maintained.

B. Planting along the perimeter of the parking area, whether required for screening or general beautification will not be considered as part of the five percent (5%) interior landscaping.

8. Parking spaces required shall be provided with bumper guards, raised curbing or equivalent, also lines marking stalls.

9. All commercial or industrial driveways installed, altered, changed, replaced or extended after April 17, 1989, shall meet the following requirements:

A. Islands between successive driveway openings shall be a minimum of twelve (12) feet with six (6) feet between the driveway opening and the lot lines. All distances are to be measured at the right-of-way line.

B. Openings for vehicular ingress and egress shall not exceed thirty-five (35) feet at the street line and forty-five (45) feet at the curb.

C. Vehicular entrances and exits to drive-in theaters, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations, garages or public parking lots shall not be less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

10. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of forty (40) feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to five percent (5%).

11. Maintenance of parking lots:

A. All parking areas shall be paved and maintained in a dust-free condition at all times.

B. If nonconforming (rock, gravel, grass, etc.), the parking lot must be kept in a dust-free condition. (Nonconforming uses of land, see Section 166.03 of this Code of Ordinances.)

167.11 TV DISH ANTENNAS. Any parabolic, spiracle, or other shaped structure used for, or intended to be used for, reception of satellite transmissions, shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:

A. General placement diagram

B. Manufacturer's specifications

C. Wind stress information.

2. No portion of an antenna array shall extend beyond the property lines or into any front yard area, with the exception that any building mounted dish antennae, twenty-four (24) inches in diameter or less, may be located on any side of a structure.

3. A maximum dish antenna height of twenty (20) feet for freestanding dish antennae.

4. To support dish antenna exceeding twenty-four (24) inches in diameter, a three to seven square foot concrete base must be provided.

5. Dish antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard antenna location.

6. Dish antennas shall not be located in any required setback area.

7. Dish antennas exceeding twenty-four (24) inches in diameter shall not be permitted on the roof unless engineering is provided for structural or wind load.

8. Every antenna must be adequately grounded per manufacturer's recommendation.

9. The dish antenna including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.

10. The dish antenna shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.

11. All dish antennas shall be maintained in good condition and in accordance with all requirements of this section.

12. All dish antennas shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.

13. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

14. The owner of such a structure shall assume complete liability in case of personal or property damage.

15. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

16. A conditional use permit must be issued for any dish antenna exceeding six (6) feet in diameter, prior to issuance of a building permit by the City Building Inspection Department.

167.12 FREESTANDING COMMUNICATION TOWERS. Any freestanding communication tower located in any district shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:

   A. General placement diagram

   B. Manufacturer's specifications

   C. Wind stress information.

2. Maximum tower height to be 70 feet from tip to ground level with an additional 25 feet for mast and antenna. Antenna and mast on the tower must conform to sound engineering practices. Guy wires are to be installed per manufacturer's recommendations on applicable models, with a minimum quantity of three (3) guy wires.

3. Guy wire supports and anchors are to be located one foot inside property boundaries or utility easement, and of design to conform to current methods recommended by manufacturer's specifications or other applicable requirements.

4. The tower is to be mounted on a concrete pad twice the cross-sectional area of the largest section. A minimum of four square feet is required and three feet deep. If the tower is to be installed in concrete, a gravel or sand sub-layer is to be under the pad with the tower resting in this for drainage. Where the tower goes through the concrete, a sealing substance (e.g., tar) is to be applied. If the manufacturer's recommendations are more strenuous, they are to be followed.

5. An anti-climbing apparatus is to be installed to prevent unauthorized ascension on all communication towers except All Band Vertical Antennas.

6. Tower to be the height plus five feet angular distance from base to overhead lines or permanent neighboring domicile. Exception: Towers with guy wires that are rated for collapsible distance, the collapsible distance plus five feet may be used.

7. If the tower is located near a recreation area, shelter buildings will be considered as permanent domiciles.

8. Each location is permitted one tower over 20 feet, with a limit of two additional communication towers 20 feet or less.

9. All towers shall be erected or maintained to the rear of the main building, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard tower location.

10. The tower is to be grounded per manufacturer's recommendation.

11. The transmission lines must meet municipal requirements on installation.

12. If property dimensions permit taller towers, an exception can be obtained from the Board of Adjustment on the overall dimensions, if applicable clearances are still met.

13. The freestanding communication tower including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.

14. The freestanding communication tower shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.

15. All freestanding communication tower shall be maintained in good condition and in accordance with all requirements of this section.

16. All freestanding communication tower shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.

17. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

18. The owner of such a structure shall assume complete liability in case of personal or property damage.

19. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

167.13 BUILDING SUPPORTED COMMUNICATION TOWERS. Any building supported communication tower located in any district shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:

A. General placement diagram

B. Manufacturer's specifications

C. Wind stress information.

2. Towers and antenna may not be more than 30 feet above the utmost point of building contact with an additional 25 feet for multiple antenna connections.

3. The tower is to be strapped at least every five feet to said building or per manufacturer's instructions. The tripod type is to be attached via connection to the building's main structures.

4. An anti-climbing apparatus is to be installed to prevent unauthorized ascension on all communication towers except All Band Vertical Antennas.

5. The tower is to be grounded per manufacturer's recommendations.

6. There is to be an angular clearance of communication tower height from tip to top building support plus 15 feet to any neighboring domicile, overhead lines, or buildings and shelter buildings located on recreational facilities.

7. Only two radio communication support towers per residential location, with only one located per building side. They may not be located in the front yard.

8. Transmission lines must meet municipal requirements on installation.

9. The building supported communication tower including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.

10. The building supported communication tower shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.

11. All building supported communication tower shall be maintained in good condition and in accordance with all requirements of this section.

12. All building supported communication tower shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.

13. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.

14. The owner of such a structure shall assume complete liability in case of personal or property damage.

15. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

167.14 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.

A. Height, Total System: 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): Any legally established lot or parcel which contains or could contain a permitted or permitted conditional principal use as provided by Chapter 167 of this Code.

C. Off Grid: 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: Changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.

E. Small Wind Energy Conversion System (SWECS): A wind energy conversion system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential uses and districts and up to one hundred (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: A SWECS which 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 shall not meet this definition.

G. Small Wind Energy Conversion System, Horizontal Axis: A small wind energy conversion system that has blades which rotate through a horizontal plane.

H. Small Wind Energy Conversion System, Building Mounted: A SWECS which 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: A small wind energy conversion system that has blades which rotate through a vertical plane.

J. Tower: 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): 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: The component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

2. General Regulations.

A. Conditional Use. A Small Wind Energy Conversion System (SWECS) shall be allowed only as a Conditional Use accessory use to a permitted principal use or approved permitted Conditional Use principal use.

B. Zoning. SWECS may be allowed in all zoning districts subject to the provisions contained herein and elsewhere within City Code.

C. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City of Altoona, unless a permitted conditional use permit has been obtained from the Board of Adjustment. The permitted conditional use permit may be revoked by resolution of the Board of Adjustment any time the approved system does not comply with the rules set forth in this section and the conditions imposed by the Board of Adjustment. 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.

D. Number of Systems per Zoning Lot.

(1) Residential Use. No more than one (1) freestanding SWECS may be placed on any parcel or lot zoned for residential use. Building mounted SWECS shall be prohibited on any parcel or lot containing a one (1) or two (2) family use.

(2) Commercial, Industrial, and Institutional Use. No more than one (1) 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 SWECS which 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 SWECS may be allowed within the parameters herein below. However, in no case shall the generating capacity of aggregated SWECS exceed anticipated energy needs for on site consumption.

(3) 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.

E. Tower. Only monopole towers shall be permitted for freestanding SWECS. Lattice, guyed or towers of any other type shall not be considered to be in compliance with this section.

F. Color. Freestanding SWECS shall be a neutral color such as white, sky blue or light gray. 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 Board of Adjustment. The surface shall be non-reflective.

G. Lighting. No lights shall be installed on the tower, unless required to meet FAA regulations.

H. Signage. No signage or advertising of any kind shall be permitted on the tower or any associated structures, except for warning signs addressed in subsection Q – Safety Controls.

I. Climbing Apparatus. The tower must be designed to prevent climbing within the first ten feet (10').

J. 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 nor is in violation of any provisions contained within this section or elsewhere within the City Code. Noise generated due to wear shall deem the SWECS nonfunctional and inoperative and subject to removal.

K. 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.

L. 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.

M. 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.

N. 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.

O. Noise. A SWECS shall be designed, installed and operated so that the noise generated does not exceed 55 decibels (dBA), as measured at the nearest neighboring property line, except during short-term events including utility outages and severe wind storms.

P. Shadow Flicker. No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.

Q. 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. Warning signs shall be posted where clearly visible to warn of electrical and other hazards associated with the SWECS.

R. Shut Off. A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Building Official.

S. Electromagnetic Interference. All SWECS 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.

T. Wind Access Easements. The enactment of this section 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.

U. Insurance. The owner/operator of a SWECS must demonstrate and maintain liability insurance of not less than $1,000,000 coverage.

V. 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. Once construction is completed, an Iowa licensed professional engineer shall inspect and provide certification of operation to the City of Altoona, which verifies proper installation, operation and function of the structure and all components, including electrical components and connections.

W. 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.

X. Removal. If the SWECS remains nonfunctional or inoperative for a continuous period of six (6) months, the system shall be deemed to be abandoned. The SWECS owner/operator shall remove the abandoned system at their 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 Director of Community Development or their designee all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the Director of Community Development or designee shall notify the SWECS owner/operator. Removal shall be completed within ninety (90) days of written notice to remove being provided to the owner/operator by the City of Altoona.

Y. Right Of Entrance. As a condition of approval of a conditional use permit an applicant seeking to install 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 of Altoona 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.

Z. Feasibility Study. It is highly recommended that a feasibility study be made of any site prior to installing a wind turbine. The feasibility study should include measuring actual wind speeds at the proposed turbine site for at least 3 months.

3. Bulk Regulations.

A. Setbacks.

(1) The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to one hundred fifty percent (150%) 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 (1) and fewer than three (3) acres, the maximum height shall be 65 feet.

(2) For lots of three (3) to seven (7) acres, the maximum height shall be 80 feet.

(3) For lots of more than seven (7) acres the maximum height shall be 100 feet.

(4) Building mounted SWECS may be a maximum of 10 feet higher than the point of attachment to the building on which they are attached.

C. Minimum Lot Size.

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

(2) The minimum lot size for a building mounted SWECS shall be one (1) acre for any building mounted SWECS to be mounted on a building of less than five (5) stories in height.

(3) There shall be no minimum lot size for building mounted SWECS to be mounted on buildings of five (5) 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 (5) feet.

(5) Building mounted SWECS shall be 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.

4. Application Required. Application for SWECS shall be made on forms provided by the City of Altoona. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.

(Ord. 01-17-2011 #1(330) – June 11 Supp.)

167.15 HOME OCCUPATIONS. "Home occupation" means any activity carried out for gain by a resident, conducted in the resident's dwelling unit. A conditional use permit must be applied for and received from the Board of Adjustment for any home occupation that does not meet the requirements set forth in this section. Those requirements are as follows:

1. The home occupation complies with the lot size, bulk regulations and parking requirements of the zoning district in which the home occupation is located.

2. The only permitted home occupations are:

A. Homebound employment of physically, mentally or emotionally handicapped persons who are unable to work away from home by reason of their disabilities.

B. Office facilities for salespeople, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.

C. Studio or laboratory of an artist, musician, craftsman, writer, tailor, seamstress, or similar person provided that the existence of the home occupation will not increase the number of

average daily automobile trips generated by the residence in which the home occupation is generated.

D. Day care facilities provided that no more than six children are on the premises at any time.

3. Home occupations shall meet the following requirements:

A. No persons other than a member of the immediate family occupying such dwelling shall be employed.

B. The home occupation shall be conducted only within the enclosed living area of the dwelling unit provided that not more than one-fourth of the area of one floor shall be used for such purposes.

C. In no way shall the appearance of the structure be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noise or vibrations.

4. In addition to the requirements of the zoning district in which it is located, all home occupations shall comply with the following restrictions:

A. No stock in trade shall be displayed or sold on the premises.

B. There shall be no outdoor storage of equipment or materials used in the home occupation.

C. No more than one vehicle shall be used in the conduct of the home occupation.

D. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

E. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

F. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.

G. All home occupation requests must be presented in writing to the Building Department. If the home occupation has not been

specifically identified by this section of the Zoning Code, the written request will be filed by the Building Department for referral to the Board of Adjustment, for its approval, before engaging in such business.

167.16 TEMPORARY USE PERMITS. These regulations are intended to prescribe the conditions under which limited duration locally grown agricultural and existing on-site commercial activities (e.g. truck gardens, Farmers Market, sidewalk sales, etc.) may be conducted.

The intent is to allow the display and marketing of merchandise on a seasonal basis in an attractive manner to serve the desires of the general public, but prevent creation of any nuisance or annoyance to the occupants of adjacent buildings, premises or property, and the general public. It is also the intent to establish minimum standards for the operation of temporary uses in a manner that will provide for the health, safety, and welfare of the patrons, employees, the general public, etc., that may utilize or be affected by the establishment of the temporary use.

1. Application and Permit Processing: A temporary use permit shall be required for all temporary uses listed in this Section. A temporary use permit must be issued prior to the commencement of any temporary use. The Director of Community Development may, from time to time, specify the form of the temporary use permit application. Applications for said temporary use permit shall be secured from the Director of Community Development in the manner prescribed by this Section, who shall cause the application to be directed to all concerned City departments and divisions. Affected departments or divisions shall comment on the application. Temporary uses may be subject to additional permits, or inspections as required by any applicable law or regulation.

2. Prior Determination for Temporary Use Permit Approval: The Director of Community Development shall only approve an application for a temporary use permit, if all of the following findings can be made:

A. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust, or other nuisance.

B. The additional parking required by the temporary use will be provided on site, if applicable, or adequate street parking is available in the immediate area.

C. Increased traffic caused by the temporary use will not adversely affect the surrounding neighborhood or City at large.

D. The proposed temporary use is consistent with all Comprehensive Plan, Municipal Code, and City and State regulations.

3. Uses Permitted with a Temporary Use Permit.

A. The following uses are eligible for a temporary use permit provided they meet the following criteria:

(1) Parking lot sales, sidewalk sales (private sidewalks only), and clearance sales used for the temporary extension of existing on-site sales.

(2) Truck gardens and stands used for the sale of locally grown agricultural products.

(3) Farmers Market

B. Garage sales are exempt from these provisions provided they do not occur any more frequently than one three (3) day event four times per calendar year. Garage sales occurring more frequently shall be considered a commercial retail sales business in a residential zone, which is prohibited.

C. A "temporary use" may be defined as short-term or long-term. A "short-term" use shall be defined as those uses with a maximum duration of four (4) consecutive days or less. A "long-term" use shall be defined as those uses with a duration of more than four (4) consecutive days.

4. General Regulations. Each temporary use shall:

A. Be described in a permit thereby issued by the Director of Community Development prior to commencement of the sale. This permit shall be in addition to all other licenses, permits or approvals otherwise required by any governmental entity.

(1) The number of additional parking spaces required, if any, and the location of such additional parking spaces, for the temporary activity shall be determined by the Director of Community Development. The number of permanent parking spaces allowed to be used under the short-term temporary use permit shall be reviewed and determined by the Director of Community Development.

(2) The maximum number of permanent parking spaces allowed to be used for the operation of a long- term temporary use shall not exceed twenty (20) percent of the parking on a site plan that was approved by the City to be

counted toward the allowable size of the activity or twenty (20) percent of the site area, whichever is more restrictive.

B. All unimproved parking areas and main walk areas shall be kept damp or shall be covered with a material to prevent rising of dust.

C. All sites shall be completely cleaned of debris and temporary structures including but not limited to: trash receptacles, signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith, within five (5) days after the termination of the sale or special event.

D. No area of public right-of-way may be used without obtaining approval from the Director of Community Development, Chief of Police, Fire Chief, and Director of Community Services.

E. Proof of ownership, or a signed letter from either the property owner or their authorized representative, for the property on which the activity is to take place shall be presented at the time the temporary permit is requested.

F. All temporary structures, including but not limited to greenhouses, trailers, mobile homes, etc., shall conform to the zoning setback requirements or as directed by staff. Tents under 300 square feet may be allowed within the front yard setback subject to approval of the Director of Community Development.

G. Multiple concurrent temporary uses on the same property shall be prohibited.

5. Specific Requirements.

A. Lot and Sidewalk Commercial Activities.

(1) Permitted Zone Locations: All commercial districts.

(2) Maximum Duration: Four (4) consecutive days, not to exceed four (4) events in a twelve (12) month period.

(3) Setbacks: All merchandise, trucks, trailers, etc. shall be setback a minimum of thirty-five feet (35’) from all property lines.

(4) Area of Operation: The area of the operation shall not exceed eight hundred (800) square feet and no dimension shall exceed forty (40) linear feet.

(5) Transient Merchants: Transient merchants shall be subject to the licensing requirements of Chapter 122 of this Code. Said license shall be secured prior to issuance of a temporary use permit.

(6) Sale of fireworks are allowed in a tent as a temporary extension of inside sales only. Area of operation (sales tent and storage) is limited to the same 800 square feet combined, but does not include the roped off safety area. Storage to be separated from sales area by at least 75 feet.

B. Agricultural Produce Truck Gardens and Stands:

(1) Permitted Zone Locations: Any zoning district.

(2) Termination: All vehicles, produce, tents, stands and displays shall be removed at the end of each day.

(3) Setbacks: Tents, truck gardens, and stands shall be setback a minimum of thirty-five feet (35') from the front property line(s).

(4) Area of Operation: The area of the operation shall not exceed eight hundred (800) square feet and no dimension shall exceed forty (40) linear feet.

(5) Permits are good for 60 calendar days. Up to two permits may be issued in the same calendar year.

(6) Permits under this section cost $100.00 each.

C. Farmers Market.

(1) Permitted Zone Locations: Any zoning district.

