

CITY OF ATLANTIC ZONING ORDINANCE

Updated: October 7, 2026

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ARTICLE 1

GENERAL PROVISIONS

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1.010 TITLE

This Zoning Ordinance shall be known and may be cited as the Zoning Ordinance for the City of Atlantic, Iowa.

1.020 PURPOSE

By the authority granted to the City of Atlantic by Section 414.1, 1983 State Code of Iowa, and amendments thereto, the City of Atlantic establishes this Ordinance for the promotion of the City as the leader in quality of life and opportunities for work and business. This Ordinance is designed to lessen congestion in the streets, to ensure safety from fire and other danger, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the provision for transportation, schools, parks and other public requirements, to stabilize and improve property values and to enhance the economic and cultural wellbeing of residents and visitors to the City of Atlantic. These regulations have been made with reasonable consideration, among other things, to the character of each district and its particular suitability for particular uses, with a view to conserving and improving the living quality of buildings and encouraging the most appropriate use of lands throughout the City of Atlantic, in accordance with the Comprehensive Plan.

1.030 INTENT

The intent of the regulations set forth herein shall be to further the purpose of the title and promote the

objectives and characteristics of the respective zones.

1.040 CONFLICTING PROVISIONS

These regulations shall not nullify the more restrictive provisions of other private covenants and agreements, or other laws or general Ordinances of the City, but shall prevail and take precedence over such provisions which are less restrictive.

1.050 LICENSES TO CONFORM

All Departments, Officials, and Employees of Atlantic which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of these regulations and shall issue no permit or license for a use, building, or purpose where the same would be in conflict with the provisions contained herein.

1.060 NOT A LICENSING REGULATION

Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation, or activity.

1.070 BUILDING PERMITS REQUIRED

No building or structure shall be constructed, altered, or moved, except after issuance of a permit for the same by the Zoning Administrator. It shall be the responsibility of the general contractor and/or owner to obtain and post the building permit. The Zoning Administrator and City police department shall have enforcement powers to include the issuance of citations. Structures, signs and accessory uses not requiring a building permit are stated in Articles 17 and 21 of this Ordinance. Building permits shall expire 12 months after the start of construction or the date the permit is issued, whichever provides the longer duration.

1.080 PERMITS TO COMPLY WITH THE ZONING REGULATIONS

Permits shall not be granted for the construction or alteration of any building or structure, or for the moving of a building onto a lot, or, building, or structure, if such construction, alteration, moving, or change in use would be a violation of any of the provisions of these regulations. No sewer service line, no water line, no electrical, gas, or telephone utilities shall be installed to serve such premises if such use will be in violation of the regulations contained herein.

1.090 PERMITTED USES

No structure shall hereafter be built, moved, or altered and no structure or land shall hereafter be used, occupied, or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

1.100 CONDITIONAL USES

No use of a structure or land that is designed as a conditional use in any zoning district shall hereafter be established and no existing conditional use shall hereafter be changed to another conditional use in such district unless a conditional use permit is secured in accordance with the provisions of Article 25 in this Zoning Regulation.

1.110 DETERMINATION OF USES NOT LISTED

Whenever there is doubt as to the classification of a use not specifically listed or mentioned in these regulations, the determination shall be made by the Planning and Zoning Commission within a reasonable time, but not to exceed sixty (60) days. Such determination shall state the districts in which the proposed use will be permitted and whether it is a permitted use, a special use, or conditional use in keeping with the intent of these regulations. The determination of the proposed use shall be effective immediately and the Zoning Administrator shall use such determination in issuing permits. Application for determination shall be made in writing. No specific form is required.

1.120 LOT REQUIREMENTS

1. No structure, or part thereof, shall hereafter be built, moved, or enlarged and no structure or land shall hereafter be used, occupied, or designed for use of occupancy on a lot which is:

A. Smaller in area than the minimum area, or minimum lot area per dwelling unit, required in the zoning district in which the structure or land is located;

B. Narrower than the minimum lot width required in the zoning district in which The structure or land is located; or

C. Shallower than the minimum lot depth required in the zoning district in which the structure or land is located.

2. No existing structure shall hereafter be altered as to conflict or further conflict, with the lot area per dwelling unit requirements for the zoning district in which the structure is located. Conditional use permits may be granted for the alteration of dimensional requirements in accordance with Article 25 of this Ordinance.

1.130 YARD REQUIREMENTS

No structure, or part thereof, shall hereafter be built, moved, or altered and all structures or land shall be hereafter used, occupied or designed for use of occupancy:

A. So as to exceed the maximum lot coverage percentage, or the maximum structure height specified for the zoning district in which the structure is located; or

B. So as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such district or use of land is located or maintained.

All yard requirements set forth herein are expressed in terms of maximum structure height, maximum lot coverage, and minimum setbacks. Conditional use permits may be granted for the alteration of dimensional requirements in accordance with Article 25 of this Ordinance.

1.140 USE LIMITATIONS

No permitted or conditional use hereafter established, altered, modified, or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted or conditional use already established on the effective date of this Zoning Ordinance shall be altered, modified, or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located.

1.150 ACCESSORY USES

No accessory as defined in Article 17 shall hereafter be built, established, moved, altered, or enlarged

unless such uses are permitted by Article 17 of this Zoning Ordinance.

1.160 HOME OCCUPATIONS

No home occupations as defined in Article 19 shall hereafter be established, altered, or enlarged in any residential district unless such home occupation is permitted, and complies with the conditions set forth in Article 19 of this Zoning Ordinance.

1.170 CONTINUING EXISTING USES

Any building, structure or use lawfully existing at the time of enactment of this ordinance may be continued, except certain non-conforming uses as provided in Article 18. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure.

1.180 PRIVATE AGREEMENTS

This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

1.190 CITY NOT RESPONSIBLE FOR ENFORCING PRIVATE COVENANTS

The City of Atlantic is not responsible for enforcing private building or subdivision covenants, nor is it responsible for informing any party seeking a building permit of the existence of such covenants. The City will make every effort to inform such parties of existing covenants if they are known to the City.

1.200 CITY NOT RESPONSIBLE FOR DETERMINING PROPERTY LINES

The City of Atlantic is not responsible for determining the location of lot lines and/or property lines for the purpose of issuing building permits or for any other purpose. Building permits will be issued on the basis of where the property owner or builder indicates on building permit application whose lot lines and/or property lines are located. If the permitted structure is built in non-compliance with setback requirements, the City of Atlantic is not responsible.

1.210 DISCLAIMER OF LIABILITY

The F-l FLOOD PLAIN DISTRICT herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This Ordinance does not imply that areas beyond the district limits will be free from flooding or that uses within the district will be free from flooding; nor shall this Ordinance, or districts established herein, create a liability on the part of, or cause action against the City of Atlantic, Iowa or any office or employee thereof, for any flood damage that may result from reliance upon this Ordinance or flood district so established.

1.220 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

State and federal laws supersede the authority of this Ordinance. It will be the duty of the Zoning Administrator and the City Attorney to recommend to the Planning & Zoning Commission and City Council on amending this Ordinance, when necessary. It is the duty of the Zoning Administrator to follow regulations from higher authorities and reconcile them with this Ordinance.

1.230 SEVERABILITY PROVISION

If any chapter, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

1.240 CONSISTENCY WITH THE COMPREHENSIVE PLAN

The City of Atlantic intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this chapter whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

1.250 PUBLICATION

This Ordinance shall be published in book or pamphlet form and shall, together with the maps being a part hereof, be filed with the Zoning Administrator of the City of Atlantic, Iowa.

ARTICLE 2

DEFINITIONS

SECTIONS:

2.010 Interpretation
2.020 Rules of Interpretation
2.030 Definitions
2.040 Words Not Defined Herein

2.010 INTERPRETATION

In the interpretation and application of this Zoning Regulation, the provisions of said regulation shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. Where this Zoning Regulation imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract, or deed, the provisions of the Zoning Regulation shall take precedence

2.020 RULES OF INTERPRETATIONS

For the purpose of this Zoning Regulation the following rules shall apply:

1. Words used in the present tense shall include the future.

2. Words in singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates the contrary.

3. The word "person" includes a corporation, a member or members of a partnership or other business organization, a committee, board, trustee, receiver, agent, or other representative and all other legal entities.

4. The word "shall" is mandatory and not discretionary.

5. The word "may" is permissive.

6. The word "use", "used", or "occupied" as applied to any land, building, or structure shall be constructed to include the words "intended", or "arranged", or "designed" to be used or occupied.