(2) Area of Operation: Allowed on public right-of-way and streets with approval from the City Council.

(3) Subject to conditions as may be placed upon it by the City Council.

(4) Maximum Duration: Approved by City Council.

6. Use of Tents and Canopies: Tents and canopies may be used provided they comply with Subsection A through E of this Section as listed below:

A. Permit Required. The application for a permit shall include the following information:

(1) Plot plan showing exact location of the tent or canopy and traffic circulation when located in a parking lot. Adjacent parking areas must also be shown.

(2) Size of the tent.

(3) Fire Retardency Certificate.

(4) Dates and time of use.

B. Fire Protection and Existing Requirements: Tents and canopies of any size shall conform in all respects with the International Fire Code as adopted by the City.

C. Anchorage: Tents and canopies shall be allowed if well anchored in the opinion of the Building Department, so that they resist the wind loads as specified in Section 1609, Wind Loads, of the International Building Code as adopted by the City. Tents and canopies must be taken down each day at the end of business if part of a truck garden or agricultural produce stand.

D. Location: The location of tents and canopies shall be in accordance with the International Fire Code and in a location where they do not impair visibility at intersections.

E. Size: Tents and canopies shall be limited to eight hundred (800) square feet in area.

7. Conditions of Approval: The Director of Community Development may impose such conditions on a temporary use permit as is necessary to meet the purposes of this Chapter and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:

A. Yard setback and open space requirements.

B. Parking.

C. Fences, walls or other screening.

D. Signs.

E. Vehicular and pedestrian ingress and egress.

F. Property maintenance during the course of the activity.

G. Control of illumination, noise, odor, vibration or other nuisances.

H. Hours of operations.

8. Fees. The application fee for a temporary use permit shall be twenty dollars ($20.00) payable each year of operation.

9. Violations and Penalties: The operation of a temporary use is a privilege allowed by this Chapter. Failure to maintain a temporary use in compliance with the conditions of approval and the regulations of this Chapter may be punished as set forth in Chapter 4 Municipal Infractions of the City Code of the City of Altoona, Iowa.

A written notice of a violation of the temporary use permit shall be sent to the operator of the temporary use and the property owner, if different than the operator, and the operator shall have a minimum of five (5) days and a maximum of ten (10) days, as determined by the Director of Community

Development, to bring the site into compliance. If the operator fails to correct the violation in the prescribed time, the City may revoke the temporary use permit and issue a cease and desist order for the temporary use. There shall also be a one-year moratorium from that date on the issuance of any other temporary use permits on the property and a one-year probationary period for the second year following the violation. During the probationary period, if the operator of a temporary use fails to maintain the premises and the use in conformance with the conditions of approval and the City Code, after the notification procedures noted above, the City may revoke the temporary use permit and no other temporary use permits shall be issued on for the property for a period of two years.

(Ord. 04-16-2018 #02 (487) – June 18 Supp.)

167.17 SWIMMING POOLS AND HOT TUBS. All outdoor swimming pools, including an in-ground, above ground or on-ground pool, wading pools, hot tub or spa located in any zoned district shall be surrounded by a six (6) foot high non-climbable_barrier which shall comply with the provisions as set forth in City of Altoona Municipal Code Chapter 155.

EXCEPTIONS:

1. Residential swimming pools shall be surrounded by a four (4) foot high non-climbable barrier.

2. Spas or hot tubs with a safety cover which complies with ASTM F1346-91 shall be exempt from the listed provisions.

(Ord. 07-02-2018 #03 (495) – Dec. 18 Supp.)

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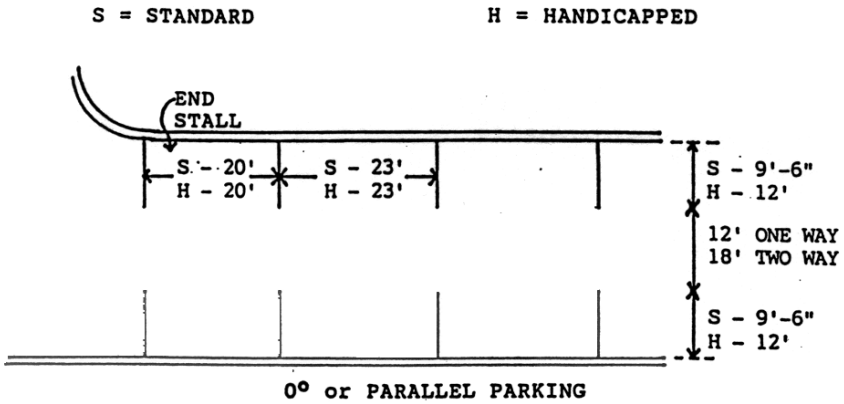
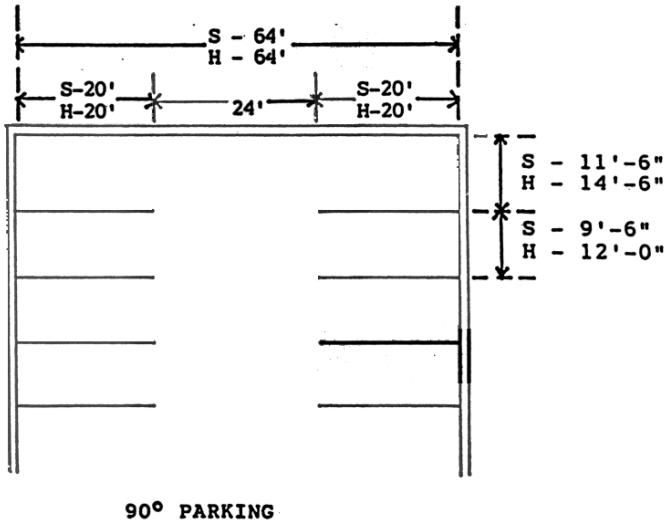
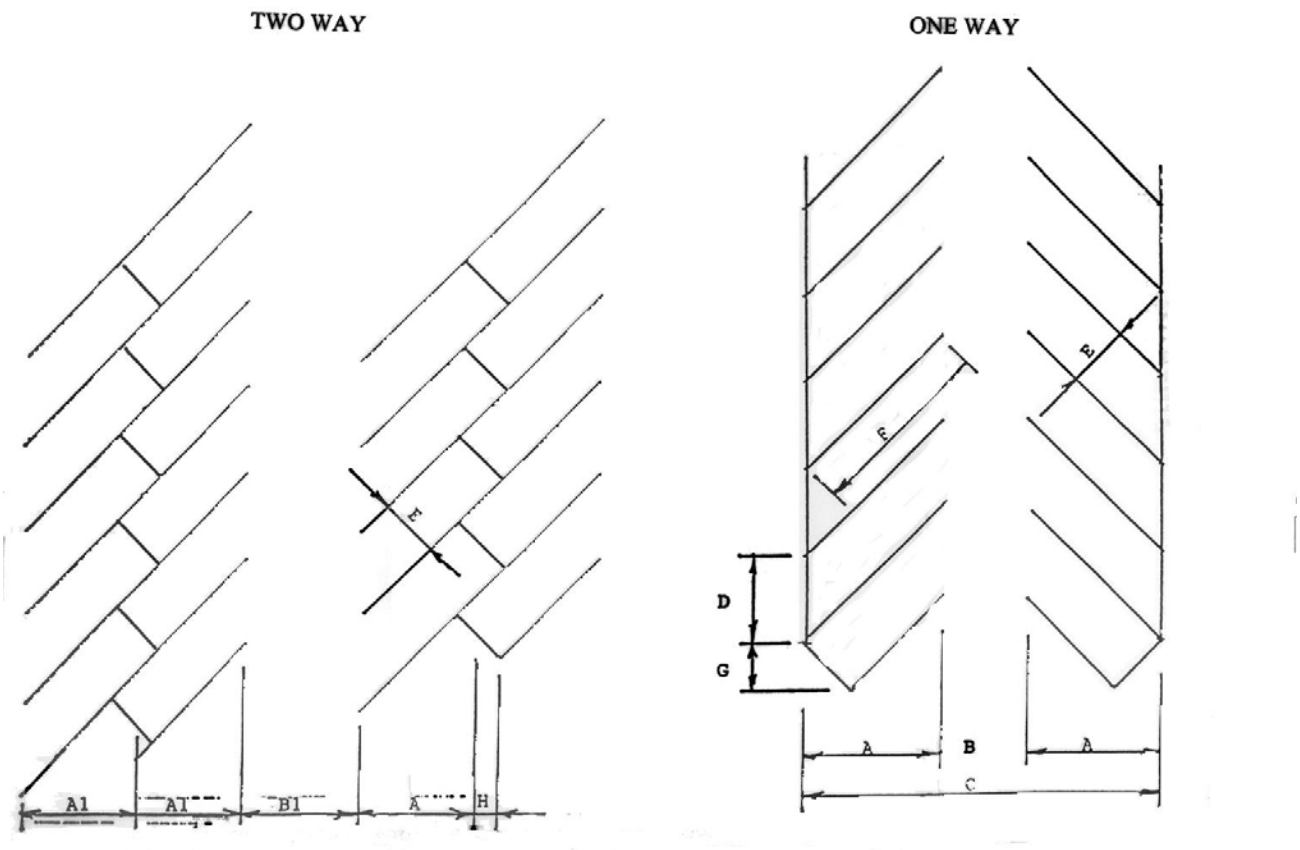




Parking Layout 1



Column (1) Over-hang Reduction. This distance can be subtracted from the depth of stall distance for the parking space (except 0 or parallel parking space) when the front of the parking space abuts on an unused area (i.e., used area = parking space, sidewalk, wall, etc.).

Parking Layout 2

TABLE OF STANDARD DIMENSIONS OF PARKING AREAS

		One Way			Two Way								
		A	B	C	A_1	B_1	C_1	D	E	F	G	H	I
Angle of Parking	Type of Space	Depth of Stall	Aisle Width	Width of Area	Depth of Stall	Aisle Width	Width of Area	Curb Width	Width of Stall	Length of Stripe		Depth of Over-hang	Auto Over-hang Reduction
0º Parallel Parking	S	9'-6	12'-0	31'-0	9'-6	18'-0	37'-0	20'-0	9'-6	9'-6	0'-0	0'-0	0'-0
	H	12'-0	12'-0	36'-0	12'-0	18'-0	42'-0	20'-0	12'-0	12'-0	0'-0	0'-0	0'-0
30°	S	18'-3	11'-0	47'-6	14'-1	18'-0	46'-2	19'-0	9'-6	36'-6	4'-9	4'-2	1'-0
	H	20'-5	11'-0	51'-10	15'-2	18'-0	48'-4	24'-0	12'-0	40'-9	6'-0	5'-2	1'-0
45°	S	20'-10	13'-0	54'-8	17'-6	18'-0	53'-0	13'-5	9'-6	29'-6	6'-9	3'-4	1'-5
	H	22'-8	13'-0	58'-4	18'-5	18'-0	54'-10	17'-0	12'-0	32'-0	8'-6	4'-3	1'-5
60°	S	22'-1	18'-0	62'-2	19'-8	18'-0	57'-4	11'-0	9'-6	25'-6	8'-3	2'-5	1'-9
	H	23'-4	18'-0	64'-8	20'-4	18'-0	58'-8	13'-10	12'-0	26'-11	10'-5	3'-0	1'-9
90° Head-in Parking	S	20'-0	20'-0	60'-0	20'-0	24'-0	64'-0	9'-6	9'-6	20'-0	9'-6	0'-0	2'-0
	H	20'-0	20'-0	60'-0	20'-0	24'-0	64'-0	12'-0	12'-0	20'-0	12'-0	0'-0	2'-0

If the degree of angle of parking provided is not listed above,
the aisle width required shall be the next largest angle of parking shown above.

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CHAPTER 168

ZONING CODE — DISTRICT REGULATIONS

168.01 A-1 Agricultural
168.02 R-1 Single-family Residential
168.03 R-2 One- and Two-family Residential
168.04 R-3 Multi-family Residential
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168.06 R-5 Planned Unit Development
168.07 C-1 Transitional Commercial
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168.13 C-7 Regional Commercial
168.14 M-1 Limited Industrial
168.15 M-2 Heavy Industrial

168.01 A-1 AGRICULTURAL. The "A-1" Agricultural District is intended and designed to provide for certain agricultural and undeveloped areas of the City now utilized primarily for agricultural purposes and to prevent the establishment of scattered small lot subdivisions which force the extension of urban services into areas more appropriately suited for non-urban development at the present time.

1. <u>Principal Permitted Uses</u>. Only the uses of structures or land listed in this section shall be permitted in the "A-1" District.

A. Agriculture and usual agricultural buildings and structures, but not including commercial livestock feed lots, poultry farms, grain storage and drying facilities.

B. One-family dwellings, to include manufactured homes and family homes.

(1) Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. "Manufactured home" means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

(2) Family homes, a community based residential home which is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.

C. Churches.

D. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Southeast Polk public school system, but excluding boarding schools, nursery schools and child care centers provided that all principal buildings are set back a minimum of seventy-five (75) feet from all property lines.

E. Publicly owned parks, playgrounds, golf courses and recreation areas.

F. Private non-commercial recreational areas and centers including country clubs, swimming pools, golf courses and riding stables.

G. Cemeteries, including mausoleums.

H. Nurseries, greenhouses, and truck gardens.

I. Public water supply and sewage treatment facilities.

J. Electrical and liquefied product transmission and regulating facilities.

2. Permitted Accessory Uses.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

C. TV Dish Antennas, see section 167.11 of the Zoning Code – General Regulations.

D. Home Occupations, see Section 167.15 of the Zoning Code – General Regulations.

3. Permitted Conditional Uses.

A. Home Occupations which do not meet the requirements set forth in Section 167.15 of the Zoning Code – General Regulations. A conditional use permit must be applied for and received from the Board of Adjustment for any such home occupation.

B. Communication towers (freestanding type), see section 167.12 of the Zoning Code – General Regulations.

C. Communication towers (building-supported type), see Section 167.13 of the Zoning Code – General Regulations.

D. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

E. Bed and Breakfast. ***(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)***

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed, subject to the modifications contained in Section 167.07.

A. Lot Area, Dwellings: 1 acre; no minimum required for other permitted uses.

B. Minimum Floor Area: Single-story dwellings – 1,150 square feet on the first finished floor; if two or more stories, 1,350 square feet total finished space not including basement. ***(Ord. 11-17-03#1(141) – 2004 Update)***

C. Lot Width: 150 feet.

D. Front Yard: 75 feet.

E. Side Yards: Dwellings - 10 feet. Residential-type accessory buildings (as described and defined in Section 167.04) - 3 feet. Other permitted uses - 50 feet on each side; unless otherwise indicated herein. ***(Ord. 10-17-05#3 [195] – Dec. 05 Supp.)***

F. Rear Yard: Residential-type accessory buildings (as described and defined in Section 167.04) – 3 feet. All other structures - 50 feet. ***(Ord. 10-17-05#3 [195] – Dec. 05 Supp.)***

G. Maximum Height: Principal building - 35 feet; Accessory building - 14 feet.

H. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story. Accessory buildings for allowed agricultural uses – no limit.

Summary of A-1 Bulk Regulations:

(A) Minimum Lot Area	1 ac., (43,560 sq. ft.) Other permitted uses – none
(B) Maximum Density	1 unit per acre
(C) Minimum Floor Area	1,150 sq. ft. / dwelling 1st floor min. 800 sq. ft. if ≥ 2 story
(D) Lot Width	150 ft.
(E) Front Yard	75 ft.
(F) Side Yard	10 ft. Residential-type accessory buildings – 3 ft. Other permitted uses - 50 ft.
(G) Rear Yard	Residential-type accessory buildings – 3 ft. Other structures - 50 ft.
(H) Maximum Height	35 ft. principal buildings 14 ft. accessory buildings
(I) Maximum Stories	2½ stories for principal buildings 1 story for accessory buildings No limit – Ag. accessory buildings

168.02 R-1 SINGLE-FAMILY RESIDENTIAL. The "R-1" District is intended and designed to provide for certain low-density residential areas of the City now developed primarily with one-family detached dwellings and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "R-1" District.

A. One-family dwellings, to include manufactured homes in accordance with the following definitions: Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. "Manufactured home" means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

B. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

C. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.

D. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use be not operated primarily for commercial gain.

E. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.

F. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Southeast Polk public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

2. Permitted Accessory Uses.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

C. Residential swimming pools when enclosed by a non-climbable barrier at least four (4) feet in height.

(Ord. 07-02-2018 #04 (496) – Dec. 18 Supp.)

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

3. <u>Permitted Conditional Uses</u>.

A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 167.15 of the Zoning Code - General Regulations.

B. Family homes. A family home is a community based residential home that is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.

C. Communication towers (freestanding type), see section 167.12 of the Zoning Code – General Regulations.

D. Communication towers of the building-supported type, see Section 167.13 of the Zoning Code – General Regulations.

E. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

F. Bed and Breakfast. ***(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)***

G. Model Home. Shall not be operated at any time other than between the hours of 9 am to 7 pm on Monday thru Saturday and noon to 5 pm on Sunday. These hours may be reduced by the Board of Adjustment as a condition of an approved conditional use permit. This use does not include offices for contractors, which are not allowed in residential zoning districts. A model home certificate of occupancy is required for the term of the conditional use. A conditional use permit for a model home may be allowed for up to an 18-month period.

(Ord. 4-15-2019 #03 (520) – Jun. 19 Supp.)

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed, subject to the modifications contained in Section 167.07.

A. Minimum Lot Area: 8,750 square feet, 20,000 square feet where public sewer is not available.

B. Minimum Floor Area: Single-story dwellings – 1,150 square feet on the first finished floor; if two or more stories, 1,350 square feet total finished space not including basement.

(Ord. 11-17-03#1(141) – 2004 Update)

C. Lot Width: 70 feet; 75 feet for corner lots; 100 feet where public sewer is not available. Minimum lot width at right-of-way line of 40 feet.

D. Front Yard: 30 feet. 50 feet for permitted uses other than single family.

E. Side Yards: 8 feet each side for single-family dwellings; 3 feet for any other accessory building. 50 feet for permitted uses other than single family.

F. Rear Yard: 35 feet for dwellings, and 3 feet for accessory buildings. 50 feet for permitted uses other than single family.

G. Maximum Height: Principal building - 35 feet; Accessory building - 14 feet.

H. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story.

I. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.

Summary of R-1 Bulk Regulations:

(A) Minimum Lot Area	8,750 sq. ft. 20,000 sq. ft. where sanitary not available
(B) Minimum Floor Area	Single-story dwellings – 1,150 square feet on the first finished floor; if two or more stories, 1,350 square feet total finished space not including basement.
(C) Lot Width	70 ft. 75 ft. for corner lots 100 ft. if no sanitary sewer not available
(D) Front Yard	30 ft. for dwellings 50 ft. for any permitted use other than single family
(E) Side Yard	8 ft. each side 3 ft. accessory buildings 50 ft. for any permitted use other than single family
(F) Rear Yard	35 ft. for single family 3 ft. accessory buildings 50 ft. for any permitted use other than single family
(G) Maximum Height	35 ft. principal buildings 14 ft. accessory buildings
(H) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings
(I) Accessory Buildings	1,000 sq. ft – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed

5. <u>Off Street Parking and Loading.</u> See Chapter 167.

168.03 R-2 ONE- AND TWO-FAMILY RESIDENTIAL. The "R-2" District is intended and designed for certain medium density residential areas of the City now developed with one-family and two-family dwellings, and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "R-2" District.

A. One-family dwellings, to include manufactured homes and family homes in accordance with the following definition: Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. "Manufactured home" means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

B. Two-family dwellings.

C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section and the fire separation provisions of the Building Code.

D. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

E. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.

F. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such us be not operated primarily for commercial gain.

G. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.

H. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Southeast Polk public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

2. Permitted Accessory Uses.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

C. Residential swimming pools when enclosed by a non-climbable barrier at least four (4) feet in height.

(Ord. 07-02-2018 #04 (496) – Dec. 18 Supp.)

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

E. Signs in accordance with Chapter 159 of this Code of Ordinances.

3. <u>Permitted Conditional Uses</u>.

A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 167.15 of the Zoning Code - General Regulations.

B. Family homes. A family home is a community based residential home that is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.

C. Communication towers (freestanding type), see section 167.12 of the Zoning Code – General Regulations.

D. Communication towers (building-supported type), see Section 167.13 of the Zoning Code – General Regulations.

E. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

F. Bed and Breakfast. ***(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)***

G. Model Home. Shall not be operated at any time other than between the hours of 9 am to 7 pm on Monday thru Saturday and noon to 5 pm on Sunday. These hours may be reduced by the Board of Adjustment as a condition of an approved conditional use permit. This use does not include offices for contractors, which are not allowed in residential zoning districts. A model home certificate of occupancy is required for the term of the conditional use. A conditional use permit for a model home may be allowed for up to an 18-month period.

(Ord. 4-15-2019 #03 (520) – Jun. 19 Supp.)

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed, subject to the modifications contained in Section 167.07.

A. Lot Area: Single-family dwelling - 8,750 square feet; two-family dwelling - 10,500 square feet; without public sewer - 20,000 square feet.

B. Minimum Floor Area: Single-story dwellings – single-family – 1,150 square feet; two-family – 900 square feet per unit; if building is 2 or more stories, minimum total finished space not including basement, 1,350 square feet for single-family and 1,150 square feet for two-family. ***(Ord. 11-17-03#1(141) – 2004 Update)***

C. Lot Width: Single-family dwelling - 70 feet; two-family dwelling - 85 feet; corner lot - 85 feet; without public sewer - 100 feet.

D. Front Yard: Dwelling - 30 feet. All other principal uses - 50 feet.

E. Side Yards: 8 feet each side for dwelling; 3 feet for any accessory building. All other principal uses - 50 feet.

F. Rear Yard: Dwelling - 35 feet. All other principal uses - 50 feet.

G. Maximum Height: Principal building - 35 feet; Accessory building - 14 feet.

H. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story.

I. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.

Summary of R-2 Bulk Regulations:

(A) Minimum Lot Area	8,750 sq. ft. 10,500 sq. ft. for two family dwellings 20,000 sq. ft. where sanitary not available
(B) Maximum Density	5 units per acre
(C) Minimum Floor Area	Single-story dwellings – single-family – 1,150 square feet; two-family – 900 square feet per unit; if building is 2 or more stories, minimum total finished space not including basement, 1,350 square feet for single-family and 1,150 square feet for two-family.
(D) Lot Width	70 ft., single family 85 ft., two-family 85 ft. for corner lots 100 ft. if no sanitary sewer not available
(E) Front Yard	30 ft. for dwellings *(25 ft.)* 50 ft. for any permitted use other than dwellings
(F) Side Yard	8 ft. each side 3 ft. accessory buildings 50 ft. for any permitted use other than dwellings
(G) Rear Yard	35 ft. for single family 3 ft. accessory buildings 50 ft. for any permitted use other than dwellings
(H) Maximum Height	35 ft. principal buildings 14 ft. accessory buildings
(I) Maximum Stories	2½ stories for principal buildings 1 story for accessory buildings
(J) Accessory Buildings	1,000 sq. ft – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed

5. <u>Off Street Parking and Loading</u>. See Chapter 167.

168.04 R-3 MULTI-FAMILY RESIDENTIAL. The "R-3" District is intended and designed to provide for certain medium density residential areas of the City now developed with one-family, two-family and multiple-family dwellings, and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "R-3" District.

A. One-family dwellings, to include manufactured homes and family homes in accordance with the following definitions:

(1) Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. "Manufactured home" means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

(2) Family homes, a community based residential home which is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.

B. Two-family dwellings.

C. Multiple-family dwellings, including row housing, cooperative apartment houses and condominium units. (Maximum of six units per row.)

D. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section and the fire separation provisions of the Building Code.

E. ***(Repealed by Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)***

F. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

G. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.

H. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use be not operated primarily for commercial gain.

I. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Southeast Polk public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

J. Zero lot line dwellings, including semi-detached duplex and townhomes, of not more than six (6) units in a continuous row.

K. Nursing, convalescent and retirement homes.

L. Child care centers and nursery schools.

2. <u>Permitted Accessory Uses</u>.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

C. Swimming pools when enclosed by a non-climbable barrier at least six (6) feet in height, and residential swimming pools when enclosed by a non-climbable barrier at least four (4) feet in height.

(Ord. 07-02-2018 #04 (496) – Dec. 18 Supp.)

D. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.

E. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

F. Accessory uses in the "R-3" District are exempt from the size limitations contained in Section 167.04

G. Signs in accordance with Chapter 159 of this Code of Ordinances.

3. <u>Permitted Conditional Uses</u>.

A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 167.15 of the Zoning Code - General Regulations.

B. Communication towers (freestanding type), see section 167.12 of the Zoning Code – General Regulations.

C. Communication towers (building-supported type), see Section 167.13 of the Zoning Code – General Regulations.

D. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

E. Bed and Breakfast. ***(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)***

F. Model Home. Shall not be operated at any time other than between the hours of 9 am to 7 pm on Monday thru Saturday and noon to 5 pm on Sunday. These hours may be reduced by the Board of Adjustment as a condition of an approved conditional use permit. This use does not include offices for contractors, which are not allowed in residential zoning districts. A model home certificate of occupancy is required for the term of the conditional use. A conditional use permit for a model home may be allowed for up to an 18-month period.
(Ord. 4-15-2019 #03 (520) – Jun. 19 Supp.)

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed, subject to the modifications contained in Section 167.07.

A. Minimum Lot Area: 9,000 square feet.

B. Maximum Density: 20 dwelling units per acre.

C. Minimum Floor Area: Single-story dwellings – single-family – 1,150 square feet; two-family – 900 square feet per unit; if building is 2 or more stories, minimum total finished space not including basement, 1,350 square feet for single-family and 1,150 square feet for two-family; multiple-family – no living space requirements.
(Ord. 11-17-03#1(141) – 2004 Update)

D. Lot Width: Single-family – 70 feet; two-family – 85 feet; multi-family - 85 feet; corner lot - 85 feet.

E. Front Yard: Single-family and two-family - 30 feet; all other uses – 50 feet..

F. Side Yards: Single-family and two-family – 8 feet on each side; multiple-family - 11 feet on each side; other principal permitted uses - 50 feet.

G. Rear Yard: Single-family and two-family - 35 feet; other principal permitted uses – 50 feet.

H. Maximum Height: Principal building - 45 feet; Accessory building - 14 feet.

I. Maximum Number of Stories: Principal building - 3 stories; Accessory building - 1 story.

J. Additional requirements for multi-family dwellings:

(1) Site Plan submittal per Section 171.01.

(2) Twenty percent (20%) open space as a minimum.

(3) Landscaping per Section 167.10 and 171.02.

(4) Public Improvements per City specifications.

(5) Public streets and utilities required for Townhomes.

(6) Private drives, parking and utilities allowed for Condominiums.

(7) Thirty-foot buffer where adjacent to single family or two-family residential.

(8) Multi-family dwellings only permitted on platted lots of record.

Summary of R-3 Bulk Regulations:

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	20 units per acre
(C) Minimum Floor Area	Single-story dwellings – single-family – 1,150 square feet; two-family – 900 square feet per unit; if building is 2 or more stories, minimum total finished space not including basement, 1,350 square feet for single-family and 1,150 square feet for two-family; multiple-family – no living space requirements.
(D) Lot Width	70 ft., single family 85 ft., two-family 85 ft., multi. family 5 ft. for corner lots 100 ft. if no sanitary sewer not available
(E) Front Yard	30 ft. for dwellings 50 ft. for any permitted use other than dwellings
(F) Side Yard	8 ft. each side, single family, two-family 11ft. each side, multi. family 3 ft. accessory buildings 50 ft. for all other permitted uses
(G) Rear Yard	35 ft. for single/two family 3 ft. accessory buildings 50 ft. for any permitted use other than single/two family
(H) Maximum Height	35 ft. principal buildings 14 ft. accessory buildings
(I) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings

4. <u>Off Street Parking and Loading</u>. See Chapter 167.

5. <u>Zero Lot Line Requirements</u>. Townhomes, Condominiums, and semidetached duplexes, cooperatives, or any other form of attached real

property transfer which utilize shared walls as part of the structure shall conform with the following requirements:

A. Covenants must be submitted which address all legal implications associated with shared walls.

B. Prior to construction, a registered land surveyor shall precisely stake the location of the structures. Verification shall be submitted to the building department prior to receiving a building permit.

C. Filing Requirements:

(1) Townhomes or any shared wall units where the property is transferred is subject to the following: Prior to filing or recording any documents relating to townhome ownership with the State or County officers, the declarant shall file with the City the townhome instruments, including any Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws.

(2) Condominiums or any shared wall units where the property is not transferred is subject to the following: Prior to filing or recording any documents relating to townhome ownership with the State or County officers, the declarant shall file with the City the condominium instruments including the Declaration of Covenants and Restrictions, By-Laws, Plats, and Condominium Disclosure Statement or Articles of Cooperation.

168.05 R-4 MOBILE HOME PARK RESIDENTIAL. The "R-4" District is intended to provide for certain medium density residential areas of the City, which by reason of their design and location, are suitable for mobile home development and which are compatible with surrounding residential areas. For this section only, the term "park" shall refer to the entire mobile home park area and the term "lot" shall refer to an individual mobile home stall rented within the park.

1. Principal Permitted Uses. Mobile home parks, in accordance with regulations of the State and minimum requirements contained herein, but not including mobile home sales and display areas. No part of any park shall be used for non-residential purposes except such uses that are required for the direct servicing and well-being of park residents, such as a community building, and for the management and maintenance of the park. This shall in no way prohibit the sale by a resident owner of a mobile home located on a mobile home stand and connected to the pertinent utilities.

2. Accessory Uses.

A. Accessory uses may include common facility service buildings which provide laundry facilities, accessory supplies, vending machines, etc.; also park management buildings, maintenance buildings, community buildings, and other uses of a similar nature. All such buildings shall be located within the central "park" area, shall be restricted to the use of the park occupants and shall be subject to approval of the Council.

B. Signs in accordance with Chapter 159 of this Code of Ordinances.

3. Plan Submittal. Each petition for a change to the "R-4" zoning classification shall be accompanied by a "Sketch Plan." The sketch plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage receptacles, water hydrants, service buildings, driveways, walkways, recreation areas, playgrounds, required yards, existing and proposed grading, parking facilities, storm shelter, lighting, landscaping, and the location of existing trees, buildings or other significant features. Prior to development a Site Plan must be submitted. The Site Plan will be considered by the Commission and the Council, who may approve or disapprove the plan or require such changes thereto as deemed necessary. The Site Plan shall be accompanied by a covenant to run with the land, in favor of the City and all persons having a possessory interest in any portion of the mobile home park, that the owner or owners of the park or their successors in interest will maintain all interior streets,

parking areas, sidewalks and plantings in compliance with City ordinances and the Site Plan as approved by the Council, which covenant shall be recorded in the office of the Polk County Recorder.

4. <u>Bulk Requirements</u>. *(Refer to Chapter 165, General Provisions: Figure-K.)*

A. Minimum Park Area: A proposed mobile home park shall have a minimum area of five (5) acres.

B. Maximum Park Density: The maximum density allowed for the gross development area shall be seven (7) mobile home units per gross acre.

C. Park Setbacks: A mobile home park shall have a perimeter yard setback of not less than thirty-five (35) feet. No part or any mobile home lot shall be located in the perimeter setback. In addition, no part of any mobile home lot shall be located closer than seventy-five (75) feet to any public street upon which the park adjoins. Interior park streets may be located within the setback areas.

D. Minimum Lot Area: Each individual mobile home lot shall contain not less than five thousand (5,000) square feet in area with a minimum depth of one hundred (100) feet.

E. Front Yard: Each lot shall have a front yard not less than twenty (20) feet in depth measured from the edge of the surfaced private street to the closest point of the lower face of the mobile home.

F. Side Yard: Side yards of each individual mobile home lot shall not be less than seven (7) feet for mobile homes.

(Ord. 4-18-05#2(175) – June 05 Supp.)

G. Rear Yard: Rear yards of each individual mobile home lot shall not be less than ten (10) feet for mobile homes.

(Ord. 4-18-05#2(175) – June 05 Supp.)

H. Open Space: A minimum of 250 square feet for each lot shall be provided for one or more open spaces which shall be easily accessible to all park residents. The required yards and setbacks (including the perimeter setback) shall not be computed as part of the required open space area. An open space is defined as land which is specifically set aside for leisure or recreational uses.

I. Height Regulations: Maximum height of twenty (20) feet for mobile or modular homes; thirty-five (35) feet for service buildings, park offices, maintenance buildings, community buildings, and storm shelters; fourteen (14) feet for accessory buildings such as garages.

J. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.

Summary of R-4 Bulk Regulations:

(A) Minimum Park Area	5 acres (217,800 sq. ft.)
(B) Maximum Park Density	7 units per acre
(C) Park Setbacks	35 ft. yard required around perimeter of park 75 ft. setback from adjoining street(s)
(D) Minimum Lot Area	5000 sq. ft. 100 ft. depth minimum
(E) Front Yard	20 ft.
(F) Side Yard	Minimum building separation of 25 ft. 7 ft. side yard
(G) Rear Yard	Minimum building separation of 25 ft. 10 ft. rear yard
(H) Open Space	250 sq. ft. per lot
(I) Maximum Height	20 ft. mobile/modular units 35 ft. service, maintenance, and community bldgs. 14 ft. accessory structures
(J) Accessory Buildings	1,000 sq. ft – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed

5. **Parking.** A minimum of two (2) off-street car spaces directly accessible to the private street for each mobile home lot shall be provided. Garage stalls shall not count toward the minimum off-street parking requirements. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the mobile homes but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve. All parking areas shall be constructed with a concrete or asphaltic concrete surface. Parking stalls shall be a minimum of 9½ feet in width by 20 feet in length.

6. **Streets.** The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior streets shall be not less than twenty-six (26) feet in width, measured back to back of

curbs. All streets shall be constructed in accordance with appropriate ordinances and specifications of the City.

7. Anchoring and Skirting.

A. Tie-downs or anchors shall be provided on every mobile home stand. Each tie-down or anchor must be able to sustain a minimum tensile strength of 2,800 pounds.

B. Skirting of a permanent type material and construction shall be installed within ninety (90) days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

8. Utilities. Sewer and water facilities shall be provided for each mobile home lot in accordance with the requirements of the Iowa State Department of Health. All units shall be individually metered in accordance with City Regulations. All mobile home developments must be connected to the municipal sanitary sewer system and the municipal water system. All electrical and telephone lines shall be placed underground. All gas lines shall be black steel, 120#. Each unit shall have an accessible Water shut off valve as approved by the City Water Department.

9. Storm Shelters. Mobile homes are extremely vulnerable to tornadoes and other high wind conditions. The greatest number of casualties in tornadoes generally come from mobile home developments. This is primarily due to the fact that the mobile home is usually not anchored to as firm of a foundation as a regularly constructed building and can not take the impact of the extremely high winds and the accompanying flying debris. Tie-downs do not greatly increase the stability in extremely high wind or tornado type conditions, though may be fully adequate for lesser wind and thunderstorm conditions. Another concern in mobile home developments is the closeness of the units which causes additional damage. When one home is destroyed by the winds, the debris is forced into the next subsequent unit and thereby weakening them in a domino type effect, increasing both the loss to property and the residents.

Every mobile home park of ten (10) or more lots which is constructed after March 15, 1999, shall be provided with above or below-grade storm shelters that conform to the following requirements:

A. A minimum floor area of 12 square feet shall be provided for each lot located in the mobile home park.

B. Shelters shall be centrally located to provide a minimum travel distance of not more than six-hundred (600) feet from any mobile home space. It may be necessary to provide more than one shelter.