7. The word "City" means City of Atlantic, Iowa.

8. The word "County" means County of Cass, Iowa.

9. Unless otherwise specified, all distances shall be measured horizontally.

10. Chapter and Section Headings contained herein, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.

2.030 DEFINITIONS

For the purpose of this Zoning Regulation, certain terms or words used herein shall be Interpreted or defined as follows, unless the contents clearly indicate otherwise:

Accessory Building or Use: A subordinate building located on the same lot or group of lots with the main building or a subordinate use of land. (See Article 17).

Addition: Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Agent of owner: means any person acting for, and with the knowledge and consent of, a property owner.

Adjacent: Nearby, but not touching. Relatively near and having nothing of the same kind intervening.

Adjoining: Similar to adjacent in meaning and suggestion but has common bounding lines or lines or points of junction.

Agricultural Uses: Use of land for purposes of sale or lease of or growing the usual farm products, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock including beef cattle, sheep, swine, horses, mules, goats or any mutation or hybrids thereof and including the breeding and grazing of any or all such animals, being and apiary products, fur animals, trees and forest products, fruits, vegetables and the necessary accessory uses for engaging in activities, provided that the operation of such accessory uses is secondary to that of the regular agricultural activities.

Alley: A public thoroughfare which affords only a secondary means of access to property abutting thereon.

Alteration (Structural): Alteration, as applied to a building or structure, is the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another. Addition of steps or handicap ramps are not considered alterations.

Alteration (Substantial) Any change in or enlargement of any building or other improvement covered by this Ordinance that will: (1) upon completion, affect a change in the use thereof, or (2) that has the effect of enlarging the floor area thereof.

Animal Hospital or Clinic: Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a doctor of veterinary medicine.

Apartment: A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.

Automobile and Trailer Sales Area: An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.

Attached: means having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; breezeway; or archway.

Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles, or

trailers; collision services including body, frame or fender straightening or repair; overall painting or paint shop and vehicle steam cleaning.

Automobile Repair, Minor - Incidental body or fender work, or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1-1/2) ton capacity, but not including any operation named under Automobile Repair, Major, or any other similar use, thereto.

Automobile Wrecking and Salvage Yards: A lot, plot, or parcel of land where three or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.

Awning: A shelter supported entirely from the exterior wall of a building.

Basement: A story having part but not more than one-half (½) of its height below grade. A basement is counted as a story.

Bed & Breakfast Home: A single family dwelling which provides overnight lodging for guests on a rental basis, in which the host or hostess resides and in which paying overnight guests may be served food. Also, if applicable, the premises must be licensed by the State of Iowa.

Bed and Breakfast Home (Expanded Services): A single family dwelling which provides lodging and meals for guests; and may provide facilities for group meetings, special occasion receptions or parties (either indoors or out of doors); and restaurant services for the general public as approved with or without conditions by the Board of Adjustment.

Boarding House: A building other than a hotel or motel, where for compensation and by pre-arrangement for definite periods, lodging is provided and with or without meals, for no more than ten (10) persons.

Board of Adjustment: A body established by the City expressly for the purpose of considering granting relief from situations of hardship and to hear appeals as provided by this Ordinance.

Buildings: Any structure designed or intended for the supports, enclosure, shelter, or protection of persons, animals, or property.

Building Height: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Building (temporary): Means a building used temporarily for the storage of construction of utilities or other community facilities or used temporarily in conjunction with the sale of property within a subdivision under construction.

Building Line: Means the perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

Building Main: A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.

Canopy or Marquee: A roof-like structure, which may project or be separate from a building for the purpose of protection to pedestrians from the weather and in which no retail sales or business operation is performed, without special permit from the City of Atlantic.

Certificate of Occupancy: A certificate, issued to the intended occupant of a structure, prior to occupancy, which indicates that the structure complies with local zoning regulations.

Building Official: The designee of the City Administrator who is responsible for the enforcement of the applicable land use and development sections of this Code.

Building permit application: A document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, repairing or improving any building or structure regulated by this Ordinance or by the applicable building codes of the City of Atlantic. The affirming signature of the Zoning Administrator and issuance of a permit number follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance. The permit number acts as the permit and is held on record at City Hall

Carport: An off-street parking unit for which is protected from the outside weather elements by a canopy or roof. Carports connected to the main structure by a breezeway or similar connection shall be considered as part of the main structure for building setback purposes.

Channel: Shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.

Clinic, Dental, or Medical: A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.

Commission: The Planning Commission of the City of Atlantic, Iowa.

Communication Tower: means a tower, pole or similar structure which supports a telecommunications antenna above ground in a fixed location, freestanding, guyed or on a building.

Communication Tower (height): The distance from the base of the tower to the top of the structure, including the antenna.

Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Atlantic.

Conditional Use: A use with operating and/or physical characteristics different from uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Board of Adjustment. Conditional uses are considered identical to special use permits/special exception uses.

Condominium: Means a building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee.

Court: An area enclosed or partially enclosed on not more than three sides by exterior walls, building, or group of buildings and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

Curb-Level: The officially established grade of the curb in front of the mid-point of the lot.

Day Care Center: A facility providing child day care for seven or more children and operated in accordance with chapter 237A, Code of Iowa.

Dimensional Variation: The deviation beyond the minimum or maximum regulations outlined in this Ordinance, allowed by conditional use. These include lot size, lot coverage, yard requirements, setbacks, height regulations and all other regulations concerning a quantitative measurement of an otherwise permitted use.

District: See definition of "Zoning District."

Dock (Loading): A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles.

Drainage Course (Water Course): Any natural depression, draw, or ravine which directs and facilitates the flow of water.

Driveway: The driveway area that is inclusive of a drive on private property and the driveway approach.

Driveway approach: That part of any approach for motor vehicles to private property that lies between the property line and roadway of the public street or private street.

Dwelling: Any building, or portion thereof, but not a mobile home, designed or used for residential purposes.

Dwelling, Single-Family: A building designed for or occupied exclusively by one family.

Dwelling, Two-Family: A building designed for or occupied exclusively by two families, with separate housekeeping and cooking facilities only.

Dwelling, Multiple-Family: A building, or portion thereof designed for or occupied by three or more families, but which may have joint services or facilities for more than one family.

Easement: A portion or strip of land which is part of a lot, parcel tract which has been reserved or dedicated for specific use for access of person, utilities, or services.

Enclosed: A roofed or covered space fully surrounded by walls.

Encroachment: The advancement of a structure or improvements beyond established limits, lot lines, easements or service areas.

Fabrication: That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic raw materials.

Face of building, primary: The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

Family: One or more persons living together and sharing common living, sleeping, cooking and eating facilities within an individual housing unit, no more than six(6) of whom may be unrelated. The following persons are considered related for the purpose of this ordinance:

a. Persons related by blood, marriage, or adoption;

b. Persons residing with a family for the purpose of adoption;

c. Not more than eight (8) persons under 19 years of age, residing in a foster house licensed or approved by the State of

Iowa.

d. Persons living with a family at the direction of a court.

Fence: A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe: That portion of the flood plain outside the floodway.

Flood Plain: That continuous area adjacent to a water course, whose elevation is equal to or below the elevation of the highest flood level or record; and any land of higher elevation having an area less than two (2) acres, which is completely surrounded by land having an elevation equal to or lower than the elevation of the highest flood level of record.

Flood Proofing: Means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction and elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Flood, Regional: A flood which is representative of large floods known to have occurred generally in Iowa and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.

Garage, Repair: A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles to include painting of motor vehicles.

Garage, Storage: A building or portion thereof designed or used exclusively for housing four or more motor-driven vehicles, other than truck or commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.

Grade: As specified in the conditions that follow:

a. For buildings having walls adjoining on street only, the elevation of the curb at the wall adjoining the street.

b. For buildings having walls, adjoining more than one street, the average of the elevation of the curb at the center of all walls, adjoining the streets.

c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

d. Any wall approximately parallel to and not more than five feet from the street line to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City.

High Water Mark: Means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Highway: An officially designated Federal or State numbered highway.

Home Occupation: See Article 19.

Hotel: A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit, or otherwise.

Household pets: Dogs, cats, rabbits, fish, birds, and similar mammals, small reptiles and amphibians, for family use only (noncommercial), with cages, pens, etc.

Institutional Home: A place where the specialized care of people is provided for drug or alcohol abuse. An Institutional Home shall in no way be interpreted to mean a Day Care Center.

Intimate: A relationship between two humans that are not genetically related as is commonly understood; and is acknowledged by both parties as emotionally significant. This relationship can also be defined through marriage, cohabitation or companionship. Polygamous or Polyamorous relationships are not recognized by the City of Atlantic as intimate.

Junk Yard: A parcel of land used for the storage, keeping for sale or abandonment of junk, including used metal, wood, building materials, household appliances, vehicles, machinery, or part thereof.

Kennel: Any structures or premises on which five (5) or more domestic animals over four (4) months of age are kept.