C. Shelters shall not be located in flood prone areas.

D. Shelters shall be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).

E. Shelters shall be designed by a licensed structural engineer or architect and built in accordance with plans sealed by said structural engineer or architect

F. A shelter may be utilized for other purposes which are allowed as accessory uses in this district; with the exception that the required minimum floor area shall not be infringed, nor shall the function of the structure as a storm shelter be limited in any way.

G. Shelters shall remain accessible at all hours.

H. For any addition of 10 or more lots to any existing mobile home park, a storm shelter which complies with the general requirements of this ordinance shall be provided to serve such additional lots. For any addition of fewer than 10 lots to an existing mobile home park which otherwise complies with the requirements of this section, there is no requirement that an additional shelter be provided to serve such additional lots. Provided, however, that when two or more such additions occur which result in a cumulative addition of 10 or more lots, a storm shelter shall be provided to serve such additional lots.

168.06 R-5 PLANNED UNIT DEVELOPMENT. The "R-5" District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this Zoning Code. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in this Zoning Code and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Planned Unit Developments shall be permitted on any five (5) acre or larger tract of land that has been zoned or rezoned for P.U.D. purposes by the City Council.

1. Principal Permitted Uses. Buildings and permitted conditional uses shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; non-commercial recreational facilities, and community activities, including churches and schools, with the following exception; On a tract of land in excess of 80 acres or more, up to five percent of the total net area may be developed for commercial uses such as those found in the C-1 classification district. The following is a description of permitted uses:

A. One-family dwellings, to include manufactured homes in accordance with the following definition: Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. "Manufactured home" means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

B. Two-family dwellings.

C. Multiple-family dwellings, including row housing cooperative apartment houses and condominium units.

D. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

E. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.

F. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.

G. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Southeast Polk public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

H. Any use that is approved and made a part of the Development Plan, subject to any conditions attached thereto, shall be permitted.

2. <u>Permitted Accessory Uses</u>.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

C. Swimming pools when enclosed by a non-climbable barrier at least six (6) feet in height, and residential swimming pools when enclosed by a non-climbable barrier at least four (4) feet in height.

(Ord. 07-02-2018 #04 (496) – Dec. 18 Supp.)

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

3. <u>Permitted Conditional Uses</u>.

A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 167.15 of the Zoning Code - General Regulations.

B. Communication towers (freestanding type), see section 167.12 of the Zoning Code – General Regulations.

C. Communication towers of the building-supported type, see Section 167.13 of the Zoning Code – General Regulations.

D. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

E. Model Home. Shall not be operated at any time other than between the hours of 9 am to 7 pm on Monday thru Saturday and noon to 5 pm on Sunday. These hours may be reduced by the Board of Adjustment as a condition of an approved conditional use permit. This use does not include offices for contractors, which are not allowed in residential zoning districts. A model home certificate of occupancy is required for the term of the conditional use. A conditional use permit for a model home may be allowed for up to an 18-month period.

(Ord. 4-15-2019 #03 (520) – Jun. 19 Supp.)

4. <u>Bulk Regulations</u>. Although a P.U.D. is intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this ordinance. Height, setback, bulk, and other requirements set out in the Development Plan shall constitute the basis for and become the zoning requirement for that particular P.U.D.,

provided that refinements may be made through final plan approval if not defined as a substantial modification. In addition, the following minimum requirements shall be observed.

A. The minimum lot and yard requirements of the original zoning designation of the development need not apply. The Council may require open space or screenings be located along all or a portion of the development boundaries.

B. The height requirements of the zoning district directly adjacent to the development boundary shall apply within one hundred twenty-five (125) feet of the development boundary and land.

C. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.

D. "Common land" as referred to in this section refers to the land retained in private ownership for the use of all residents of the development, or to land dedicated to the general public.

E. Any land gained within the development because of the reduction in lot sizes below minimum Zoning Code requirements shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner's association.

F. The requirements of this Zoning Code relating to off-street parking and loading shall apply to all R-5 Districts.

G. The final plan shall comply with the density requirements set forth in the Development Plan, but shall in no case exceed twenty (20) units per acre.

H. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this is the most feasible means of developing the property in terms of access, sewer service, or similar physical constraints, or will permit earlier development of common amenities.

I. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space, setbacks, landscaping and screening, grading, traffic

circulation, and architectural compatibility. It is the intent of this ordinance to recognize that appropriate use of the design techniques will provide the require mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and mass, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls, and berms will channel access and control visual, sound, and light pollution; proper architectural use of color, bulk, materials, and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrianways, streets and points of congestion and safety hazards, and help prevent introduction of noise, pollutants, and other conflicts into areas with less intensive land use. Other techniques may also be used.

J. There shall be a minimum setback of twenty (20) feet for any garage whose opening faces the street.

K. Permanent care and maintenance of open space, recreation amenities, and other common elements shall be provided in a legally binding form. Any of these items not dedicated to the City or held in single ownership, will require the submittal of proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed;

(1) Membership shall be mandatory for each home buyer and any successive buyer.

(2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the homeowners' association and the City.

(3) The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

(4) Home owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.

(5) The association shall be able to adjust the assessment to meet changes as needed.

(6) No change in open space use or dissolution of homeowners' association shall occur without approval by the City.

(7) Additionally, the proposed bylaws shall include but not be limited to the following provisions:

a. Automatically extending membership in the association to all owners of dwelling units within the development;

b. Limiting the uses of the common property to those permitted by the final development;

c. Granting to each owner of a dwelling unit within the development the right to use and enjoyment of the common property;

d. Giving every owner of a dwelling unit voting rights in the association; and

e. If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.

L. Private open space shall be provided adjacent and accessible to each dwelling consisting of balconies, deck, or yard. Required open space on the ground level shall generally have a minimum dimension of fifteen (15) feet and minimum area of four hundred (400) square feet, and one-half of the required area shall not exceed a slope of five (5) percent. Private open space for dwelling units located entirely above the ground floor shall generally have a minimum dimension of six (6) feet and minimum area of sixty (60) square feet.

M. Performance bonds may be required to ensure completion of recreational amenities provided in lieu of public facilities, or

for mitigating elements such as screening or public improvements.

N. Except where the City agrees to other arrangements, a P.U.D. shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.

O. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, verifying that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with City ordinances.

P. Any additional agreements required by the Council at the time of Development plan approval.

Q. A final plat shall be submitted for each phase of the final plan. The subdivider shall also submit a site plan for that part of the final plan that is multi-family or commercial, per the Site Plan Ordinance. See Chapter 171.

R. Signs in accordance with Chapter 159 of this Code of Ordinances.

5. <u>Procedure</u>.

A. Pre-application Conferences. In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the Community Development Director, who shall involve representatives of other Departments as deemed appropriate. The Director may require submittal of a generalized sketch plan providing such information as follows:

(1) Location and size of the overall site, and of the individual types of development of uses proposed within the site.

(2) Existing topography, indicating major earth-work areas, storm water runoff and detention considerations, floodplains, and any problem areas.

(3) Existing tree masses and other geological and environmentally important characteristics.

(4) Generalized vehicular and pedestrian systems and parking areas.

(5) Generalized building locations.

(6) Approximate gross density, and number and types of dwelling units "in accordance with the Comprehensive Plan"; approximate gross floor areas of commercial land uses (where permitted).

(7) Generalized utility line considerations with sanitary sewer capacity limitations so noted.

(8) Generalized public and private ownership boundaries, including common ownership areas, if any.

(9) Generalized building locations for small P.U.D. proposals.

The Department of Community Development shall have fifteen (15) days in which to review and comment on the pre-application sketch plan. Following the Department's review, the developer may request an informal consideration of the proposal by the Planning and Zoning Commission. Said consideration shall be non-binding on either party.

B. Rezoning/Development Plan Application. Following the pre-application conference the applicant shall submit a petition for rezoning in accordance with standard City procedures for rezonings, accompanied by a Development Plan and related documents, as described in section 6 of this chapter.

(1) The petition and Development Plan shall be referred to the Planning and Zoning Commission for study and report, and for public hearing as required by this ordinance for rezonings. The Commission shall review the Development Plan for conformity to the standards of this section, and may approve the Plan as submitted; require the petitioner to modify, alter, adjust, or amend the Plan as deemed necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare; or recommend that it be denied. The action of the Planning and Zoning Commission shall be reported to the City Council, where upon the Council may approve or disapprove the petition and Development Plan as reported or may require such changes thereto as deemed necessary to effectuate the intent and purpose of this ordinance.

(2) The Department of Community Development shall schedule all required public hearings as soon as possible after all required information has been submitted. The

Planning and Zoning Commission shall report their findings to the City Council in a timely manner. In the event they fail to take action within sixty (60) days after the date of public hearing, the petitioner or anyone located within the notification area as defined for rezonings may request in writing that the Commission complete their considerations. The Commission shall then take action within the next thirty (30) days and report their findings to the Council for consideration by the Council, unless the Council expressly grants the Commission additional time to complete negotiations, studies, or other items as necessary.

C. Final Plans. Final plans for the Planned Unit Development shall be comprised of site plans and/or preliminary and final subdivision plats as appropriate to the situation due to requirements of the site planning and subdivision ordinances or specific provisions of the Development Plan. Such site plans and plats shall contain all information and be processed in the manner set forth in said ordinances, in addition to complying with any specific provisions of the Development Plan, and shall generally comply with the development concepts outlined in the Development Plan. No public notice or hearing shall be required for Final Plans unless required by the Development Plan or caused to be required by the Commission or Council as deemed appropriate. Provided that deviation from the Development Plan may be permitted as refinements to the design and planning if not defined by this ordinance as substantial modification requiring amendment to the Development Plan. Substantial modifications shall be submitted for approval by the Planning and Zoning Commission and City Council.

(1) Final plans may cover all or part of the Planned Unit Development, provided that a final plan covering only a part of a P.U.D. is hereby defined as a phase irrespective of contrary provisions by the Development Plan and shall demonstrate the ability to be self-sustaining in terms of access, services, utilities, open space, economic viability, and other major consideration.

(2) If it is the desire of the petitioner, preliminary plat and/or final site plan approval may be obtained at the time of Development Plan approval by expressly declaring such intent and filing all information required by the Subdivision and Site Planning Ordinances. Final Site Plan approval shall not be granted for an unplatted parcel unless

an accurate property survey is also filed as part of the preliminary plat if a plat is required, or as a certified property survey in the event a plat is not required.

(3) The final plan shall include proposed housing, types of housing, locations, density, building clearances, and documents, per the Bulk Requirements section of this ordinance, so that the Planning and Zoning Commission and Council can adequately review all aspects of the proposed P.U.D.

(4) Upon approval of final plans, building permits shall be issued in the same manner as for building permits generally. In any event where platting is required, no building permits shall be issues until the final plat is approved and recorded and all other requirements complied with. Final plans shall be binding on the petitioner and any and all successors in title so long as P.U.D. zoning applies to the land, unless amended in accordance with the procedures set forth.

D. Amendments or Modifications. Substantial modifications to the Master Plan shall be processed in the same manner as a rezoning and additionally shall comply with the application process for a P.U.D. as set forth in this ordinance. Notice and public hearing requirements, and the effect of a denial shall be the same as for rezoning, provided that the notification area shall be those property owners proximate to the parcel covered by the amendment, as opposed to the entire P.U.D. Further provided that in the event a requested amendment for a portion of the entire P.U.D. is denied, such action shall not create any limitations under rezoning procedure on the filling of an amendment to another portion of the P.U.D. having a substantially different notification area. Any ambiguities or disputes between this section and procedures for rezonings shall be resolved in favor of the more restrictive requirements.

(1) Substantial modifications are hereby defined to include, but are not limited to, the following: increased density; intensification of use by changing to a higher classification, with conventional single family being the lowest classification and progressing to attached single family, multiple family, public facilities/uses, approved conditional uses, commercial (where permitted); addition of uses, or elimination of conditions or restrictions on a use or uses; increased Floor Area Ratios, or other modifications considered probable to generate increased

traffic, sewage, waste consumption, or other detrimental conditions; significant modifications to peripheral buffering or screening, setbacks, height, location of buildings, drives, or other improvements, which were intended for protection of proximate properties, provided that substitution of equivalent screening materials shall not be considered a substantial modification; modifications to the street pattern, such as that of major streets or continuations of existing streets which will have a demonstrable impact on traffic flow such as to effectively change the functional classification of the street; modifications to access which may lead to increased congestion, or to additional commercial or industrial traffic on a local residential street; or other changes deemed substantial by the Director of Community Development.

(2) Modifications to final plans shall follow the procedures of the Site Planning or Subdivision Ordinances, as appropriate, except in the case of a substantial modification as defined above.

6. <u>Information Required on the Development Plan Application</u>. The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:

A. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale;

B. Legal description of the P.U.D., and map of the boundary of the proposed P.U.D. as well as interior boundaries of proposed development phases, and of any existing separate ownerships;

C. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;

D. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and 100 year flood plains, floodways, heavy woods or other significant natural areas, and existing structures;

E. General locations of proposed lots and attached residential, multiple family, commercial (where permitted), recreational facilities; further delineating areas with different uses or building types, and gross density per acre;

F. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;

G. Existing and proposed general circulation systems, including streets, pedestrianways, major off-street parking and loading areas, and major points of access;

H. Existing and proposed general sanitary and storm sewer systems, water mains, and drainageways;

I. Proposed development standards, including uses, density, floor area ratios for nonresidential developments, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;

J. Sewer usage computations in accordance with the criteria of the sewer district;

K. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and buffer areas, landscaping, fences or other screening, height limitations, or other provisions;

L. A narrative or graphic explanation of the planning and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space, and so forth;

M. A statement of intent with regard to selling or leasing all or portions of the proposed development;

N. Proposed energy conservation methods, such as siting or design of structures; and

O. Proposed phasing timetable.

The Director may require any additional information which may be needed to evaluate the proposed P.U.D. on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed P.U.D. The above information should be shown in a clear and logical manner in a legible scale. Sheet size should not exceed 36" x 48". Generally, existing conditions should be illustrated on a separate sheet for the sake of clarity, although existing topography, access, utility and sewer lines and other items that are appropriate for understanding

the proposal should also appear on the proposed development plan. It is strongly recommended that an architect, landscape architect, and civil engineer be employed to prepare the plans.

7. Referral to Council. The Final Plan and required documents shall be reviewed by the Commission for compliance with the "R-5" standards and substantial compliance with the Development Plan. The Commission's recommendations and report on the Final Plan shall be referred to the Council for final approval. The Final Plan, consisting of a final subdivision plat or site plan shall be approved by the Council before any building permit is issued.

8. Contingent Approval. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause is shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

9. Continuing to Second and Subsequent Stages. In no event shall the installation of any infrastructure improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety percent (90%) of all improvements have been completed and approved by the City for any prior stage. In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the Department of Community Development. The Director shall review the circumstances and prepare report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part

of the area, with or without revised time limits, and initiate rezoning or the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than that applied immediately prior to the rezoning to P.U.D. except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate. Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan approval, and a final plat approved within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the P.U.D. subject to review as provided above. It shall be the responsibility of the developer to comply with all prescribed time limits without notice from the City.

10. Zoning Density of R-5 Districts. The zoning density of R-5 districts shall be determined by the Planning and Zoning Commission recommendation as approved or amended or finally passed by the Council; and the density shall be established and interpreted by the administration of the Zoning Code upon the basis of the plan for the overall development of the tract as the plan is approved and filed with the Council on final passage. In determining the density of the R-5 district, it shall be considered what the zoning is of adjoining property and the use of adjoining property and density of adjoining property; however, this policy shall not be binding on the Council in setting the final density for the R-5 zoned properties. In no case shall an average density be approved which exceeds 20 dwelling units per acre. Each parcel of real estate that is zoned R-5 must have its density determined on the merits of each case. Any real estate zoned R-5 prior to the enactment of the ordinance codified herein shall be bound by the density that is shown in the plans as accepted and approved by the Council for the development of said real estate.

168.07 C-1 TRANSITIONAL COMMERCIAL. The "C-1" District is intended and designed to provide space for limited professional, retail, and service activities which serve adjacent residential areas with reasonable proximity for the satisfaction of daily consumer needs.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the "C-1" District.

A. Residential uses, if attached to a permitted commercial use. Residential units not permitted on first floor of structure.

B. Hospitals, clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.

C. Business and professional offices including the following: law, engineering, real estate, insurance, and similar uses.

D. Funeral homes or mortuaries.

E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses.

F. Retail business or service establishments such as the following:

(1) Clothes cleaning and laundry pickup stations

(2) Drug stores

(3) Gift shops

(4) Photographic studios

(5) Post office substations

(6) Movie Rental

(7) Combinations of the above uses.

2. Permitted Accessory Uses.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Signs in accordance with Chapter 159 of this Code of Ordinances.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

3. <u>Permitted Conditional Uses</u>.

A. Home Occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 167.15 of the Zoning Code - General Regulations.

B. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07.

A. Minimum lot area. 9,000 square feet.

B. Maximum Density. 10 units per acre.

C. Lot width: Commercial uses – No minimum; commercial with attached dwelling units – 85 feet; corner lots – 85 feet; No public sanitary sewer – 100 feet.

D. Front yard. 30 feet.

E. Side yards. 11 feet on each side for principal building; 4 feet for accessory buildings.

F. Rear yard. 40 feet, *and 3 feet for accessory buildings*.

G. Maximum Height. Principal building - 35 feet; accessory building - 14 feet.

H. Maximum number of stories. Principal building – 2½ stories; accessory building - 1 story.

I. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

Summary of C-1 Bulk Regulations:

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	10 units per acre.
(C) Lot Width	Commercial: No Minimum *(Unless a corner lot)* Commercial with dwelling units: 85 ft. Corner Lot: 85 ft. Without Public sanitary sewer: 100 ft.
(D) Front Yard Setback	30 ft.
(E) Side Yard Setbacks	Principal building: 11 ft. / side. Accessory building: 4 ft.
(F) Rear Yard Setback	Principal building: 40 ft. Accessory building: 3 ft.
(G) Maximum Height	Principal building: 35 ft. Accessory building: 14 ft.
(H) Maximum Stories	Principal building: 2½ Stories Accessory building: 1 story
(I) Open Space	15% of lot area

168.08 C-2 GENERAL COMMERCIAL. The "C-2" District is designed to provide space for the general retail and professional office uses and efficient development of major retail shopping areas (other than shopping centers in the "C-3" District). The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer. Since such areas will be along major entrances to the City and heavily traveled arterial streets, it is essential to maintain an aesthetically pleasing appearance through proper design, site layout and landscaping, and to minimize interference with through traffic.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted.