Landscaping: The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary, and other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect. This treatment may include logs, rocks, fountains, water features and contouring of the Earth.

Lodging House: A building or place where lodging is provided or which is equipped regularly to provide lodging, prearrangement for definite periods, for compensation, for three or more persons.

Lot: A parcel of platted land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Zoning Regulation. Such lot shall have frontage on a dedicated public street.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth Of: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two non-intersecting streets as distinguished from a corner

lot.

Lot Line: Any line bounding a lot or separating one lot from another.

Lot Line, Front: The Boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the front lot line.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The width of a lot measured at the building line and at right angles to its depth.

Manufactured Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed 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 wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purposes of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

Mobile Home: Any vehicle without motive power or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place of human habitation by one or more persons; taut shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is factory-built housing built on chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes". Nothing in this ordinance shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home and meets minimum dwelling structures dimensions. (See Article 22).

Mobile Home Park: a tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on a lease or rental basis, mobile homes located therein permanently or semi-permanently.

Mobile Home Space: That area or land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around said mobile home, as are required in this Zoning Regulation.

Natural Obstructions: Shall mean any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a non-human cause.

Non-Conforming Use: Any building or land lawfully occupied by a use, at the time of the passage of this Zoning Regulation or amendment hereto, which does not conform to the regulations of the district in which it is situated.

Obstruction: Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

Outdoor Sales: means sales activities that occur located on a public sidewalk, street or other public space open to the sky. The display and sales activities are characterized by their short term or seasonal nature, that no permanent improvements are made to the site, and that all activities must meet the requirements of existing zoning codes.

Outdoor Storage: The outdoor storage or display of materials on private property, parts, or products that are related to the primary use of a site for a period exceeding forty-eight (48) hours.

Paving: A surface of concrete, asphalt or brick which will be maintained with materials or equipment sufficient to prevent mud, dust or loose material.

Planning and Zoning Commission: The Planning and Zoning Commission of the City of Atlantic, as authorized pursuant to Chapter 414, Code of Iowa.

Pools: As specified in the conditions that follow:

Above Ground/on Ground Pool: See "Private swimming pool".

Barrier: A fence, a wall, a building wall, the wall of an above-ground pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot Tub: See "Private swimming pool".

In-ground Pool: See "Private swimming pool"

Power Safety Cover: A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

Private swimming pool: Any structure that contains water over 24 inches In depth and which is used, or intended to be used for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in ground, above ground, and on-ground swimming pools, hot tubs and spas.

Private Swimming Pool: indoor: Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private Swimming Pool: outdoor: Any private swimming pool that is not an indoor pool.

Public Swimming Pool: Any swimming pool other than a private swimming pool.

Spa: See "Private swimming pool".

Public: Government controlled entities, activities and resources.

Public Utility: Any business the purpose of which is to furnish to the general public:

1. Telephone service
2. Wastewater treatment plant

3. Telegraph service
4. Electricity
5. Natural gas
6. Water
7. Transportation of persons and property
8. Solid waste disposal
9. Community closed circuit telecast
10. Public internet services
11. Any other business so affecting the public interest as to be subject to the supervision or regulation by any agency of the State.

Restaurant: A public eating establishment in which the primary function is the preparation and serving of food on the premises.

Right-of-Way: A strip of land between property lines, dedicated to the public or private interests, which is intended for use as an alley, crosswalk, court, place, road, street, thoroughfare, or utility easement.

Recycle yard: Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires and bottles.

Retirement Home: Any dwelling in which three or more unrelated elderly persons are housed or lodged for hire, with meals.

Rooming House: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire, with or without meals.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features as may be permitted by the landscape provisions of this chapter.

Service Station: Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils, when the dispensing, sale, or offering for sale is incidental to the conduct of a garage, the premises are classified as a garage.

Setback: The minimum horizontal distance between the property line and the building line.

Front Yard - is determined from the face of the building excluding steps and eave overhang.

Rear Yard - is determined from the face of the building excluding steps, and eave overhang.

Side Yard - is determined from the face of the building excluding steps and eave overhang.

Sign: Any object or device, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, color, motion, illumination, or projected images. A sign includes any billboard but does not include the following: flags of nations, states, and cities, or merchandise, picture or models of products or services incorporated with an inside window display; or works of art, which in no way identify a product or a device or provide information regarding hours of operation, directions on similar information.

Sign, Display: An advertising device.

Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times where such sign is in use.

Sign, Illuminated: Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign,

Sign, Marquee: Any sign affixed to any hood, marquee or canopy over the entrance to a building.

Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Signs, Off-Premises: An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted on a product not usually sold on the premises.

Sign, Rotating: A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of: The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

Site: The parcel of land to be developed or built upon. A site may encompass a single lot or a group of lots developed as a common development under the special and overlay districts provisions of this chapter.

Site plan: means a plan, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land; and any other information that is required by this Ordinance.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including the basements used for the principal use.

Story, Half: A space under a sloping roof which has the line intersection of roof decking and wall face not more than four feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.

Street: Any thoroughfare or public way which has been dedicated to the public or deeded to the City for street purposes; and also any such public way which may be created after enactment of the provisions codified in this title.

Structure - Anything constructed or erected, more than the four inches above the ground, the use of which requires permanent location on the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure. Anything connecting the separate structures together in a consistent manner will combine as a single structure. Where there is doubt about whether a structure is a fence or not, the Zoning Administrator will have the discretion to determine the difference. Satellite dishes are not considered structures. Steps and handicap access are not considered separate structures. Patios are structures.

Structural Alterations: See Alteration.

Tavern: Any establishment in which is performed the public sale and serving of malt beverages.

Telecommunications: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Tent: A shelter made of flexible material erected directly on the ground providing temporary facilities for sleeping, recreation or the display of goods or services.

Townhouse: Means one single-family residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation; provided, however, that in any event, the term "townhouse" shall not mean a condominium.

Use: The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended or for which land or building is or may be occupied, including all accessory uses.

Vision Clearance Area: An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and setback line connecting points determined by measurement from the corner of each street line. (See Section 23.050).

Variance: The means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Warehouse. A structure used for stockpiling, product mixing, production logistics, consolidation, distribution, and customer service. Included in this definition are mini-warehouse storage units.

Watercourse: Shall mean any stream, arroyo, or drain way having a channel that serves to give direction to a flow of water.

Wrecking salvage yard: Any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers or parts thereof are stored, bought, sold, accumulated, exchanged, disassembled or handled.

Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

Yard: A space on the same lot with a main building; open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Regulation.

Yard, Front: A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line.

Yard, Rear: A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building. For corner lots, the rear-yard may be designated as best advantages the owner or builder.

Yard, Side: A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest part of the main building.

Zoning Administrator - The designated Zoning Administrator of the City of Atlantic, Iowa or his authorized representative.

Zoning District: An area or areas within the limits of the Community for which the regulations and

requirements governing use are uniform.

Zoning Lot - A plot of ground, made up of one (1) or more parcels of land, which is or may be occupied by a use, building, or buildings, including the open spaces required by this Ordinance.

Zoning Map - The map or maps incorporated into this Ordinance as a part hereof, designating the zoning districts.

2.040 WORDS NOT DEFINED HEREIN

Words or terms not herein defined shall have their ordinary meaning in relation to the context used.

ARTICLE 3

ESTABLISHMENT OF DISTRICT AND BOUNDARIES

SECTIONS:

3.010 Declaration of Purpose
3.020 Location at Map
3.030 Boundaries
3.040 District Requirements

3.010 DECLARATION OF PURPOSE

In order to accomplish the purposes of this Zoning Regulation, the City of Atlantic is hereby divided into districts (zones) in accordance with a Comprehensive Plan of the City as hereinafter set forth. The eleven zoning districts of the City of Atlantic shall be known as (REF: Establishment of City Districts and Zones authorized by the Iowa Code, Chapter 414).

R-1 Residential/Agriculture/Open Space
R-2 Low Density Single Family
R-3 High Density Single Family
R-4 Multiple Family
R-5 High Density Affordable Family Residential
R-6 Mobile Home Park
C-l Highway Commercial
C-2 Administrative-Professional
C-3 Central Business
I-1 Light Industrial
I-2 Heavy Industrial
F Flood Plain Overlay
PUD Planned Unit Development Overlay

3.020 LOCATION OF MAP

The location and boundaries of districts contained herein are shown on the zoning map entitled the "Zoning Map of the City of Atlantic, Iowa." All boundaries, notations, and other data shown thereon, are hereby adopted as part of this Zoning Regulation and is as much a part of these Zoning Regulations as if such notions, references, and other matters were specifically set forth herein. Said "Zoning Map" is properly attested and is on file with the Clerk of the City of Atlantic, Iowa.

3.30 BOUNDARIES

The Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map", which accompanies and is hereby made a part of this ordinance. The district boundary lines on said map are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the ordinance; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

1. Where a district boundary line divides a lot which was in single ownership of record at the time of enactment of the ordinance, the rules applying to the less restricted portion of such lot

shall be considered as extending to the entire lot. If the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.

2. Questions concerning the interpretation of exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Article 3.030.)

3. All territory which may hereafter be annexed to the community shall be classed automatically the same as it is under the Cass County Zoning Ordinance until such classification shall have been changed by amendment of the ordinance as provided hereinafter.

3.40 DISTRICT REQUIREMENTS

The following rules apply to all districts contained herein:

1. No building shall be erected, converted, enlarged, reconstructed, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

2. No building shall be erected, converted, enlarged, or reconstructed to exceed the height limit herein established for the district in which the building is located, except as provided in Article 23.

3. No building shall be erected, converted, enlarged, or reconstructed except in conformity with the area regulations of the district in which the building is located, except as provided in Article 23.

4. The minimum yards and other open spaces, including lot area per family, required by this Zoning regulation for each and every building existing at the time of passage of this Zoning Regulation or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other principal building, nor shall any lot area be reduced beyond the district requirements of this Zoning District.

5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided.

ARTICLE 4

"R-l" RESIDENTIAL/AGRICULTURE/OPEN SPACE DISTRICT

SECTIONS:

4.010 Purpose and Intent
4.020 Permitted Uses
4.030 Conditional Uses
4.040 Accessory Uses
4.050 Lot Size
4.060 Yard Requirements
4.070 Height Regulations
4.080 Off-Street Parking
4.090 Signs
4.100 Supplemental Development Standards
4.110 Exceptions and Modifications

4.010 PURPOSE AND INTENT

This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools, and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

4.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-l" District.

1. Single family detached dwelling.

2. All agricultural uses including farm dwelling and accessory buildings, but not including confinement feeding or other concentrated feedlot activities within 1320 feet of an "R" or "C" District.

3. Public parks, playgrounds, and recreation areas, and related buildings operated by a public agency.

4. Schools, public andprivate.

5. Churches or similar places of worship.

4.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. Commercial feedlots when located within 1320 feet of an "R" or "C" District.

A. Location. Any new commercial feedlot shall be subject to approval of a special use permit, as set forth by the Board of Adjustment. No new commercial feedlot use shall be located within 500 feet of the property lines of the parcel on which it is located; or within one-quarter mile of an existing residential structure other than that of the owner or operator of the facility.

B. Operation. Livestock wastes within a confinement area shall be removed or disposed of by spraying or spreading on land promptly followed by discing or plowing; grinding or dehydrating in properly designed dehydrators; or stockpiling in a compost plant located at least two miles from a residential zoning district. Insect and rodent control measures must be instituted for confined areas by removal or disposal of manure; or by other accepted insect or rodent control measures.

C. Drainage. All ground surfaces within confinement areas shall be graded and compacted to insure proper drainage. All ground surfaces within confinement areas shall be controlled so that no appreciable amount of soil and livestock waste is carried into any roadway ditch, drainage area, or other low-lying area. Water shall not be discharged or directed from a commercial feedlot site onto adjacent properties with the exception of a 100-year flood or greater flood event.

D. Pollution Control. A confined area shall not produce a measurable increase in pollution in any public water-based recreational facility, public water supply or in any waterway that is part of a public or private water supply.

E. General Standards. All aspects of the operation of a commercial feedlot facility shall comply with the regulations and standards of the Iowa Department of Natural Resources or its successor agencies for feedlots. In addition to other requirements, all applications for special use permits for the establishment of a commercial feedlot use shall include certifications of plan review and approval by the Iowa Department of Natural Resources or its successor agencies; a site plan showing the location and maximum area of the confinement area; and a detailed description of operations, including maximum number and type of livestock to be confined, livestock waste removal or disposal plans, drainage plans and pollution control measures.

2. Sanitary landfills, in accordance with county and state regulations, except that no sanitary landfill shall be operated within 1320 feet of any "R" District.

3. Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that anyprincipal accessory building in connection therein shall be located not less than 200 feet from any lot in an "R" District.

4. Airports and commercial heliports.

5. Campgrounds and trailer parks.

6. Mobile home parks.

7. Public utility and service uses, including but not limited to electric sub-stations, gas regulator stations, radio and television transmitting towers.

8. Sewage treatment plants and lagoons.

9. Telephone transmission equipment buildings.

10. Commercial greenhouses or nurseries.

11. Philanthropic and charitable institutions.

12. Filtration plants.

13. Railroad right-of-ways.

14. Water reservoirs.

15. Sand, gravel and rock quarries.

16. Plants processing agricultural products produced on the premises provided that no principal or accessory building is located within 1320 feet of an "R" or "C" District.

17. All other uses of similar character as may be determined by the Board of Adjustment.

18. All dimensional regulations required in this chapter.

4.40 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.

2. Private garages or parking areas.

3. Living quarters of persons employed on the premises.

4. Private stables.

5. Temporary structures incidental to construction work, only for the period of such work as permitted in Article 25.

4.50 LOT SIZE

Except as otherwise provided in Article 23 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

1. Lot Area: None
2. Lot Width: None
3. Lot Depth: None

4.60 YARD REQUIREMENTS

1. Front Yard
   A. None
2. Side Yard
   A. None
3. Rear Yard
   A. None

4.70 HEIGHT REGULATIONS

Except as otherwise provided in Article 23 of this Ordinance, the following maximum height shall apply:

1. 35 Feet

4.080 OFF-STREET PARKING

See Article 20 4.090

SIGNS

See Article 21

SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22

4.110 EXCEPTIONS AND MODIFICATIONS

See Article 23

ARTICLE 5

"R-2" LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

SECTIONS:

5.010 Purpose and Intent
5.020 Permitted Uses
5.030 Conditional Uses
5.040 Accessory Uses
5.050 Lot Size
5.060 Lot Coverage
5.070 Yard Requirements
5.080 Height Regulations
5.090 Off-Street Parking
5.100 Sign Regulations
5.110 Supplemental Development Standards
5.120 Exceptions and Modifications

5.010 PURPOSE AND INTENT

The "R-2" District is established for the purpose of low and medium density single-family dwelling control and to allow home occupations, certain public facilities, and certain special uses. This district takes into account areas which were platted into smaller lots during early years of City growth. It is intended that no uses be permitted in this district which will devaluate property for residential purposes or to interfere with the health, safety, and order, or general welfare of persons residing in the district. Regulations are intended to control population density and to provide adequate open space around buildings and structures.

5.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-2" District.

1. Single family detached dwelling.
2. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
3. Schools, public and private.
4. Church or similar place of worship.
5. Public libraries, museums or similar public buildings.

5.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. Two Family Attached Dwellings.
2. Cemeteries.
3. Health and medical institutions, including convalescent, hospitals and nursing, retirement or rest homes

4. Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therein shall be located not less than 200 feet from any lot in an "R" District.
5. Public or private utility and service uses, including but not limited to electric sub-stations, gas regulator stations, radio and television transmitting towers.
6. Sewage treatment plants and lagoons.
7. Telephone transmission equipment buildings.
8. Filtration plants.
9. Railroad right-of-way.
10. Water reservoirs.
11. Philanthropic and charitable institutions.
12. Day care centers and nursery schools.
13. Bed and Breakfast Homes and Bed & Breakfast (Expanded Services).
14. Communications tower.
15. Solar energy system.
16. Farming and similar agricultural uses provided
14. All other uses of a similar character as may be determined by the Board of Adjustment.

5.40 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.
2. Home occupations - See Article 19.

5.050 LOT SIZE

Except as otherwise provided in Article 23 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

1. Lot Area: 8000 Square Feet
2. Lot Width: 80 Feet
3. Lot Depth: 100 Feet

5.060 LOT COVERAGE

The maximum lot coverage by all buildings, principal and accessory, shall not exceed fifty (50) percent.

5.70 YARD REQUIREMENTS

Except as otherwise provided in Article 23 of this Ordinance, the following minimums shall apply:

1. Front Yard:
    A. Twenty five (25) Feet
    B. The street side yard of a corner lot shall be fourteen (14) feet.

2. Side Yard: A six foot side yard setback is required on only one side of the property for residential uses. A 12 foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance

3. Rear Yard: Not less than twenty (20) percent of the depth of the lot.

5.80 HEIGHT REGULATIONS

Except as otherwise provided in Article 23 of this Ordinance, the following maximum heights shall apply:

1. Principal Structure: 30 Feet

2. [Reserved]

5.090 OFF-STREET PARKING

See Article 20.

5.100 SIGN REGULATIONS

See Article 21.