A. Retail or service such as the following:

(1) Antique shops

(2) Apparel shops

(3) Art shops

(4) Auto and home supply stores

(5) Automotive service stations

(6) Baby and children's stores

(7) Bakeries and baker outlets - retail sales only

(8) Bicycle shops, sales and repairs

(9) Book stores

(10) Camera stores

(11) Car washes

(12) Clubs and lodges

(13) Collection office of public utility

(14) Confectionery stores, including ice cream or snack bars

(15) Consumer retail uses, personal services or business

(16) Convenience or quick stop stores

(17) Dairy stores - retail only

(18) Dance studios

(19) Delicatessens

(20) Dry goods stores

(21) Florist shops and greenhouses

(22) Funeral homes

(23) Furniture stores

(24) Grocery stores including supermarkets

(25) Hardware stores

(26) Hobby shops

(27) Hotels and motels

(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)

(28) Household appliances - sales and repair

(29) Jewelry stores and watch repair shops

(30) Key shops

(31) Launderettes; dry-cleaning or pressing establishments

(32) Leather goods store

(33) Meat market for storage and retail sales only

(34) Medical, dental, osteopathic and clinics

(35) Music stores

(36) Music studios

(37) Paint and wallpaper stores

(38) Plumbing, heating and air conditioning shops

(39) Printing shops

(40) Professional offices

(41) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage

(42) Radio and television sales and repair shops

(43) Real estate, insurance and financial institutions

(44) Refrigeration and air conditioning service and repair, electrical

(45) Restaurants, night clubs, cafes, taverns

(46) Shoe and hat repair shops

(47) Tailor and dressmaking shops

(48) Toy stores

(49) Variety stores

(50) Veterinarian clinics or hospitals, including overnight boarding and lodging

(Ord. 10-21-02#1(115) – 2004 Update)

B. Combinations of the above uses.

2. <u>Permitted Accessory Uses and Structures</u>.

A. Uses of land and or structures clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in subsection 5, Performance Standards.

B. Signs in accordance with Chapter 159 of this Code of Ordinances.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

E. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

F. Automotive fuel sales as an accessory use to convenience stores or quick stop stores, and automotive service stations.

(Ord. 10-21-02#1(115) – 2004 Update)

3. <u>Permitted Conditional Uses</u>.

A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.

B. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07.

A. Lot Area. None

B. Front Yard. 50 feet

C. Side Yard. None except where side yard is adjacent to an "R" District, in which case a buffer yard shall be provided. See subsection 5, Performance Standards, subparagraph F.

D. Rear Yard. 25 feet

E. Maximum Height. 65 feet

F. Maximum Number of Stories. 4

G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

H. Off Street Parking and Loading. See Chapter 167.

Summary of C-2 Bulk Regulations:

(A) Minimum Lot Area	None
(B) Front Yard Setback	50 ft.
(C) Side Yard Setbacks	None Buffer if adjacent to "R"
(D) Rear Yard Setback	25 ft.
(E) Maximum Height	65 ft.
(F) Maximum Stories	4
(G) Open Space	15%

5. <u>Performance Standards</u>.

A. Outdoor activities shall be limited to display of merchandise for retail sale and storage, provided that such storage shall be fully enclosed and screened from view from adjacent streets and residentially zoned parcels by a six-foot high masonry fence supplemented by coniferous plantings as necessary to further screen such storage; further provided, that no display or storage shall be permitted in the required front yard unless expressly allowed.

B. Certain products such as bakery goods may be produced on the premises provided that:

(1) Such production shall be clearly accessory to the retail use of the premises;

(2) All such products shall be sold at retail on the premises on which they are produced, provided that such provision shall not be construed to prohibit operation of a catering service or limited wholesale of goods produced and clearly accessory to the retail use of the premises.

C. No noise, vibration, hazard, glare, air pollutants such as fumes or dust odor other than that which might originate from

food preparation by a bakery or restaurant, or electromagnetic disturbances shall be generated.

D. The intent of this section is to discourage large scale wholesale operations; therefore, bulk shipments and deliveries. Goods and products sold at wholesale shall be subordinate to and clearly accessory to retail use of the premise.

E. All refuse collection areas shall be fully enclosed by a six-foot high structure constructed of the same primary material as the exterior of the principal building and an opaque gate.

(Ord. 8-20-07 #2 (257) – Dec. 07 Supp.)

F. Where property zoned "C-2" is adjacent to any property zoned for residential use, a buffer shall be provided by any one or approved combination of the following options:

(1) A buffer yard of 15 feet in width; 1 6-foot high masonry wall to be designed with face brick, stucco or similar finished surface facing toward the residential district; or

(2) A buffer yard of 26 feet or more in width; 4-foot high earth berm; and 5 overstory trees, 10 understory trees, and 20 shrubs for each 100 lineal feet; or

(3) A buffer yard 35 feet or more in width; 6-foot high opaque wood fence; and 4 overstory trees, 6 coniferous trees, and 15 shrubs for each 100 lineal feet.

The buffer yard shall be located on the entire common perimeter of the contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where the commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

G. For those properties in nonconformance with this chapter, refer to Chapter 166 of this Code of Ordinances.

168.09 C-3 PLANNED COMMERCIAL. The "C-3" District is intended to provide for the development of shopping centers. For the purposes of this section, the term "shopping center" means a planned retail and service area under single ownership, management, or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, etc. Since shopping center developments, whether large or small, have a significant effect upon the comprehensive plan for the development of the City, extensive authority over their development is retained by the Council and the Planning Commission. Many matters relating to the shopping center's design, its potential for success or failure and its effect upon surrounding neighborhoods must be considered by the Council and Commission in order to be reasonably assured that the area will not eventually become blighted. It is further intended that in the event of an applicant's failure to construct a shopping center in accordance with a reasonable time schedule, the Council shall enact the necessary legislation to reclassify the area to another classification consistent with the surrounding neighborhood. Such action would also, because of the reduction in commercial zoning in a given area, provide conditions whereby it could be reasonable for the Council to classify other areas in the vicinity for shopping center use.

1. Procedures. The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Council a petition requesting a change to the C-3 zoning district classification. The petition shall be accompanied by a plan for the commercial use and development of the tract for the purposes of meeting the requirements of this section and by evidence of the feasibility of the project and its effects on surrounding property, including each of the following:

A. A site plan defining the areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, existing and proposed grades, the location and type of landscaping and the location, size and number of signs, type or style of architecture, building material, color or other significant feature.

B. An analysis of market conditions in the area to be served, including types and amount of service needed and general economic justification.

C. A traffic analysis of the vicinity indicating the effect of the proposed shopping center on the adjacent streets.

D. A statement of financial responsibility to assure construction of the shopping center, including landscaping, in accordance with the plan and the requirements of this section.

The development plan shall be referred to the Planning and Zoning Commission for study and report. The Planning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserve the intent and purpose of this Zoning Code to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the Council, whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Zoning Code.

2. <u>Principal Permitted Uses</u>. Uses permitted in the "C-3" District shall include only the uses of structures or land listed in this section, provided however, the Council may consider any additional restrictions proposed by the owner.

A. Retail or service establishments such as the following:

(1) Antique shops

(2) Apparel shops

(3) Art shops

(4) Auto and home supply stores

(5) Baby and children's stores

(6) Bakeries and baker outlets - retail sales only

(7) Bicycle shops, sales and repairs

(8) Book stores

(9) Camera stores

(10) Car washes

(11) Cinema/movie theater

(12) Clubs and lodges

(13) Collection office of public utility

(14) Confectionery stores, including ice cream or snack bars

(15) Consumer retail uses, personal services or business

(16) Convenience or quick stop stores

(17) Dairy stores - retail only

(18) Dance studios

(19) Delicatessens

(20) Drug Stores

(21) Dry goods stores

(22) Florist shops and greenhouses

(23) Furniture stores

(24) Gas stations

(25) Gift Shops

(26) Grocery stores including supermarkets

(27) Hardware stores

(28) Hobby shops

(29) Hotels and motels

(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)

(30) Household appliances - sales and repair

(31) Jewelry stores and watch repair shops

(32) Key shops

(33) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments

(34) Leather goods store

(35) Meat market for storage and retail sales only

(36) Music stores

(37) Music studios

(38) Paint and wallpaper stores

(39) Printing shops

(40) Professional offices

(41) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage

(42) Radio and television sales and repair shops

(43) Real estate, insurance and financial institutions

(44) Restaurants, night clubs, cafes, taverns

(45) Shoe and hat repair shops

(46) Tailor and dressmaking shops

(47) Toy stores

(48) Variety stores

(Ord. 06-02-2014 #01 (393) – June 14 Supp.)

B. Business and professional offices including the following: law, engineering, real estate, insurance, and similar uses.

C. Hospitals, clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.

D. Photographic Studios

E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses.

F. Post office substations

G. Combinations of the above uses.

3. Permitted Accessory Uses.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Signs in accordance with Chapter 159 of this Code of Ordinances.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

E. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

4. Bulk Regulations. The bulk regulations of the "C-2" District shall be considered minimum for the "C-3" District; however, it is expected that these minimums will be exceeded in all but exceptional situations. Buildings may be erected to heights no greater than ninety (90) feet, with a maximum number of six (6) stories.

5. Landscaping. A minimum of 15% of the area shall be returned as landscaped open space to include such items as walks, trees, shrubs, fountains or other ornamental features.

6. Signs. Signs in accordance with Chapter 159 of this Code of Ordinances.

7. Off Street Parking and Loading. See Chapter 167.

168.10 C-4 VILLAGE COMMERCIAL. The "C-4" District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the central business district. It is intended that this district not be mapped outside the original business core.

1. <u>Principal Permitted Uses</u>. Only the uses of structures or land listed in this section shall be permitted.

A. Retail or service such as the following:

(1) Antique shops

(2) Apparel shops

(3) Art shops

(4) Auto and home supply stores

(5) Baby and children's stores

(6) Bakeries and baker outlets - retail sales only

(7) Bicycle shops, sales and repairs

(8) Book stores

(9) Camera stores

(10) Car washes

(11) Clubs and lodges

(12) Collection office of public utility

(13) Confectionery stores, including ice cream or snack bars

(14) Consumer retail uses, personal services or business

(15) Dairy stores - retail only

(16) Dance studios

(17) Delicatessens

(18) Dry goods stores

(19) Florist shops and greenhouses

(20) Funeral homes

(21) Furniture stores

(22) Grocery stores including supermarkets

(23) Hardware stores

(24) Hobby shops

(25) Hotels and motels

(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)

(26) Household appliances - sales and repair

(27) Jewelry stores and watch repair shops

(28) Key shops

(29) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments

(30) Leather goods store

(31) Meat market for storage and retail sales only

(32) Medical, dental, osteopathic and clinics

(33) Music stores

(34) Music studios

(35) Paint and wallpaper stores

(36) Plumbing, heating and air conditioning shops

(37) Printing shops

(38) Professional offices

(39) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage

(40) Radio and television sales and repair shops

(41) Real estate, insurance and financial institutions

(42) Refrigeration and air conditioning service and repair, electrical

(43) Restaurants, night clubs, cafes, taverns

(44) Shoe and hat repair shops

(45) Tailor and dressmaking shops

(46) Toy stores

(47) Variety stores

(48) Veterinarian clinics or hospitals, including overnight boarding and lodging

B. Combinations of the above uses.

2. <u>Permitted Accessory Uses</u>.

A. Uses clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted. Outside storage must be located in the rear yard and must be completely obstructed from view by means of an enclosure and landscaping, as required by the Screening Ordinance Section 171.02.

B. Dwelling Units, provided that said units are not located on the first floor and are conforming with the bulk requirements of this section.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

3. <u>Permitted Conditional Uses</u>.

A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.

B. Signs in accordance with Chapter 159 of this Code of Ordinances.

C. Home Occupations are not an allowed conditional use.

D. Contractors offices including general contractors, plumbers, electricians, drywall, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations. All merchandise, materials and equipment (other than street licensed vehicles) shall not be stored outside the building.

(Ord. 05-18-2015 #3 (409) – June 15 Supp.)

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07.

A. Lot Area. None

B. Front Yard. None

C. Side Yard. None except where side yard is adjacent to an "R" District, in which case the yard shall be at least 15 feet.

D. Rear Yard. None

E. Maximum Height. 65 feet

F. Maximum Number of Stories. 4

Summary of C-4 Bulk Regulations:

(A) Minimum Lot Area	None
(B) Front Yard Setback	None
(C) Side Yard Setbacks	None 15 ft. if adjacent to "R"
(D) Rear Yard Setback	None
(E) Maximum Height	65 ft.
(F) Maximum Stories	4

5. Performance Standards.

A. Have a maximum setback of 10 feet from the property line. Properties with two or more street frontages are exempt from this regulation.

B. The street side façade of the building shall incorporate 40% or more window area.

C. Buildings shall meet the Architectural Design Standards.

D. Buildings should frame the street and shall maintain minimal street setback for over 50% of its primary street frontage. Buildings with two or more street frontages are exempt from this regulation.

E. Commercial buildings with over 50 feet of frontage, the building wall shall be broken into bays with fenestration, structural elements, etc.

F. Off-street parking:

(1) Shared parking arrangements (e.g. office/apartment is allowed and encouraged).

(2) Minimum parking requirement as determined in Section 167.09 is now maximum allowed. On-street parking spaces may be counted in parking.

(3) No parking shall be allowed in front of the building, not including on-street parking.

(4) Tandem parking for employees is allowed.

(Ord. 9-19-05#1 [191] – Dec. 05 Supp.)

G. Outdoor activities shall be limited to display of merchandise for retail sales only if such display is completely contained on the property, located in the front yard, and not on the public right-of-way.

(Ord. 07-15-2013 #03 (372) – Dec. 13 Supp.)

168.11 C-5 OFFICE PARK. The purpose of this district is to provide areas for the development of primarily professional and administrative offices, and some service uses. *It is intended that this district be mapped primarily along arterial or collector streets in new, developing areas to reduce, limit, and contain strip retail development which has a more dynamic character, thereby enhancing proper movement of traffic, with appropriate setbacks, landscaping, and architecture to make such development reasonably compatible with nearby residential.*

1. <u>Principal Permitted Uses</u>. Only the uses of structures or land listed in this section shall be permitted.

A. Office or service such as the following:

(1) Accounting, auditing, and bookkeeping services.

(2) Actuaries, chemists, and other miscellaneous services.

(3) Advertising agencies and Radio, television, and Publishers' Advertising representatives.

(4) Banking.

(5) Blood banks.

(6) Blueprinting and photocopying services.

(7) Business associations, professional membership associations, and other membership organizations.

(8) Civic, social, and fraternal associations.

(9) Commercial photography, art, and graphics

(10) Computer programming and other software services, and data processing services.

(11) Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies.

(12) Credit agencies other than banks.

(3) Engineering, Architectural, and Surveying Services, including Landscape Architects.

(4) Insurance agents, brokers, and service.

(5) Insurance.

(6) Legal Services.

(7) Management, Consulting, and Public Relations Services.

(8) Medical and dental laboratories.

(9) News syndicates.

(10) Noncommercial educational, scientific, and research organizations.

(11) Noncommercial museums and art galleries.

(12) Offices of Manufacturers' sales representatives, subject to no outside display or storage of stock in trade. Indoor storage and display limited to 10% of total floor area of building.

(13) Offices of physicians, dentists, osteopathic physicians, chiropractors, optometrists, and other health practitioners.

(14) Personnel Supply Services.

(15) Photographic studios, portrait.

(16) Political and religious organizations.

(17) Real Estate.

(18) Security and Commodity Brokers, Dealers, Exchanges, and Services, and Holding and other investment offices.

(19) Travel agencies and bureaus.

2. <u>Permitted Accessory Uses</u>.

A. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:

(1) Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the exterior, but shall access through a principal use or from a common enclosed mall or courtyard.

(2) Total area of all accessory uses shall not exceed 25% of the total floor area or gross leasable floor area of the building.

(3) No signage or merchandise shall be displayed where visible to the general public from outside the building.

B. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

C. Signs in accordance with Chapter 159 of this Code of Ordinances.

D. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

E. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations.

3. <u>Permitted Conditional Uses</u>.

A. General medical and surgical hospitals.

B. Extended care, intermediate care, or rehabilitation or residential care nursing facilities.

C. Outpatient care facilities.

D. Colleges, universities, and professional schools, junior colleges and technical institutes.

E. Business and secretarial schools.

F. Wind Energy Conversion Systems (WECS), see section 167.14 of the Zoning Code – General Regulations.

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07.

A. Minimum Lot Area: 20,000 square feet.

B. Minimum Lot Width: 100 feet.

C. Front Yard Setback: 50 feet.

D. Side Yard Setback: 15 feet, except where side yard is adjacent to an "R" District, in which case the yard shall be at least 50 feet.

E. Rear Yard Setback: 25 feet.

F. Maximum Height. 65 feet

G. Maximum Number of Stories. 4

H. A minimum of 20% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

Summary of C-5 Bulk Regulations:

(A) Minimum Lot Area	20,000 sq. ft.
(B) Front Yard Setback	50 ft.
(C) Side Yard Setbacks	15 ft. 50 ft. if adjacent to "R"
(D) Rear Yard Setback	25 ft.
(E) Maximum Height	65 ft.
(F) Maximum Stories	4
(G) Open Space	20%

5. <u>Performance Standards</u>.

A. No stock in trade shall be stored or displayed outside nor shall any assembly or manufacturing activities be conducted on the premises.