5.110 SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22.

5.120 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 6
"R-3" HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

SECTIONS:

6.010 Purpose and Intent
6.020 Permitted Uses
6.030 Conditional Uses
6.040 Accessory Uses
6.050 Lot Size
6.060 Lot Coverage
6.070 Yard Requirements
6.080 Height Regulations
6.090 Off-Street Parking
6.100 Sign Regulations
6.110 Supplemental Development Standards
6.120 Exceptions and Modifications

6.010 PURPOSE AND INTENT

The "R-3", One and Two Family Residential District is established for the purpose of allowing a slightly higher density than in the "R-2" District and yet retain the residential character. This District allows single family homes, two family structures (duplexes), home occupations, certain community facilities and certain conditional uses.

6.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-3" District.

1. Single family dwelling.
2. Twofamily dwelling.
3. Public parks, playgrounds and recreation areas, and related buildings operated bya public agency.
4. Schools, public andprivate.
5. Church or similar place of worship.
6. Public libraries, museums, orsimilar public buildings.

6.030 CONDITIONAL USES

All uses listed as conditional uses listed under “R-2” low-density single family – See Article 5

6.40 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.
2. Home occupations - See Article 19.

6.050 LOT SIZE

Due to the historic nature of this district and the City's desire to preserve property value and rights for older lots, the City does not have a minimal lot size or dimensions for this zone.

6.060 LOT COVERAGE

The maximum lot coverage by all buildings, principal and accessory, shall not exceed fifty (50) percent.

6.070 YARD REQUIREMENTS

Except as otherwise provided in Article 23 of this Ordinance, the following minimum shall apply:

1. Front Yard:
    A. Twenty five (25) feet
    B. The street side yard of a corner lot shall be fourteen (14) feet.

2. Side Yard: A six foot side yard setback is required on only one side of the property for residential uses. A 12 foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance.

3. Rear Yard: Not less than twenty (20) percent of the depth of the lot.

6.80 HEIGHT REGULATIONS

Except as otherwise provided in Article 23 of this Ordinance, the following maximum heights shall apply:

1. Principal Structure: 30 Feet

6.090 OFF-STREET PARKING

See Article 20.

6.100 SIGN REGULATIONS

See Article 21.

6.110 SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22.

6.120 EXCEPTIONS AND MODIFICATIONS

See Article 23 .

ARTICLE 7

"R-4" MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTIONS:

7.010 Purpose and Intent
7,020 Permitted Uses
7.030 Conditional Uses
7.040 Accessory Uses
7.050 Lot Size
7.060 Lot Coverage
7.070 Yard Requirements
7.080 Height Regulations
7.090 Off-Street Parking
7.100 Sign Regulations
7.110 Supplemental Development Standards
7.120 Exceptions and Modifications

7.010 PURPOSE AND INTENT

The "R-4", Multiple-Family Dwelling District is established to provide a district suitable for family living in an area characterized by medium to high residential uses. This District allows all the uses permitted in "R-l" and "R-2" Districts. Said District should only be established in areas where street and utility systems are adequate to accommodate high density development.

7.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-4" District.

1. Single family dwelling.
2. Two family dwelling.
3. Three family dwelling.
4. Four family dwelling.
5. Apartment buildings,
6. Condominiums.
7. Townhouses.
8. Church or similar place of worship.
9. Schools, public and private.
10. Public libraries, museums, or similar public buildings.
11. Lodging homes.
12. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
13. Convalescent, nursing and retirement home.

7.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. Cemeteries
2. Health and medical institutions, including convalescent, nursing and rest homes and hospitals.
3. Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" District.
4. Public utility and service uses, including but not limited to electric sub-stations, gas regulator stations, radio and television transmitting towers.
5. Sewage treatment plants and lagoons.
6. Telephone transmission equipment buildings.
7. Filtration plants.
8. Railroad right-of-way.
9. Water reservoirs.
10. Philanthropic and charitable institutions.
11. Day care centers and nursery schools.
12. Bed and Breakfast Homes and Bed and Breakfast (Expanded Services.)
13. All other uses of similar character as may be determined by the Board of Adjustment.

7.40 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.
2. Home occupations - See Article 19.

7.50 LOT SIZE

Except as otherwise provided in Article 23 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

1. Lot Area:
   A. Single family dwelling - 5000 square feet
   B. Two family dwelling - 6000 square feet
   C. Multiple family dwelling - 6000 square feet for the first two units and an additional 1,500 square feet for each dwelling unit thereafter.

2. Lot Width:

AS Single family dwelling	-	50 feet
B. Two family dwelling	-	60 feet
C. Multiple family dwelling	-	100 feet
D. Row dwellings		
- 3 units	-	85 feet
- Each additional unit	-	Add 25 feet

3. Lot Depth - 100 feet

7.060 LOT COVERAGE

The maximum lot coverage by all buildings, principal and accessory, shall not exceed sixty (60) percent.

7.70 YARD REQUIREMENTS

Except as otherwise provided in Article 23 of this Ordinance, the following minimum shall apply:

1. Front Yard
   A. Twenty-five (25) Feet

   B. Where platted lots have a double frontage or located at the intersection of two streets, the required front yard shall be provided on both streets.

2. Side Yard: A six foot side yard setback is required on only one side of the property for residential uses. A 12 foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance.

3. Rear Yard:
   A. 20% of the lot depth, with a maximum requirement of 25 Feet.

7.80 HEIGHT REGULATION

Except as otherwise provided in Article 23 of this Ordinance, the following maximum height shall apply:

1. Principal Structure: 45 Feet

2. [reserved}

7.090 OFF-STREET PARKING

See Article 20.

7.100 SIGN REGULATIONS

See Article 21.

7.110 SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22.

7.120 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 8

"R-5" HIGH DENSITY AFFORDABLE FAMILY RESIDENTIAL DISTRICT

SECTIONS:

8.010 Purpose and Intent
8.020 Permitted Uses
8.030 Street Construction Standards (New Subdivisions)
8.040 Accessory Uses
8.050 Lot Size
8.060 Lot Coverage
8.070 Yard Requirements
8.080 Height Regulations
8.090 Off-Street Parking
8.100 Sign Regulations
8.110 Supplemental Development Standards
8.120 Exceptions and Modifications

8.010 PURPOSE AND INTENT

The "R-5", Affordable One and Two Family Residential District is established for the purpose of allowing a slightly higher density than in the "R-2' District and yet retain the residential character. This District allows single family homes, two family structures (duplexes), home occupations, certain community facilities and certain conditional uses. Because the R-5 District is meant to accommodate affordable housing, requiring less expensive lots, some of the subdivision requirements are waived regarding street construction standards.

8.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-5" District.

1. Single family dwelling.

2. Two family dwelling.

3. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.

8.030 STREET CONSTRUCTION STANDARDS (NEW SUBDIVISIONS)

Streets constructed under new subdivisions located in an R-5 District are not necessarily held to subdivision standards regarding some aspects of street construction.

See Code of Ordinances of the City of Atlantic, Iowa, 2003, Subdivision Regulations, Chapter 166.20 (Street Improvements), Subsection 2 (Street surfacing) and Subsection 7 (Curb and Gutter).

8.40 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.

2. Home occupations - See Article 19.

8.50 LOT SIZE

Except as otherwise provided in Article 23 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

1. Lot Area:
   A. Single family dwelling - 6,000 square feet B. Two family dwelling - 8,500 square feet

2. Lot Width: - 50 feet

3. Lot Depth - 100 feet

8.060 LOT COVERAGE

The maximum lot coverage by all buildings, principal and accessory, shall not exceed fifty (50) percent.

8.70 YARD REQUIREMENTS

Except as otherwise provided in Article 23 of this Ordinance, the following minimum shall apply:

1. Front Yard
   A. Twenty (20)feet
   B. The street side yard of a corner lot shall be fourteen (14) feet.

2. Side Yard:
   A. A six foot side yard setback is required on only one side of the property for residential uses. A 12 foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance

3. Rear Yard:
   A. Not less than twenty (20) percent of the depth of the lot.

8.80 HEIGHT REGULATION

Except as otherwise provided in Article 23 of this Ordinance, the following maximum height shall apply:

1. Principal Structure: 30 feet

2. [Reserved]

8.090 OFF-STREET PARKING

See Article 20.

8.100 SIGN REGULATIONS

See Article 21.

8.110 SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22.

8.120 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 9

"R-6" - MOBILE HOME PARK DISTRICT

SECTIONS:

9.010 Purpose and Intent
9.020 Permitted Uses in MHP District
9.030 Mobile Home Park Permits
9.040 Application for a Mobile Home Park Permit
9.050 Permit Requirements
9.060 Approval of Application
9.070 Mobile Home Park Permit Fee
9.080 Suspension of a Mobile Home Park Permit
9.090 Inspection
9.100 Revocation of Permit
9.110 Development Standards for Mobile Home Parks

9.010 PURPOSE AND INTENT

The R-6 Mobile Home Park District is established for the purpose of providing residential environments within the City for the accommodation of Mobile Homes and Modular Housing Units (as defined in Chapter 135 D Code of Iowa) within a Mobile Home Park under one ownership. It is the intent of this Zoning Regulation that the Mobile Home Park districts be located only in areas that would not adversely affect the established residential subdivisions and residential densities in the City.

9.20 PERMITTED USES IN THE MHP DISTRICT

The following uses and structures and no others are permitted in the Mobile Home Park District:

1. Mobile Home Parks (as defined in Chapter 71, Code of Iowa)

2. Recreation and service facilities (e.g. club house, swimming pool, laundromat, etc.) for the occupants of a park.

3. Day care centers.

4. Accessory structures such as garages, carports, greenhouses, and similar structures which are customarily used in conjunction with, and incidental to a principle use of structure.

9.030 MOBILE HOME PARK PERMITS

It shall be unlawful for any person, firm or corporation to begin the construction and/or operation of a mobile home park within the City of Carroll without the owner or lessee first having obtained a permit therefore as provided in this chapter and a license to operate and maintain a mobile home park from the Iowa State Department of Health.

No person, firm, or corporation shall construct, expand, remodel, or make alterations to the sanitary facilities in a mobile home park within the State of Iowa without first obtaining a permit therefore from

the State Department of Health.

9.40 APPLICATION FOR A MOBILE HOME PARK PERMIT

The application for a permit to operate a mobile home park shall be filed on a form furnished by the City with the City Public Works Administrator who shall present the application to the City Council for consideration at the first regular meeting following the filing of said application. The application shall state the name or names of the attendant or attendants to be in active charge of the mobile home park and his or their hours of duty, and be accompanied by a plat and other documents showing the following information:

A. A legal description of the mobile home park area.

B. The area dimensions and boundaries of the mobile home park site, including elevations and all details of the water and sewage systems, locations, including the site of water and sewer lines, etc.

C. Location, size, and horizontal separation and type of materials used for the proposed water and sewer lines is required. A detailed typical sectional drawing is required of a water and sewer connection.

D. The location and termination of storm sewer and/or catch-basins.

E. The number, location, size, and designated use of all unit spaces.

F. The location, width, and type of surface material for roadways and walkways.

G. Information relating to recreational facilities.

H. Information relating to fire protection facilities.

I. Outside lighting plan.

J. The location of service buildings, if provide, and any other proposed structures, including storage buildings and garbage or trash collection stations.

K. Owner has to have a permit to construct from the Iowa State Department of Health prior to construction for public water supply, sewage, or solid waste system.

9.50 PERMIT REQUIREMENTS

A. All mobile home parks shall be well drained. A storm sewer drainage plan shall be submitted to and approved by the City Engineer. Any storm sewers to be constructed shall be constructed in accordance with City specifications.

B. All roads within the park shall be hard surfaced, and easily accessible to all mobile homes, and adequately lighted.

C. No greater number of mobile homes shall be allowed than there are unit spaces available.

D. Each water and sewer service shall be installed in compliance with all applicable codes, the City of Atlantic, and Iowa State Department of Health.

E. All gas piping and plumbing shall meet the requirements of the most recent issue of the Uniform Plumbing Code as adopted by the State of Iowa.

F. For all dependent mobile home parks, facilities must be provided for bathing, washing, laundry, restroom, and garbage disposal areas.

9.060 APPROVAL OF APPLICATION

The City Council shall consider said application and if found satisfactory shall instruct the City Clerk, upon payment of the permit fee, to issue a mobile home park license and retain a record thereof in his office.

9.070 MOBILE HOME PARK PERMIT FEE

The permit fee for a mobile home park shall be $5,000.00.

9.080 SUSPENSION OF A MOBILE HOME PARK PERMIT

Any mobile home park permit issued under this chapter shall be suspended by the City Council if the operator thereof fails within 24 hours after notification to maintain the park in accordance with the requirements necessary to obtain a permit.

9.090 INSPECTION

Any officer of the City of Atlantic shall have authority to enter and inspect, at any reasonable time, any facility permitted hereunder.

9.100 REVOCATION OF PERMIT

The conviction of any person, firm, or corporation for violation of this chapter or any other chapter of the City of Atlantic or statutes of the State of Iowa involving moral turpitude shall automatically revoke any permit issued under the terms hereof.

9.110 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

1. Size of park. Shall not be less than 217,800 square feet with a minimum frontage of three hundred (300) feet.

2. Access. A mobile home park shall have access to public street.

3. Gross density. Gross density of a mobile home park shall not exceed eight (8) mobile home spaces per acre, including streets, sidewalks, recreation area, boat and trailer storage areas, etc.

4. Mobile home spaces. Each mobile home park shall clearly define the spaces and such spaces shall not have an area less than thirty-six hundred (3600) square feet. Spaces shall have a minimum of forty-five (45) foot frontage and eighty 80) foot depth.

5. Setbacks. Mobile homes shall be so located on each space that there shall be clearance between mobile homes; provided, however, that with respect of mobile homes parked end-to-end, the end-to-end clearance may not be less than twenty (20) feet. No mobile home shall be located closer than twenty (20) feet to any building or mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty-five (25) feet or such other distance as may be established by ordinance or regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the mobile home park is located.

6. Circulation. The interior circulation and access driveways to public streets shall be so designed as to promote the public safety.

7. Recreation space. There shall be provided one or more recreational areas that are equipped with suitable play equipment and other recreational facilities. There shall be provided at least four hundred (400) square feet of developed area per mobile home space.

8. Supervision. There shall be provided an area near the main entrance of the park as an area with suitable off-street parking for office and management use only. The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the licensee and permittee, for the violation of any provision of this ordinance (chapter) to which the licensee or permittee is subject. Moreover, mobile home park operators shall submit to the county assessor each January 1, a list of all mobile homes on their land, including make, model, year, length and width.

9. Boat and trailer storage. Each mobile home park shall provide a screened area for the storage of boats and travel, horse, or utility trailers, with an aggregate size of at least three hundred fifty (350) square feet per trailer space.

10. Electrical supply. An underground electrical service supplying at least 120/240 volts – 100 amperes electrical service from a centrally located power supply shall be provided each mobile home space by the mobile home park operator.

11. Adequate provisions shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy and comply with state and local codes, ordinances, specifications, and statutes. Each mobile home drain inlet shall be provided with an effective trap not less than three (3) inches in diameter for inlets designed to receive the discharge of mobile home drainage and each mobile home drain line shall be equipped with a clean out which shall be outside of the perimeter covered by the mobile home and which shall clean toward the main sewer.

12. Waste Disposal. All mobile home parks shall be provided waste disposal on the basis of one dumpster per each twenty developed lots. All dumpsters shall be screened from view with a 100% opacity fence or wall.

13. Facilities. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy state and local codes, ordinances, and specifications.

14. Drainage. The park shall be properly drained to insure rapid run-off and free from stagnant pools of water.

15. Natural features. The design of the park shall preserve natural features such as large trees, outcroppings, etc., when feasible.

16. Nonconforming mobile home parks. Existing mobile home parks and/or trailer home parks that do not conform with these regulations and special conditions shall be considered as nonconforming and shall be allowed to continue operation. However, no nonconforming mobile home park shall be expanded, enlarged, or extended in any way. If a nonconforming mobile home park is discontinued or its normal operation stopped for more than twelve (12) months, the use of the land shall thereafter conform to a use permitted in the zone in which it is located.

17. Management. Each mobile home park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the City. All portions of the mobile home park shall be open and accessible to fire, police, and other emergency and protective vehicles and personnel, including city, county and state inspectors.

18 Tornado Shelters. Tornado shelters shall be provided in the mobile home park. Such shelter or shelters shall be built according to the recommendations of the Civil Defense authority and be large enough to meet the specific needs of the park and its residents.

19. Skirting. All mobile homes shall maintain continuous skirting all around the bottom of the structure to the top of the ground. Skirting shall consist of a durable non-weathering material made for that purpose.

20. Parking.

    A. There shall be provided at least two (2) off-street parking spaces to be located on the mobile home space or within two hundred (200) feet of the mobile home space.

    B. There shall be provided one-and-one-half (1-1/2) visitors off-street parking spaces for every five (5) mobile homes. Visitor parking spaces shall be located within convenient walking distances to home spaces.