B. Parking or loading areas located in the front yard or yard adjacent to a street shall be screened from observation by traffic on any and all public thoroughfares within 1,000 feet of such areas.

C. All refuse collection areas shall be fully enclosed by a six-foot high structure constructed of the same primary material as the exterior of the principal building and an opaque gate. Recycling facilities must be incorporated into the refuse collection area.

(Ord. 8-20-07 #2 (257) – Dec. 07 Supp.)

D. Where the lot abuts property zoned for residential uses, a 50 foot buffer shall be provided.

E. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline. One additional drive access may be permitted for a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided.

168.12 C-6 COMMERCIAL ENTERTAINMENT/RECREATIONAL. The "C-6" District is intended to allow a variety of land uses comprised of services that have entertainment or recreational value serving local populations as well as regional. Lot development may vary from single use/single building to multiple use/multi building complexes. It is intended that this district be located in close proximity to Interstate 80 - concentrated in the northwest business district along Adventureland Drive. In the "C-6" District, the following regulations shall apply, except as otherwise provided herein:

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted.

A. Entertainment or recreational uses such as the following"

(1) Amusement Parks

(2) Campgrounds

(3) Casinos

(4) Convention/Conference Centers

(5) Horse Racing Facilities

(6) Hotel/Motels

(7) Movie Theaters

(8) Restaurants

2. Permitted Accessory Uses.

A. Multiple family dwellings/dorms for seasonal personnel employed on site.

B. Outdoor Events. The city council may grant permits for Outdoor Events such as athletic competitions, concerns, circus, theatrical programs (family oriented), or other entertainment/ recreational activities that may not be found obtrusive to the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. This section is for events considered ancillary to, and not integral of the principle permitted uses outlined in section 168.12 (1). An Outdoor Event activity shall not be held within 500 feet of any residentially zoned property. Permit process: An application shall be submitted to the City Clerk requesting an Outdoor Event permit at least 45 days prior to the event date, but not more than 270 days prior. Information required for consideration will be (i) date, time, and duration of event; (ii) location map showing area designated for event; (iii) detailed description of activities; and (iv) estimated and maximum permitted attendees. The City Council shall take into consideration recommendations from the City Administrator,

Building Code Official, Public Works Director, Zoning Administrator, Police Chief, Fire Chief or any other department supervisor in charge of municipal services, local ordinances, or any other applicable rules and regulations. The Council may also take into consideration public input or other information pertinent to the requested event.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07. Setback requirements are for all buildings as well other structures anchored to the ground in a permanent or temporary fashion (excluding utilities).

A. Minimum Lot Area. 10 acres.

B. Minimum Lot Width. 300 feet.

C. Front Yard. 150 feet if property fronts on or is adjacent to an arterial street or "R" District; 50 feet if property is located on a local service street (Prairie Meadows Drive is considered a local service street per this ordinance.)

D. Side Yard. 50 feet for principle buildings, 10 feet for accessory buildings. If the side yard is adjacent to an "R" District the setback shall be 100 feet.

E. Rear Yard. 50 feet for principle buildings, 10 feet for accessory buildings. If the rear yard is adjacent to an "R" District the setback shall be 100 feet.

F. Maximum Height. No limit.

G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations immediately adjacent to an "R" District.

4. Signs. Signs in accordance with Chapter 159 of this Code of Ordinances.

5. Off Street Parking and Loading. Parking areas shall be located on the premises to adequately and conveniently serve the intended facilities. See Chapter 167.

168.13 C-7 REGIONAL COMMERCIAL. The "C-7 District" is intended to provide aesthetically pleasing and harmoniously designed developments that serve a larger regional trade area that extends well beyond the City of Altoona. Importance and detail is to be given as to the developments layout, architecture, streetscapes, landscaping and public spaces. The C-7 District, as designated on the comprehensive plan land use map, provide commercial establishments that offer a variety of goods and services to consumers. The C-7 District is primarily intended for establishments that have a large customer draw (e.g. regional pull), generate significant traffic and parking need, and require close access to arterial (or higher functional class) streets. High intensity uses that include large structures and sites are encouraged, as is redevelopment and infill. The C-7 District is oriented primarily to automobile traffic, although the design shall also include adequate facilities for pedestrians, bicyclists, and public transit.

The C-7 District is a planned unit development commercial district. A development plan shall be reviewed and approved by the City Council. The development plan shall be characterized by a planned and/or concentrated grouping of buildings and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, etc. Since regional commercial developments, whether large or small, have a significant effect upon the development of the City, extensive authority over their development is retained by the Council and the Planning Commission. Many matters relating to the areas design, its potential for success or failure and its effect upon surrounding neighborhoods must be considered by the Council and Commission in order to be reasonably assured that the area will not eventually become blighted.

1. <u>Procedures</u>. The owner or owners of any tract of land comprising an area of not less than 100 acres initially may submit to the Council a petition requesting a change to the C-7 District classification. Amendments may be allowed in as little as five (5) acre increments. The massing and clustering of similar and compatible uses shall be done to maximize and maintain synergy for maximum customer draw. The petition shall be accompanied by a plan for the commercial use and development of the tract for the purposes of meeting the requirements of this section and by evidence of the feasibility of the project and its effects on surrounding property, including each of the following:

A. A development plan <u>(also known as a Design Criteria Manual)</u> defining the areas to be developed for buildings, the areas to be developed for parking, the design and location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, existing and proposed grades, the location and type of landscaping and the location, size and number of signs, site and street lighting, type or style of architecture, building material, color or other significant feature.

B. An analysis of market conditions in the area to be served, including types and amount of service needed and general economic justification.

C. A traffic analysis of the vicinity indicating the effect of the proposed shopping center on the adjacent streets.

D. A statement of financial responsibility to assure construction of the shopping center, including landscaping, in accordance with the plan and the requirements of this section.

E. A plan for phasing of the development is desired and necessary due to size.

The development plan shall be referred to the Planning and Zoning Commission for study and report. The Planning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserve the intent and purpose of this Zoning Code to promote public health, safety, morals, and general welfare. The development plan as either recommended for approval or denial by the Commission shall then be reported to the Council, whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Zoning Code.

2. **Principal Permitted Uses**. Uses permitted in the C-7 District shall include only the uses of structures or land listed in this section, provided however, the Council may consider any additional restrictions proposed by the owner.

A. Retail or service establishments such as the following:

(1) Apparel shops

(2) Appliances, household and electronics

(3) Art shops and Art galleries

(4) Baby and children's stores

(5) Bakeries and baker outlets - retail sales only

(6) Bicycle shops, sales and repairs

(7) Book stores

(8) Business and professional offices including the following: law, engineering, real estate, insurance, banks and credit unions (only FDIC or NCUA insured allowed), and similar uses

(9) Camera stores

(10) Cinemas / movie theater

(11) Coffee shops – if stand alone, then structure shall be minimum 1,500 square feet in size

(12) Confectionery stores, including ice cream or snack bars

(13) Consumer retail uses, personal services or business

(14) Convenience or quick stop stores

(15) Drug Stores

(16) Florist shops

(17) Furniture stores

(18) Gift Shops

(19) Hobby shops

(20) Hotels and motels

(Ord. 08-21-2017 #4 (465) – Dec. 17 Supp.)

(21) Jewelry stores and watch repair shops

(22) Leather goods store

(23) Museums

(24) Music stores

(25) Natural or specialty food stores, including general grocery up to a maximum of 20,000 square feet of gross floor area.

(26) Paint and wallpaper stores

(27) Photographic Studios

(28) Radio and television sales and repair shops

(29) Restaurants, delicatessens and cafes (drive through service only permitted if specifically outlined in the development plan)

(30) Shoe and hat repair shops

(31) Tailor and dressmaking shops

(32) Toy stores

(33) Variety stores

(34) Combinations of the above uses.

3. <u>Permitted Accessory Uses</u>.

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Signs in accordance with Chapter 159 of this Code of Ordinances and as approved in the development plan.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Chapter 167.11 of the Zoning Code - General Regulations, except all dish antennas shall be roof mounted and screened.

E. Interior storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

F. Automatic Teller Machines if attached to or enclosed within a principal structure. No freestanding ATM's shall be allowed.

G. Outdoor Events. The City Council may grant permits for Outdoor Events such as athletic competitions, concerts, circus, theatrical programs (family oriented), food vendors, sidewalk retailers (on private walks only) or other entertainment/recreational activities that may not be found obtrusive to the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. This section is for events considered ancillary to and not integral of the principle permitted uses outlined in section 168.13 (2). An Outdoor Event activity shall not be held within 500 feet of any adjacent residentially zoned district. <u>Permit process</u>: An application shall be submitted to the City Clerk requesting an Outdoor Event permit at least 45 days prior to the event date, but not more than 270 days prior. Information required for consideration will be (i) date, time, and duration of event; (ii) location map showing area designated for event; (iii) detailed description of activities; and (iv) estimated and maximum permitted attendees. The City Council shall take into consideration recommendations from the City Administrator, Building Code Official, Public Works Director, Zoning Administrator, Police Chief, Fire Chief or any other department supervisor in charge of municipal services, local ordinances, or any other applicable rules and regulations. The Council may also take into consideration public input or other information pertinent to the requested event.

H. Automobile repair and service, and tire sales and service, provided that such facility is an accessory use to a retail store greater than 20,000 square feet in size.

I. Dwelling Units, provided that said units are not located on the first floor and are conforming with the bulk requirements of this section.

4. **Bulk Regulations**. The bulk regulations of the C-7 District shall be considered minimum; however, it is expected that these minimums may be reduced or exceeded to meet the design intent of the development plan.

Minimum Lot Area	None
Front Yard Setback	50 feet
Side Yard Setback	None; buffer if adjacent to "R"
Rear Yard Setback	25 feet
Maximum Height	90 feet
Maximum Stories	6

5. **Off Street Parking and Loading.** See Chapter 167. Parking lots containing 500 parking stalls or greater, designed using 90-degree head-in stalls, are allowed parking stall widths of a minimum of 9.5 feet wide and 18 feet deep, regardless, even if overhang is present.

(Ord. 02-23-2015 #03 (403) – June 15 Supp.)

6. **Development Standards.** At a minimum, the following items shall be addressed in the development plan:

A. Architecture. A common architectural style and theme shall be developed for the area. The buildings shall meet the architecture design standards of Chapter 171 of this Code of Ordinances. All building elevations shall substantially incorporate elements of the common architecture style to be applied within the area.

B. Open Space/Landscaping.

(1) It is the intent for the area to be more than adequately landscaped and for a theme to be developed and described in the development plan. Complimentary materials shall be used.

(2) A minimum of thirty-five percent (35%) of the total site area of the C-7 District shall be open space and a minimum of twenty percent (20%) of each Lot within the C-7 District shall be open space. The thirty-five percent (35%) is all inclusive and includes the parking area landscaping of islands and medians within parking area. Feature lakes, detention ponds, easements for public amenities, sidewalks within open areas, pedestrian plazas (if they include amenities such as benches, art work, fountains, plantings, etc.), parking area landscaping and paved outdoor spaces (excluding parking lots) shall be counted towards open space requirements. Public right-of-way and boulevard median areas may be counted, but only to the extent and in such area as contain improvements and amenities such as benches, art

work, fountains, plantings and hardscape greater than standard City practice. Pedestrian plazas and other common or shared paved pedestrian spaces may count at one and one-half (1½) times their area toward the thirty-five percent (35%) open space requirements. However, in the case of pedestrian plazas and other paved pedestrian spaces, such areas shall not count if dedicated as a patron use area for a specific business, e.g. outdoor seating for a restaurant.

(3) Trees and shrubs shall be provided at a minimum of one landscape unit per three thousand (3,000) square feet of open space with one landscape unit consisting of two (2) trees and six (6) shrubs or three (3) trees and three (3) shrubs. Up to thirty percent (30%) of the landscape units may be substituted with an alternative specialty plant material (such as drought resistant varieties which meet LEED principles), and/or appropriate three-dimensional artwork as approved within the development plan. There shall be a minimum of one (1) landscape unit per building lot.

(4) Minimum plant material sizes shall meet the following minimum sizes:

Deciduous trees: 1½″ caliper

Coniferous trees: 6′ height

Shrubs: 24″ height

C. Signage. A master or common sign plan shall be submitted to encompass all signage within the development. The signs shall be in accordance with Chapter 159 of this Code of Ordinances and shall address design style, materials, colors, common elements, locations, etc. One Regional Commercial Marker Sign shall be allowed per development. This sign is approved with the development plan.

D. Outdoor Storage and Product Display. No outside storage of merchandise, materials, or equipment shall be allowed except as illustrated on the approved site plan and shall not block required pedestrian pathways, vehicular circulation routes or parking areas and shall not negatively impact public safety.

E. Bulk Regulations. Largely dependent upon the intended visitors, design of the area, and the layout of the development, there may be instances where the building setbacks are reduced or exceeded. Building scale will be an important element in this standard. Height of structures shall be addressed and the building scale and the route of access for customers shall be taken into account.

F. Cart Corrals. If cart corrals are necessary, they shall be permanent fixtures and constructed with materials similar to or

complimentary of the principal structure, and shall not include any advertising signage.

G. Lighting. All lighting shall be directed downward, inward and away from public rights-of-way and adjoining uses. All lighting shall be shielded so that the direct illumination shall be confined to the property boundaries and shall not spill off the property. Design of all fixtures shall be approved with the development plan. All site lighting shall be "dark sky" compliant. Spotlights and floodlights whose point source of light is visible to neighboring uses are prohibited except as specifically and individually approved for flag or artwork illumination. Exceptions may be allowed for wall sconce accent lighting.

H. Parking. Every permitted use shall provide off-street automobile parking and truck loading and unloading as required in Chapter 167 of this Code of Ordinances. All parking lots shall be setback at least seven (7) feet from any property line with the exception of neighboring properties where larger lots maybe combined for better use of space.

I. Site Circulation. The emphasis of circulation shall be for maximum convenience and safety. Internal pedestrian site circulation shall provide safe pedestrian walkways that interconnect entrance doors of establishments, and connect to transit stops and to the public sidewalk along public streets. Amenities such as benches, sitting areas, art, public squares and spaces shall be provided. Auto circulation shall utilize shared entrances and connections between parking lots to allow better internal flow of traffic and to limit use of public and private streets.

J. Loading Areas and Refuse Receptacles. Trash, recycling and grease receptacles, service areas and loading docks shall be screened from adjacent residential properties and public rights-of-way. The use of walls made part of the principal building shall be used. Refuse receptacles shall use an enclosed opaque visual barrier matching the principal building materials no lower than two feet above the highest point of the receptacles. The enclosure shall also be screened. Screening may include landscaping, walls, fences, topographic changes, or any combination thereof. Overhead doors and loading docks shall be located at the functional rear of the building and shall not be visible directly from development entrances, arterial or collector streets.

K. Convenience Stores. The façade/roof of the gas canopy shall match the architectural style of the principal building and development plan of the area. The canopy shall be located outside of a front yard. The canopy posts shall be wrapped with similar materials to the principal building. All pump stations shall be

located within the roof support system of the canopy and be architecturally screened. Canopy lighting shall be flush mounted.

L. Parking Area Landscaping and Buffers. Parking areas shall be effectively landscaped and screened with the introduction of permanent earthberming of an adequate height and/or additional landscape plantings to accomplish this goal. All landscaping, shading trees and open space used as parking area landscaping shall also count towards the twenty percent (20%) lot open space and thirty-five percent (35%) open space requirements.

(1) All parking areas shall include landscape areas, islands, screens, etc. equal to not less than ten percent (10%) of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs or other acceptable living plant life, unless an alternate ground cover is specifically approved as part of the development plan review by the City.

(2) Landscape islands shall not be less on average than a minimum of eight feet (8) in width from back of curb to back of curb and no parking space shall be greater than seventy five feet (75) from a landscaped open space with a minimum of two hundred fifty (250) square feet.

(3) Parking spaces shall be screened and separated from any adjoining roadway by a landscaped island separation a minimum seven feet (7) in width. Acceptable screens shall consist of berms, hedges, trees, shrubs, stone or rock groupings, sculptures, ornamental grasses or alternative plant materials, and combinations thereof. The screen shall be a minimum semi-opaque screen with intermittent visual obstruction from the ground to a height of three feet (3).

(4) Parking areas shall be required to provide natural shading, through the use of deciduous trees, in an amount equal to eight percent (8%) of the parking area. Overstory trees used for this purpose shall be presumed to shade a circular area covering six hundred fifty (650) square feet. Understory trees shall be presumed to shade a circular area covering four hundred seventy-five (475) square feet. Trees located within twenty feet (20) of the perimeter of the parking area shall count for one-half of the shading area for the corresponding tree.

(Ord. 02-17-2014 #03 (389) – June 14 Supp.)

168.14 M-1 LIMITED INDUSTRIAL. The "M-1" District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces, and structures not more than two stories in height.

Generation of noise within the "M-1" District up to and including 65 decibels in connection with the conducting of business for a permitted use within that district shall be permitted and shall not be considered a nuisance. Generation of noise from power generators in excess of 65 decibels shall be permitted during emergency circumstances such as power outages and shall also be permitted for the purposes of testing and maintenance of said power generators and generation of such noise shall not be considered a nuisance.

(Ord. 06-18-2012 #4 (347) – June 12 Supp.)

1. <u>Principal Permitted Uses</u>. Only the uses of structures or land listed in this section shall be permitted in the "M-1" District, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment shall take place within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading as required by Section 167.08 and 167.09. No dwelling or dwelling unit is permitted except for those employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them. In addition, all open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris.