ARTICLE 10

"C-1" HIGHWAY COMMERCIAL DISTRICT

SECTIONS:

10.010 Purpose and Intent
10.020 Permitted Uses
10.030 Conditional Uses
10.040 Accessory Uses
10.050 Lot Size
10.060 Lot Coverage
10.070 Yard Requirements
10.080 Height Regulations
10.090 Landscape Requirements
10.100 Lighting Requirements
10.110 Off-Street Parking and Loading
10.120 Signs
10.130 Supplemental Development Standards
10.140 Exceptions and Modifications

10.010 PURPOSE AND INTENT

The C-l Highway Commercial District is intended to provide for neighborhood shopping areas outside the downtown area. These districts include as well, much of the strip commercial property, major streets and highways of the city. The uses permitted are intended to accommodate the general retail consumer and the needs and services of the automobile traveling consumer.

10.20 PERMITTED USES

The following uses and structures and no others, are permitted in the "C-l" District.

1. Sales and display room and lots, including yards for storage or display of new or used building materials and heavy equipment, but not for any scrap or salvage operation storage or sales.

2. Offices and clinics.

3. Churches and houses of worship and supporting facilities.

4. Hotels and motels.

5. Any retail or service sales business, including food preparation for sale off-premises.

6. Publicly owned and operated buildings.

7. Dwellings: Single-family, two-family, and multi-family.

10.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. Cemeteries.

2. Health and medical institutions, including convalescent, nursing and rest homes and hospitals.

3. Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" District.

4. Public utility and service uses, including but not limited to electric sub-stations, gas regulator stations, radio and television transmitting towers.

5. Sewage treatment plants.

6. Storage Rental Units.

7. Telephone transmission equipment buildings.

8. Filtration plants.

9. Railroad right-of-way.

10. Water reservoirs.

11. Lumberyard including mill work.

12. Philanthropic and charitable institutions.

13. Day care centers and nursery schools.

14. All other uses of a similar character as may be determined by the Board of Adjustment.

15. Light Manufacturing Operations - where the entire operation is conducted within a building and providing 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 emission of dust, fumes, gas, odor or smoke.

10.040 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.
2. Home Occupations - See Article 19.

10.50 LOT SIZE

Except as otherwise provided in Article 10 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

1. Lot Area:

A. Single family dwelling	5,000 Square Feet
B. Two family dwelling	6,000 Square Feet
C. Multiple family dwelling	6,000 Square Feet for the first two units and an additional 1,500 Square Feet for each dwelling unit thereafter.
D. Other permitted uses	5,000 Square Feet

2. Lot Width:

A. Single family dwelling.	50 feet
B. Two family dwelling.	60 feet
C. Multiple family dwelling.	100 feet
D. Row dwellings	
-3 Units	85 Feet
-Each Additional Unit	Add 25 feet
E. Other Permitted Uses	50 feet

3. Lot Depth: 100 feet

0.060 LOT COVERAGE

The maximum lot coverage by all buildings, principal and accessory, shall not exceed ninety (90) percent.

1. Minimum Open Space: The total land area devoted to open space shall not be less than ten (10) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped areas, interior and exterior malls, pedestrian walks and ornamental structures, when part of the landscaping theme. Open space will not include structures or buildings, off-street parking areas, loading areas and access drives.

10.070 YARD REQUIREMENTS

Except as otherwise provided in Article 23 of this Ordinance, the following minimums shall apply:

1. Front Yard Regulations

   A. There shall be a front yard having a depth of not less than twenty-five (25) feet.

   B. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard bordering either street.

2. Side Yard:

   A. A six-foot side yard setback is required on only one side of the property for residential uses. A 12-foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance.

3. Rear Yard:

   A. 10 feet.

10.080 HEIGHT REGULATIONS

Except as otherwise provided in Article 23 of this Ordinance, no building shall exceed forty-five (45) feet in

height.

10.90 LANDSCAPE REQUIREMENTS

1. Six (6) foot high opaque screen or screen planting installed and maintained when a parking lot or vehicle storage area abuts an "R" District. The Planning & Zoning Commission shall have the authority to reduce the height of the screen to four (4) feet.

    a. Exception: When adjacent use is non-residential or when adjacent use is for parking; or any required front yard.

2. The opaque screen or screen planting on corner lots shall not hinder the vision of motorists approaching a street intersection, but shall be reduced at the discretion of the Planning and Zoning Commission.

10.100 LIGHTING REQUIREMENTS

1. All lighting used to illuminate off-street parking areas shall be so shielded or otherwise optically controlled so as to provide glareless illumination in such a manner as not to create a nuisance on adjacent "R" Districts.

10.110 OFF STREET PARKING & LOADING

See Article 20.

10.120 SIGNS

See Article 21.

10.130 SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22.

10.140 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 11

"C-2" ADMINISTRATIVE/PROFESSIONAL BUSINESS DISTRICT

SECTIONS:

11.010 Purpose and Intent
11.020 Permitted Uses
11.030 Conditional Uses
11.040 Accessory Uses
11.050 Lot Size
11.060 Lot Coverage
11.070 Yard Requirements
11.080 Height Regulations
11.090 Parking Requirements
11.100 Signs
11.110 Supplemental Development Standards
11.120 Exceptions and Modifications

11.010 PURPOSE AND INTENT

The C-2 Administrative-Professional Business District is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts and retail business area for the location and development of administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public and no manufacture, exterior display or selling of merchandise to the general public.

11.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "C-2" District.

1. Multiple dwellings, apartment buildings, town houses, group or row houses and high rise apartment buildings.

2. Boarding and lodging houses, convalescent and nursing homes.

3. Hospitals.

4. Institutions of a religious, educational, charitable or philanthropic nature.

5. Private clubs and lodges, except those the chief activity of which is a service customarily carried on as a business.

6. Medical offices and clinics.

7. Offices for administrative, executive professional, research or similar organization, and laboratories having only limited contact with the general public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

8. Residential - improvements including additions, remodeling, new roofing and siding, and necessary buildings; but not including new construction of primary single family and two-family residential

structures.

11.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. The significant alteration of a residence to allow for a permitted or a conditional use.
2. Banks and Savings and Loan Institutions.
3. Bed & breakfast homes and bed & breakfast (expanded services).
4. Mortuaries.
5. Music studios.
6. Photographic studios.
7. Interior decorating studios.
8. Day nurseries provided that not less than fifty (50) square feet of outside play space per pupil be provided and when completely enclosed within a chain link or approved equal fence at least five (5) feet in height.
9. Emergency Public Services -- to include fire stations, Police departments, ambulance garages and like services, and to allow for attached living quarters for such services:
10. Construction of new single family and two-family residential homes.
11. All other uses of a similar character as may be determined by the Board of Adjustment.

11.40 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.
2. Home occupations - See Article 19.

11.050 LOT SIZE

There shall be no minimum lot dimensions in a "C-2" Administrative - Professional District.

11.60 LOT COVERAGE

1. Not more than fifty (50) per cent of a lot or plot shall be occupied by buildings.
2. Except that any lot in a C-2 District which is located adjoining any C-l Highway Commercial District or C-3 Central Business District, in which a lot coverage greater than fifty (50) per cent is allowed, the lot coverage of that District may be used.

11.70 YARD REQUIREMENTS

1. Front Yard Regulations:

   A. There shall be a front yard having a depth of not less than twenty (20) feet.

   B. There shall be a front yard having a depth of at least thirty-five (35) feet on a lot or plot that abuts a thoroughfare, as shown on the adopted Land Use Plan.

   C. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard bordering either street.

   D. Except that any lot in a C-2 District which is located adjacent to or adjoining any C-l Highway Commercial District or C-3 Central Business District, in which a front yard of less than twenty (20) feet is allowed, the front yard of that District may be used.

2. Side Yard Regulations:

   A. There shall be a side yard, on each side of a building, having a width of not less than ten (10) feet.

   B. Except that no building shall be located within fifteen (15) feet of any side lot line abutting a lot in any R-l, R-2, R-3, or R-4 District.

   C. Except that any lot in a C-2 District which is located adjoining any C-l Highway Commercial District or C-3 Central Business District, in which a side yard of less than ten (10) feet is allowed, the side yard of that District may be used.

3. Rear Yard Regulations:

   A. There shall be a rear yard having a depth of not less than twenty (20) feet.

   B. Except that any lot in a C-2 District which is located adjoining any C-l Highway Commercial District or C-3 Central Business District, in which a rear yard of less than twenty (20) feet is allowed, the rear yard of that District may be used.

11.080 HEIGHT REGULATIONS

Except as otherwise provided in Article 23 of this Ordinance, no building shall exceed forty-five (45) feet in height.

11.090 PARKING REQUIREMENTS

See Article 20.

11.100 SIGNS

See Article 21.

11.110 SUPPLEMENTAL DEVELOPMENT STANDARD

See Article 22.