A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products

B. Automotive and farm implement display, sales, service and repair, including retail automotive fuel sales

(Ord. 10-21-02#1(115) – 2004 Update)

C. Boat dealers

D. Body repair shops including painting

E. Commercial trade schools.

F. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries

G. Laboratories, research, experimental and testing

H. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:

(1) Bakery goods, candy and food products except the following:

(a) Cereals

(b) Dairy Products

(c) Fish and meat processing

(d) Flour milling (production)

(e) Rendering or refining of fats and oils

(f) Sauerkraut

(g) Stock feed

(h) Vinegar

(i) Yeast ***(Ord. 04-02#2(102)***

(2) Cameras and other photographic equipment

(3) Electric and neon signs, outdoor advertising signs

(4) Medical, dental and drafting instruments

(5) Musical instruments, toys, novelties, and rubber and metal hand stamps

(6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas

(7) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, cardboard, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, rods, strips or wire, paper, plastics, precious and semi-precious metals or stones, rubber (natural and synthetic), shells, textiles, tobacco, wax, wood, and yarns, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke

(8) Small precision instruments, such as barometers, clocks, watches and compasses

(9) Manufacture or assembly of computers and computer related hardware

I. Beverage bottling, distribution and warehousing facilities

J. Contractors offices and storage buildings (not including outside storage yards); including general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations

K. Data center ***(Ord. 06-18-2012 #4 (347) – June 12 Supp.)***

L. Dry cleaning and laundry facilities

M. Ice production, storage, sales and distribution facilities. Cold storage facilities; creamery, and ice cream manufacturing

N. Lumberyards and building materials sales yards, provided that outside storage not be located in the front yard and that it is opaquely screened from view

O. Machine shops

P. Mail order and distribution centers

Q. Motor vehicle dealers – new and used

R. Motorcycle dealers and snowmobiles

S. Office buildings

T. Office Warehouses

U. Printing, lithographing or film processing plants

V. Public utility facilities

W. Publicly owned storage, warehouse and maintenance facilities

X. Radio and television broadcasting stations and studios

Y. Recreational and utility trailer dealers

Z. Sawmill and planing mill, including manufacture of wood products not involving chemical treatment

AA. Tire vulcanizing, retreading recapping, service and sales

BB. Truck rental establishments

CC. Truck terminals, delivery services, moving and storage facilities and truck maintenance facilities

DD. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only

2. <u>Permitted Accessory Uses</u>.

A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses

B. Dwellings for watchman or caretaker

C. Employee cafeteria or other food concession in conjunction with permitted use

D. Signs in accordance with Chapter 159 of this Code of Ordinances

E. TV Dish Antennas and Communication towers in accordance with Chapter 167.11 of this Code of Ordinances

F. Retail food sales such as confectionery stores – including ice cream or snack bars, delicatessens, or restaurants for consumption on site or carryout.

(Ord. 9-5-06 #2 (230) – Dec. 06 Supp.)

G. Solar Energy Systems and fuel cell generators used to generate power for onsite use.

(Ord. 06-18-2012 #4 (347) – June 12 Supp.)

3. <u>Permitted Conditional Uses</u>.

A. Outside storage yards, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or another property.

B. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.

C. Home Occupations are not an allowed conditional use.

D. Indoor sports and recreation facilities.

(Ord. 8-18-08 #2 (285) – Dec. 08 Supp.)

E. Wind Energy Conversion Systems (WECS) for onsite use, See Section 167.14 of the Zoning Code – General Regulations

(Ord. 06-18-2012 #4 (347) – June 12 Supp.)

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07.

A. Front Yard. 50 feet from all streets or public Ingress/Egress easements.

B. Side Yard. Twenty (20) feet; provided that where adjacent to an "R" or "C-1" District a side yard of twenty-five (25) feet shall be required.

C. Rear Yard. 50 feet

D. Maximum Height. 65 feet

E. Maximum Number of Stories. 4

F. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

G. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial "M" District is immediately adjacent to a Residential "R" District.

Summary of M-1 Bulk Regulations:

(A) Front Yard Setback	50 ft.
(B) Side Yard Setbacks	20 ft. 25 ft. if adjacent to street, "R", or C-1 district
(C) Rear Yard Setback	50ft.
(D) Maximum Height	65 ft.
(E) Maximum Stories	4
(F) Open Space	15%
(G) Screening	

168.15 M-2 HEAVY INDUSTRIAL. In the M-2 District, the following regulations shall apply, except as otherwise provided herein:

1. **Principal Permitted Uses.**

A. Uses permitted in M-1 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

B. Any other use not otherwise prohibited by law, provided, however, that the following uses shall be permitted subject to approval by the Council after public hearing and after report and recommendation by the Zoning Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested:

(1) That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

(2) That such use shall not impair an adequate supply of light and air to surrounding property;

(3) That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;

(4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and

(5) That such use shall be in accord with the intent, purpose, and spirit of this Zoning Code and the Comprehensive Plan of the City. No permit will be issued in M-2 District other than the requirements listed in "M-1" except as specifically approved by the Council.

C. Special Uses. See Section 170.10.

2. **Permitted Conditional Uses.**

A. Salvage yards and junkyards (See Chapter 124 of this Code of Ordinances for regulations concerning licensing and inspection of junkyards).

B. Outside storage yards, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or another property.

C. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.

D. Home Occupations are not an allowed conditional use.

3. <u>Required Conditions</u>.

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where separated by an adjoining railroad right-of-way. No setback is required where adjacent to an active railroad right-of-way.

4. <u>Bulk Regulations</u>. The following minimum requirements shall be observed subject to the modifications contained in Section 167.07.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Front Yard. 150 feet if property fronts on or is adjacent to a major thoroughfare (collector rating or higher) or "R" District; 50 feet if property is located on an interior street (local) within an industrial park.

D. Side Yard. 50 feet, except where adjacent to an "R" District in which case not less than 100 feet as specified in subsection 3 of this section.

E. Rear Yard. 40 feet, unless adjoining an active railroad, in which case no rear yard is required.

F. Maximum Height. No limit, except Conditional Use Permit required for any structure exceeding 65 feet in height.

G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial "M" District is immediately adjacent to a Residential "R" District.

Summary of M-2 Bulk Regulations:

(A) Minimum Lot Area	None
(B) Minimum Lot Width	None
(C) Front Yard Setback	150 ft. if adjacent to major thoroughfare or "R" district 50 ft. if located in industrial park on an interior street
(D) Side Yard Setbacks	50 ft. 100 ft. if adjacent to "R" district
(E) Rear Yard Setback	40ft. None if adjacent to Railroad
(F) Maximum Height	No limit, except Conditional Use Permit over 65 ft.
(G) Open Space	15%
(H) Screening	Where adjacent to "R"

5. **Signs.** Signs in accordance with Chapter 159 of this Code of Ordinances.

6. **Off Street Parking and Loading.** See Chapter 167.

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CHAPTER 169

ZONING CODE — ADMINISTRATION AND ENFORCEMENT

169.01 Administration and Enforcement
169.02 Building Permits Required
169.03 Application for Building Permit
169.04 Certificates of Zoning Compliance for New, Altered or Nonconforming Uses
169.05 Expiration of Permit
169.06 Conformity to Application, Plans, Permit

169.01 ADMINISTRATION AND ENFORCEMENT. An administrative official designated by the Council shall administer and enforce this Zoning Code. Such administrative official may be provided with the assistance of such other persons as the Council may direct. If the administrative official shall find that any of the provisions of this Zoning Code are being violated, such administrative official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The administrative official shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Code to insure compliance with or to prevent violation of its provisions.

169.02 BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this Zoning Code, except after written order from the Board of Adjustment or Council. See Section 170.12 for schedule of fees.

169.03 APPLICATION FOR BUILDING PERMIT. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Zoning Code. The administrative official shall require plans and specifications to be prepared and designed or certified by an engineer or architect licensed by the

State to practice as such, except as allowed pursuant to the adopted Building Code Ordinance [See Chapter 155, Altoona Municipal Code] and Iowa Code Chapters 542B and 544A.

(Ord. 2-18-08 #3 (276) – June 08 Supp.)

169.04 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED OR NONCONFORMING USES.

1. It is unlawful to use or occupy or permit the use or occupancy of any building or premises or both in part thereof hereafter created, erected, changed or converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this Zoning Code.

2. No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Zoning Code, provided that upon enactment or amendment of this Zoning Code, owners or occupants of nonconforming uses or structures shall have one (1) year to apply for certificate of zoning compliance. Failure to make such application within one (1) year shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Zoning Code.

3. Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed in conformity with the provisions of this Zoning Code.

4. A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The administrative official shall maintain a record of all certificates of zoning compliance and copies shall be furnished upon request to any person.

5. Failure to obtain a certificate of zoning compliance shall be a violation of this Zoning Code and punishable under Section 171.05 of this Zoning Code.

6. See Section 170.12 for schedule of fees.

169.05 EXPIRATION OF PERMIT. All permits shall expire in accordance with the provisions as set forth in the adopted Building Code Ordinance [See Section 155.08, Altoona Municipal Code].

(Ord. 2-18-08 #4 (277) – June 08 Supp.)

169.06 CONFORMITY TO APPLICATION, PLANS, PERMIT. Building permits or certificates of zoning compliance issued on the basis of plans and applications, approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Zoning Code, and punishable as provided by Section 171.05 hereof.

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CHAPTER 170

ZONING CODE — BOARD OF ADJUSTMENT AND OTHER PROCEDURES

170.01 Board Created
170.02 Meetings
170.03 Appeals
170.04 Hearing; Notice
170.05 Powers; Administrative Review
170.06 Powers; Conditional Uses
170.07 Powers; Variances
170.08 Decisions of the Board
170.09 Appeals from Decision of the Board
170.10 Exceptions to Prohibited Uses
170.11 Duties on Matters of Appeal
170.12 Schedule of Fees

170.01 BOARD CREATED. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute. Two (2) unexcused absences, or three (3) total absences from regularly scheduled meetings in any one calendar year, are grounds for dismissal from the Board.

(Ord. 6-15-2009 #2(305) – June 09 Supp.)

170.02 MEETINGS. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

170.03 APPEALS. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decisions of the administrative official. Such appeal shall be taken within ten (10) days by filing with the administrative official and with the Board a notice of appeal specifying the grounds thereof. The administrative official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official certifies to the Board after notice of appeal shall have been filed with said administrative official, that by reason of facts stated in the certificate, a stay would, in the opinion of the administrative official, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the administrative official, and on due cause shown.

170.04 HEARINGS; NOTICE. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board, the appellant shall pay the appropriate appeal fee. For any person, firm, or corporation who requests a hearing before the Board of Adjustment, a notification sign shall be erected at all of the street frontages of the property. The notification sign will be provided by the City and the message will be as prescribed by city staff, and intended to inform the public of the proposed item and the time and place of the hearing on said item. Such signs shall be installed by the City no less than ten days before the hearing before the Board of Adjustment.

(Ord. 8-15-05#5 [188] – Dec. 05 Supp.)

170.05 POWERS; ADMINISTRATIVE REVIEW. The Board of Adjustment shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this Zoning Code.

170.06 POWERS; CONDITIONAL USES.

1. The Board may permit the following conditional uses to the District regulations set forth in this Zoning Code, subject to the requirements of this section:

A. Erection and use of a building or the use of premises or variance in the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

B. The Board shall hear and decide only such other conditional uses as the Board is specifically authorized to pass on by the terms of this Zoning Code.

2. The Board shall decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Zoning Code, or to deny conditional uses when not in harmony with the purpose and intent of this Zoning Code. A conditional use shall not be granted by the Board unless and until:

A. A written application for conditional use is submitted indicating the section of this Zoning Code which the conditional use is sought and stating the grounds on which it is requested.

B. Notice of public hearing shall be given at least ten (10) days in advance of public hearing. The owner of the property for which conditional use is sought or any agent of said owner and any other affected property owners shall be notified by mail. Notice of

hearing shall also be posted on the property for which conditional use is sought.

C. The public hearing shall be held. Any party may appear in person or by agent or attorney.

D. The Board shall make a finding that it is empowered under the section of this Zoning Code described in the application to grant the conditional use, and that granting of the conditional use will not adversely affect the public interest.

E. Standards. No conditional use shall be granted by the Board unless the Board shall find:

(1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood;

(3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

(6) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and

(7) That the proposed use shall be consistent with the comprehensive plan.

3. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Zoning Code and punishable under Section 171.05 of this Zoning Code. The Board may prescribe a time limit within which the action for which the conditional use is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the conditional use.

(Ord. 7-17-06 #4 (225) – Dec. 06 Supp.)

170.07 POWERS; VARIANCES. The Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. A variance from the terms of this Zoning Code shall not be granted by the Board unless and until:

1. A written application for a variance is submitted demonstrating:

   A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district;

   B. That literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code;

   C. That the special conditions and circumstances do not result from the actions of the applicant;

   D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given in advance of public hearing. The owner of the property for which the variance is sought or any agent and any other affected property owners shall be notified by mail.

3. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

4. The Board shall make findings that the requirements of this section have been met by the applicant for a variance.

5. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted,

shall be deemed a violation of this Zoning Code and punishable under Section 171.05 of this Zoning Code. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

170.08 DECISIONS OF THE BOARD. In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Zoning Code, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative officials from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in this Zoning Code.

170.09 APPEALS FROM DECISION OF THE BOARD. Any taxpayer, or any officer, department, board or bureau of the City or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

170.10 EXCEPTIONS TO PROHIBITED USES. The Board of Adjustment may by special permit after public hearing authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Zoning Code. Notice of time and place of hearing shall be given to all affected property owners at least ten (10) days in advance by placing notices in the United States mail:

1. Any public building erected and used by any department of the City, Township, County, State or Federal Government.

2. Airport or landing field.

3. Community building or recreation center.

4. Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an educational, religious or philanthropic character, provided that the building shall be set back from all yard lines a distance of not less than the yard requirements for the district in which located.

5. Public cemetery.

170.11 DUTIES ON MATTERS OF APPEAL. It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to

the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute. It is further the intent of this Zoning Code that the duties of the Council in connection with this Zoning Code shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Zoning Code. Under the Zoning Code, the Council shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Zoning Code, as provided by law, and (2) establishing a schedule of fees and charges as stated in Section 170.12 below.

170.12 SCHEDULE OF FEES. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for certificates of zoning compliance, appeals and other matters pertaining to this Zoning Code. The schedule of fees listed below shall be posted in the office of the administrative official, and may be altered or amended only by the Council. No certificate, special exception or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

1. Certificate of Zoning Compliance - New Structure. The building permit fee shall include the certificate of zoning compliance.

2. Certificate of Zoning Compliance - Change of Use. Residential Use — $25.00; any use other than residential — $50.00.

3. Conditional Use Permits. Board of Adjustment appearance — $150.00.

4. Appeal - Board of Adjustment appearance. Residential Use — $50.00; any use other than residential — $100.00.

5. Rezoning Fees. Agriculture and Residential fees — less than one acre — $100.00; greater than one acre — $100.00, plus $5.00 per additional acre; Commercial and Industrial fees — less than one acre — $125.00; greater than one acre — $125.00, plus $10.00 per additional acre.

6. Plan Review Fees. Planned Unit Development Plan fees — $100.00 and an additional $10.00 per acre exceeding five acres. Site Plan fees — Residential fees — less than one acre — $100.00; greater than one acre — $100.00 plus $20.00 per additional acre; Commercial and Industrial fees — less than one acre — $150.00; greater than one acre — $150.00 plus $20.00 per additional acre; additions are $100.00 for less than one acre and $100.00 plus $10.00 per additional acre for tracts that are greater than one acre.

(Ord. 3-17-03#1(124) – 2004 Update)

CHAPTER 171

ZONING CODE — ADDITIONAL PROVISIONS

171.01 Site Plans
171.02 Screening
171.03 Certificate of Occupancy
171.04 Amendments
171.05 Complaints Regarding Violations
171.06 Enforcement; Penalties

171.01 SITE PLANS. To assure that the design and location of commercial and industrial areas will be in conformance with the zoning standards of this Zoning Code and are properly related to and in harmony with the existing and future business and industrial development of the City, including generally accepted principles of commercial, industrial and civic design, a detailed site plan shall be submitted showing the proposed use and development of all commercial and industrial sites for recommendation by the Planning and Zoning Commission to the Council for their approval.

1. <u>Procedure</u>.

A. A site plan review is required whenever a person or other group wishes to develop any tract or parcel of land within all zoning districts except for*:* (i) any detached single-family residence and two-family residences including any accessory structure thereto; (ii) agriculturally zoned property; (iii) new construction of non-residential accessory buildings less than 1,000 square feet in gross floor area; (iv) additions to existing non-residential buildings when the addition is less than ten (10) percent of the existing building's gross floor area or the addition does not exceed one thousand (1,000) square feet, whichever is more restrictive; (v) changes to a project that has already obtained site plan approval where such change is identified by the City Council's site plan approval as an allowed change requiring only administrative review by the planning staff; (vi) also where no new curb cuts are required and (vii) where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the City Engineer. Said person shall cause to be prepared a site plan of such development and shall submit fourteen (14) copies of said site plan to the City Clerk. The provisions of this section shall be applicable to the redevelopment, enlargement or extension of any commercial or industrial uses or structures existing at the time of adoption of the ordinance codified herein (8-19-93). The site plan shall contain such information and data as outlined here.

(Ord. 02-23-2015 #04 (404) – June 15 Supp.)

B. The Clerk shall refer a copy of the site plan to the City Engineer, or such other person as shall be designated from time to time

by the Council, who shall review said site plan as to its compliance with the ordinances of the City, its effect upon public utilities and the public street system, and submit findings as soon as possible to the Planning and Zoning Commission.

C. The Clerk shall also forward a copy of the site plan to each member of the Planning and Zoning Commission. The Commission shall, after receiving the engineer's report, review the site plan for conformity with the regulations and design standards contained herein, and may confer with the developer on changes deemed advisable in such site plan.

D. The Commission shall forward its recommendation of action to the Clerk within forty-five (45) days of the date of submission of the site plan. If the Commission does not act within 45 days, the site plan shall be deemed to be approved by the Commission unless the developer agrees to an extension of time.

E. The Commission may, in its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.

F. The Council shall, upon receipt of the recommendation of the Commission, either approve or disapprove the site plan of the proposed development.

G. No building permit or certificate of occupancy for any structure within any distance within which a site plan is required shall be issued until the site plan has been approved as provided herein.

H. Upon final action by the Commission on any site plan, a copy of said site plan with the action of the Commission noted thereon and signed by the chairman of the Commission shall be filed with the Clerk.

I. If the administrative official finds that any construction or proposed construction or occupancy of a development on a tract of land for which a site plan has been approved will not substantially comply with the site plan as approved, or if the administrative official finds that the construction and development of the tract is not being carried out in accordance with the development schedule filed with the site plan, the administrative official shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project or any successors in interest shall have provided the administrative official with proof satisfactory to said administrative official that the site plan will be complied with. The administrative official shall not issue a certificate of occupancy for any structure within the development

while the building permit for the development has been suspended pursuant to this paragraph. Any person aggrieved by any decision or action of the administrative official under this paragraph may appeal such action or decision to the Board of Adjustment.

J. If the owner or developer of a tract of land for which a site plan has been approved determines that an extension of time is necessary or that a modification of the site plan would provide for a more appropriate or more practicable development of the site, the owner or developer may apply for an amendment of the site plan. The Commission may grant an extension of time or a modification of a previously approved site plan if it determines that such modification of the site plan would provide for a more appropriate development of the site.

K. Pre-application Conference. Whenever any person, partnership, corporation or any other group, public or private, proposed to develop any tract or parcel of land or modify any existing development which requires a site plan submittal, a request shall be made to the Department of Community Development for a Pre-application Conference. The conference shall include the applicant or representative, the Director of Community Development, the City Engineer, The City Building Inspector, and the Public Works Director. The purpose of the conference shall be to acquaint the City Staff with proposed development and to acquaint the applicant or representative with the procedures and with any special problems that might relate to the development. The applicant shall furnish a legal description of the property to be developed at the time of requesting the Pre-application Conference, and the conference shall be held within fifteen (15) days of such request.

2. <u>Design Standards</u>. The standards of design are intended as minimum requirements so that the general arrangement and layout of the development requiring the site plan may be adjusted to a wide variety of circumstances.

A. All proposed developments for which site plans are required shall conform to the Comprehensive Plan of the City; the provisions of this Zoning Code, the Subdivision Regulations, if applicable; and all other applicable City ordinances and statutes and regulations of the State.

B. The proposed development shall have such entrances and exits upon public streets as are necessary for safety and the general welfare and shall have such interior drives as are necessary for free

movement of emergency vehicles; and shall have such pedestrian walkways as are necessary for safety and general welfare. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets or create undue hazards to traffic safety.

C. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded areas, and other natural features which will lend themselves to proper, harmonious and attractive development of the site. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.

D. The proposed development shall be designed with adequate water mains, provisions for sanitary sewage facilities, storm sewers (storm sewers to be designed for 5-year storm calculations) and drains and flood control, in accordance with the ordinances and regulations of the City and statutes and regulations of the State and good engineering practice to protect the public health and welfare and not overload any existing public utilities. Surface drainage shall be directed to storm sewers wherever practical, including the requirement to extend public storm sewer if deemed necessary.

E. The proposed development shall be designed and the buildings and improvements located in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property and to such end shall have such buffers, screen fences and landscaping as may be proper and shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning districts in which such adjoining property is located.

F. The proposed development shall not unduly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety and general

welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.

G. The proposed development and all structures therein shall be designed in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive.

H. To such end as may be necessary and proper to accomplish the Design Standards of this section, a landscaping plan prepared by a registered landscape architect, nursery person or such other knowledgeable person shall be provided, along with plans which address erosion control and other applicable requirements of this chapter and other city regulations.

I. Building Orientation. The orientation of any proposed building shall be carefully scrutinized so as to mitigate the visual and audible impact of service areas, loading docks, loading areas or similar operations on the adjoining properties and general public.

(1) Buildings shall not be designed or oriented to expose loading docks, service areas or nonresidential overhead doors to the public right-of-ways.

(2) Buildings proposed in commercial districts that are adjacent to residential developments shall not be designed or oriented to expose loading docks, service areas or similar operations toward the adjacent residential developments.

(3) If it is not feasible to design or orient the loading docks, service areas or similar operations away from the residential developments, additional landscape buffering, screening walls, fences and setbacks may be approved by the Council.

J. Architectural Elements. In order to reduce the negative aesthetic impacts of large buildings, additional architectural elements shall be incorporated into the overall building design.

(1) Non single-family buildings proposed in residential districts shall incorporate residential design elements such as pitched roofs, dormers, cupolas or other similar roof elements into the building design in order to minimize the aesthetic impact of the differing uses.

(2) Buildings proposed in commercial districts that are adjacent to residential developments are recommended to include an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable pieces. Flat roof buildings shall only be approved by the Council.

(3) Commercial buildings shall incorporate architectural design elements, materials and colors into the side and rear building elevations similar to those used in the front building elevation.

(4) Commercial buildings shall incorporate façade modulation in all building elevations in order to preserve building scale and reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished either by physical offsets or by the use of color, pattern, or texture.

(5) Roof mounted mechanical units, satellite dishes, or other similar equipment shall be screened from public view by the extension of a parapet wall or other roof mounted equipment, point-in-place screening shall be required. Such screening shall have similar design features as the building including material, shape, and color considerations. Wooden fences shall not be considered appropriate.

(6) Buildings proposed or redeveloped in the "Old Town" area, as designated in the comprehensive plan, shall maintain the historic nature, and incorporate architectural elements and designs which complement and preserve the character of the area.

K. Exterior Material Selection. The building's exterior material selection shall be compatible with other buildings and structures in adjoining developments. The minimum requirements shall be as follows:

(1) In all "R" zoning districts, all non-dwelling, principal permitted structures shall incorporate at a minimum, fifty percent (50%) brick, stone, or similar substantial material into the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces.

(2) In R-3 and R-5 districts, primarily residential construction materials such as: brick, stone, wood, lap siding, and architectural shingles, shall be utilized in the design.

a. Attached dwelling structures shall incorporate at a minimum, twenty percent (20%) brick, stone, or similar substantial material in the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces.

b. Multiple family structures shall incorporate at a minimum, fifty percent (50%) brick, stone, or similar substantial material into the overall building design. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces.

(3) In C-1, C-2, C-3, C-4, C-5, and C-6 districts, the architectural material selection shall be dominated with permanency and strength of material in proportion to the aesthetic characteristics of the buildings bulk and shape. Structures in these districts shall incorporate at a minimum, sixty percent (60%) brick, stone, or "architecturally designed" concrete tilt-up panels. The remaining surface shall be finished with split-face block, architectural tilt-up panels, stucco, or architectural aluminum panels. Accent materials not listed above may be incorporated into the building as an additional secondary material to compliment and add architectural character and design elements. The percentage requirement shall be calculated on the total exterior surface area exclusive of glazed surfaces or door enclosures.

(Ord. 7-16-2018 #01 (497) – Dec. 18 Supp.)

(4) In C-7 districts the architecture shall be of the highest quality, with detailed design. The architectural design of any building shall conform to the approved Development Plan and Design Criteria Manual approved by the City Council. The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine the appropriateness of an architectural material when used as a building element as to whether the material enhances the physical appearance of the development or provides continuity desired to unite all structures within the development into the project theme. Buildings shall be architecturally treated on all elevations to produce an aesthetically pleasing façade which is of a design that complies with the approved Development Plan. Attention shall be paid to breaking up solid walls by incorporating window elements, multiple planes, and articulation of surfaces through the use wall modulation, offsets, parapets, and of various materials, textures and colors.

(5) The use of metal panels or sheet metal will not be considered an acceptable exterior building or accessory building material in any residential or commercial district. Metal panels may be used on the non-public faces of buildings in M-1 and M-2 districts.

(Ord. 02-17-2014 #04 (390) – June 14 Supp.)

L. Exterior Color Selection. The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted in any zoning district. This

regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing.

M. Waiver of Design Requirements. The City Council reserves the right to waive or modify to a lesser restriction any provision or requirement of architectural design elements contained in this chapter for structures that have been constructed, legally permitted, or a site plan approved by the City Council prior February 1, 2004. Said structures are considered "Grandfathered" as legally non-conforming. The City Council's right to waive or modify includes subsequent remodeling, building additions, and detached accessory buildings or structures on the same lot as a "Grandfathered" principle structure. Furthermore, the Council shall find that said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those areas where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public. This section is not applicable to new construction, unless specified here above. ***(Ord. 11-04-2013 #01 (385) – Dec. 13 Supp.)***

N. Horizontal and Vertical Survey Control. The City of Altoona requires all projects that modify or add to the City's infrastructure to be tied into the horizontal and vertical control system as adopted on June 19, 2006.

(1) Vertical Control - A project's vertical datum must tie into the vertical control points provided in the City of Altoona's Horizontal and Vertical Control Network with a minimum of one of the points being a Primary Control Point, other points may be Secondary Points.

(2) Horizontal Control - A project may use an existing basis of bearing and assumed coordinates that meet the project's on the ground needs and as may be required by practical and accepted survey methods. Although an assumed horizontal coordinate system can be used, a project's horizontal control must also be tied into the City of Altoona's Horizontal Control Network by labeling at least two points. The basis of the tie must be from a minimum of one of the Primary Control Points listed in the City of Altoona's Horizontal and Vertical Control Network with a listing of the points used to make the relationship.

(Ord. 6-19-06 #4 (220) – Dec. 06 Supp.)

3. <u>Site Plan Requirements</u>. All site plans shall be drawn at a scale not less than 1" = 50'. Fourteen (14) copies of the site plan shall be submitted to the Clerk. The purpose of the site plan is to show all information needed to enable the engineer, Commission and the Council to determine if the proposed development meets the requirements of this Zoning Code.

4. <u>Information Required</u>. The site plan required shall include the following information concerning the proposed development:

A. Name, address, and phone number of all persons having an interest in the property including the Engineer, Architect, Landscape Architect, Land Surveyor or person preparing the site plan.

B. Legal description of property, point of compass, scale, date and revision dates.

C. Applicant's name, present and proposed land use and zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.

D. If the applicant is other than the legal owner, the applicant's interest shall be stated.

E. Ties to the City of Altoona's Horizontal and Vertical Control Network. ***(Ord. 6-19-06 #4 (220) – Dec. 06 Supp.)***

5. <u>Required Illustrations</u>. The site plan shall clearly set forth the following information concerning the proposed development:

A. Property boundary lines indicated by a heavy line, dimensions and total area of the proposed development.

B. Existing and proposed contour lines of the proposed development at intervals of not more than two (2) feet. Soil erosion control practices must be shown where necessary

C. The availability, location, size, and capacity of existing utilities, and of proposed utilities.

D. Existing and proposed utility lines and easements in accordance with the Standard Specifications and Subdivision Regulations.

E. The proposed location, size, height, shape, use and architectural theme of all buildings or structures in the proposed development.

F. The total square footage of building floor area, both individually and collectively in the proposed development.

G. Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams and wooded areas.

H. All required building setback lines.

I. Estimated number of employees for each proposed use where applicable and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.

J. Complete traffic circulation and parking plan showing location, number, dimensions and design of off-street parking in the proposed development, including:

(1) Driveways, islands and planters;

(2) Striping and safety curbs;

(3) Loading facilities;

(4) Type and location of lighting;

(5) Surface treatment; and

(6) Grade and direction of drainage.

K. Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other man-made features to be used in the landscape of the proposed development.

L. Facilities for the collection and disposal of garbage, trash, recycling and grease dumpsters. Enclosure must be constructed of the same primary material as the exterior of the principal building, with an opaque gate. ***(Ord. 8-20-07 #2 (257) – Dec. 07 Supp.)***

M. Location and type of all plants, grass and trees to be used in the landscape of the proposed development. Landscaping to be used for screening purposes shall be illustrated in the elevation and perspective as well as the plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated.

N. Location of entrances and exits from the proposed development onto public roads, and interior drives and proposed sidewalks in the development.

O. Proposed drainage facilities and provisions for flood control.

P. Location, height and area of all signs (directional signs, identification signs or temporary signs) in the proposed development.

Q. Location of existing trees six inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred year storm.

R. A "Vicinity Sketch" of legible scale showing the generalized street patterns, land use and zoning within 100 feet of the site plan boundary.

S. Three (3) copies of architectural elevations of all proposed buildings, for the purpose of understanding the structures, the location of windows, doors, overhangs, projection height, etc., and the grade relationship to floor elevation, and the number of stories or each existing building to be retained and of each proposed building.

T. Soil tests and similar information, if deemed necessary by the city engineer, to determine the feasibility of the proposed development.

6. <u>Expiration of Approval</u>. All site plan approvals shall expire and terminate: (A) in the case of non-residential improvements described in the Design Criteria Manual, as amended, for any C-7 zoned development, three hundred sixty-five (365) days after the date of Council approval, and (B) in all other cases where site plan approval is required hereunder, one hundred eighty

(180) days after the date of the Council approval unless in all cases a building permit has been issued for the construction provided for in the site plan. The Council may, upon written request by the developer, extend (i) the time for the issuance of a building permit for sixty (60) days or (ii) the site plan approval expiration date. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

(Ord. 02-23-2015 #05 (405) – June 15 Supp.)

171.02 SCREENING.

1. Intent. The intent of screening regulations is to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from another; and/or establishing a sense of privacy from visual or physical intrusion. The provisions of this chapter are necessary to safeguard the public health, safety and welfare.

2. General Screening. Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets and railroads.

3. Compliance With General Standard. The following table illustrates the type of screen required between zoning classifications. Where such screening is required the applicant or burdened use is responsible for installation prior to receiving an occupancy permit for the use in questions. A description of the screen types (A, B and C) are described in the following subsection. Where screening is to be approved at site plan review (*), the screening objectives described in the Site Plan Ordinance, Section 171.01 are to be adhered. The City Council may require additional screening where deemed appropriate.

TABLE OF SCREENING REQUIREMENTS
Benefited Zoning Classification/Use

Zone	R-1	R-2	R-3	R4	R-5	C-1	C-2	C-3	C-4	C-5	C-6	M-1	M-2
R-1	-	-	A	A	*	B	B	*	B	*	*	C	C
R-2	-	-	A	A	*	B	B	*	B	*	*	C	C
R-3	A	A	-	-	*	A	B	*	B	*	*	C	C
R-4	A	A	-	-	*	A	B	*	B	*	*	C	C
R-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-1	B	B	A	A	*	-	A	*	A	*	*	C	C
C-2	B	B	B	B	*	A	-	*	-	*	*	C	C
C-3	*	*	*	*	*	*	*	*	*	*	*	*	*
C-4	B	B	B	B	*	A	-	*	-	*	*	C	C
C-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-6	*	*	*	*	*	*	*	*	*	*	*	*	*
M-1	C	C	C	C	*	C	C	*	C	*	*	-	B
M-2	C	C	C	C	*	C	C	*	C	*	*	B	-

* Screening to be approved with site plan review.
- No screening required.
A,B,C Described below.

4. **Descriptions of Screens.** The following three basic types of screens are established and are used as the basis for the table of screening requirements.

A. Broken Screen, Type A. A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetations will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

B. Semi-opaque Screen, Type B. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

C. Opaque Screen, Type C. A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

5. <u>Storage Areas.</u> The outdoor storage of materials, equipment or supplies, when permitted in any commercial or industrial district, shall be so located or screened, fenced or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage area by persons traveling on public right-of-ways or standing at grade level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type "C" as described in paragraph C of subsection 4 above.

171.03 CERTIFICATE OF OCCUPANCY.

1. No land shall be occupied or used, and no building here-after erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the administrative official stating that the building and use comply with the provisions of this Zoning Code.

2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the administrative official. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Zoning Code.

3. Applications for certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the administrative official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

4. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy, and no building or premises shall be occupied until that certificate is issued.

5. A certificate of nonconforming uses shall be required of all non-conforming uses. Application for a certificate for nonconforming uses shall be filed with the administrative official within twelve (12) months from the effective date of the ordinance codified herein, accompanied by affidavits of proof that such non-conforming use was not established in violation of previous ordinance.

171.04 AMENDMENTS.

1. The Council may, from time to time, on its own action or on petition, amend, supplement, or change the boundaries or regulations herein or subsequently established. However, no such amendment, supplement, restriction, change of boundaries, or regulations shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in Section 362.3 of the Code of Iowa, except that at least

seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The notice shall be published in a paper of general circulation in the City. In addition to the notification requirements above, signs shall also be erected as per subsection 5 below. Such amendment, supplement, or change shall not become effective except by a favorable vote of a majority of all of the members of the Council. In case, however, of a written protest against a change or repeal which is filed with the Clerk and signed by the owners of 20% or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all of the members of the Council. The provisions of Section 414.4 of the Code of Iowa relative to public hearings and official notice apply equally to all changes or amendments.

(Ord. 8-15-05#5 [188] – Dec. 05 Supp.)

2. Whenever any person desires that any amendment or change be made in this Zoning Code, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof (intervening streets and alleys not to be included in computing such two hundred [200] feet) it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk.

3. Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk the sum of ten dollars ($10.00) to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof, be refunded for failure of said amendment to be enacted into law.

4. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council until one (1) year shall have elapsed from the date of the filing of the first petition.

5. For any person, firm, or corporation who requests a hearing before the Planning and Zoning Commission, a notification sign shall be erected at all of the street frontages of the property. The notification sign will be provided by the City and the message will be as prescribed by the Community Development Director, and intended to inform the public of the proposed item and the time and place of the hearing on said item. Such signs shall be installed by the City, no less than ten days before the hearing of the Planning and Zoning Commission and shall remain in place until the final hearing before the City Council. Any person who

removes a sign erected by the City without consent, shall be guilty of a misdemeanor.

(Ord. 8-15-05#5 [188] – Dec. 05 Supp.)

171.05 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. Said administrative official shall record properly such complaint, immediately investigate and take action thereon as provided by this Zoning Code.

171.06 ENFORCEMENT; PENALTIES.

1. Enforcement. All departments, officials and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Zoning Code.

2. Penalties for Violation. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation of the provisions of this Zoning Code may each be found guilty of a separate offense and suffer the penalties provided in this Code of Ordinances. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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