11.120 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 12

"C-3" CENTRAL BUSINESS DISTRICT

SECTIONS:

12.010 Purpose and Intent
12.020 Permitted Uses
12.030 Conditional Uses
12.040 Accessory Uses
12.050 Lot Size
12.060 Yard Requirements
12.070 Height Regulation
12.080 Parking Requirements
12.090 Signs
12.100 Supplemental Development Standard
12.110 Exceptions and Modifications

12.010 PURPOSE AND INTENT

The C-3 Central Business District is established to provide a District of concentrated retail commercial and service uses that are intended to service the needs of the local trade area. The "C-3" District is intended to be located only in the downtown area of the City and to be expanded out from that central area in an orderly and progressive manner as demand for additional commercial land is generated.

12.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "C-3" District.

1. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods. Restaurants are exempt from this requirement.

2. Offices and clinics.

3. Automotive sales.

4. Hotels and motels.

5. Publicly owned and operated buildings.

6. For properties abutting Chestnut Street, North of 7th Street, Second Story and above: Dwellings: Single-family, two-family, and multi-family.

12.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. Public utility and service uses, including but not limited to electric sub-stations, gas regulator stations, radio and television transmitting towers.

2. Telephone transmission equipment buildings.

3. Railroad right-of-way.

4. Day care centers and nursery schools.

5. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastic precious or semiprecious metals, textiles and yarn provided 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 emission of dust, fumes, gas, odor, or smoke.

6. Lumberyard provided that the operation is conducted within the building or screened area.

7. Railroad freight stations, trucking or motor freight terminals provided that service yards or docks are at least 100 feet from an "R" District.

8. Automobile repair garage doing major repair.

9. All other uses of a similar character as may be determined by the Board of Adjustment.

10. Churches.

11. For properties abutting Chestnut Street, North of 7th Street, First Story: Dwellings: Single-family, two-family, and multi-family.

12.040 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

1. Accessory uses - See Article 17.

2. Home occupations - See Article 19.

12.050 LOT SIZE

Except as otherwise provided in Article 23 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

Except as otherwise provided in Article 10 of this Ordinance, no building shall be erected or altered on a lot which makes provisions for less than the following:

1. Lot Area:

A. Single family dwelling	5,000 Square Feet
B. Two family dwelling	6,000 Square Feet
C. Multiple family dwelling	6,000 Square Feet for the first two units and an additional 1,500 Square Feet for each dwelling unit thereafter.
D. Other permitted uses	5,000 Square Feet

2. Lot Width:

A. Single family dwelling.	50 feet
B. Two family dwelling.	60 feet
C. Multiple family dwelling.	100 feet
D. Row dwellings	
-3 Units	85 Feet
-Each Additional Unit	Add 25 feet
E. Other Permitted Uses	50 feet

3. Lot Depth: 100 feet

12.060 YARD REQUIREMENTS

Except as otherwise provided in Article 23 of this Ordinance, the following minimums shall apply:

1. Front Yard - 25 feet
   A. One, two and multiple family - 25 feet

   B. Other permitted uses - none

2. Side Yard:
   A. A six foot side yard setback is required on only one side of the property for residential uses. A 12 foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance.

3. Rear Yard:
   A. Residential - 30 feet

   B. Other permitted uses - none

12.070 HEIGHT REGULATIONS

Except as otherwise provided in Article 23 of this Ordinance, no building shall exceed forty-five (45) feet in height.

12.080 PARKING REQUIREMENTS

See Article 20.

12.090 SIGNS

See Article 21.

12.100 SUPPLEMENTAL DEVELOPMENT STANDARDS

See Article 22.

12.110 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 13

"I-1" LIGHT INDUSTRIAL DISTRICT

SECTIONS:

13.010 Purpose and Intent
13.020 Permitted Uses
13.030 Conditional Uses
13.040 Accessory Uses
13.050 Lot Size
13.060 Lot Coverage
13.070 Yard Requirements
13.080 Height Regulations
13.090 Parking Requirements
13.100 Signs
13.110 Supplemental Development Standard
13.120 Exceptions and Modifications

13.010 PURPOSE AND INTENT

The Light Industrial District is established to provide areas in the City in which Light Industrial or manufacturing firms can engage inprocessing, assembling, manufacturing, warehousing and storage, and for related incidental service facilities. The activities conducted in this district will create no obnoxious sounds, glare, dust, or odor.

13.20 PERMITTED USES

The following uses and structures, and no others, are permitted in the "I-1" District.

1. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke or other air pollutants.

2. Storage, manufacture, compounding processing, packing, and or treatment of products, exclusive of rendering or refining of fats or oils.

3. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.

4. Assembly of appliances and equipment, including manufacture of small parts.

5. Wholesale distribution of all standard types of prepared or packaged merchandise.

6. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence of six feet in height.

7. Contractors' offices and storage of equipment.

8. Public or private utility substations, relay stations, etc.

9. Recycling or repurposing of materials provided that the recycled or repurposed materials do not remain on the site for more than 30 days.

13.30 CONDITIONAL USES

The following uses and structures shall be permitted when authorized by the Board of Adjustment.

1. Microwave Towers.
2. Radio Towers.
3. Ready-mix Concrete and Asphalt Mix Plants.
4. Television Towers.
5. All other uses of a similar character as may be determined by the Board of Adjustment.

6. Cellular towers and facilities andequipment.

7. Solar and wind facilities andequipment.

13.040 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.
See Article 17.

13.050 LOT SIZE

There is no minimum lot size requirement.

13.060 LOT COVERAGE

There shall be no requirements except as may be dictated by setback requirements.

13.70 YARD REQUIREMENTS

1. Front Yard Regulations
   A. There shall be a front yard having a depth of not less than twenty five (25) feet.

   B. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard bordering eitherstreet.

2. Side Yard:
   A. No side yard shall be required for uses permitted in this district except where such abuts a residential district, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the residential district.

3. Rear Yard:
   A. No rear yard shall be required for uses in this district except where the district abuts a residential district, in which case there shall be a twenty (20) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10) feet.

13.80 HEIGHT REGULATIONS

1. Maximum height for structures shall be seventy-five (75) feet.

2. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building on structure shall not exceed forty-five (45) feet in height.

13.090 PARKING REQUIREMENTS

See Article 20.

13.100 SIGNS

See Article 21.

13.110 SUPPLEMENTAL DEVELOPMENT STANDARDS

1. Buffer Strip: Whenever the "I-1" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain a six (6) foot high fence to serve as a screen between the residentially zoned property.

13.120 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 14

"I-2" HEAVY INDUSTRIAL DISTRICT

SECTIONS:

14.010 Purpose and Intent
14.020 Permitted Uses
14.030 Conditional Uses
14.040 Accessory Uses
14.050 Lot Size
14.060 Lot Coverage
14.070 Yard Requirements
14.080 Height Regulations
14.090 Parking Regulations
14.100 Signs
14.110 Supplemental Development Standard
14.120 Exceptions and Modifications

14.010 PURPOSE AND INTENT

The "Heavy Industrial District" is established to provide areas in the City where heavy industrial, manufacturing, and other firms can engage in processing, manufacturing, and related activities protected from the encroachment of residential uses. This District is intended to allow extensive obnoxious sounds, glare, dust, or odor. Certain extremely obnoxious or hazardous uses will require special permission to locate in this District.

14.020 PERMITTED USES

There may be any use, excluding residential and mobile homes.

14.30 CONDITIONAL USES

The following uses and structures may be permitted when authorized by the Board of Adjustment.

1. Auto wrecking yards, junk yards, and scrap processing yards subject to the following:

A. Located on a tract of land at least three hundred (300) feet from a residential district zone.

B. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid fence or wall. The fence or wall shall be of uniform height (at least six (6) feet high), uniform texture and color and shall be so maintained, by the proprietor, as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, Junk, or other material within the yard.

C. No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently outside the enclosing building, hedge, fence, or wall, or within the public right-of-way.

D. Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department and City Council. Said burning, when permitted, shall be done during daylight hours only.

2. Manufacturing or storage of bulk oil, gas, and explosives.
   A. Petroleum refining.
3. Microwave Towers, Radio Towers, Television Towers, Electric Power Plants, Telephone Transmission Buildings.
4. Stock yard and slaughter houses.
5. Poultry storage or slaughtering.
6. Acid manufacture.
7. Cement, lime, gypsum or plaster of paris manufacture.
8. Distillation of bones.
9. Explosive manufacture or storage.
10. Fat rendering.
11. Fertilizer manufacture.
12. Gas manufacture.
13. Glue manufacture.
14. Smelting of tin, copper, zinc, or iron ores.
15. Other uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, noise, or vibration and so determined by the Board of Adjustment.
16. Cellular towers and facilities and equipment..
17. Solar and wind facilities and equipment.

14.040 ACCESSORY USES

Accessory uses incidental to and on the same zoning lot as the principal use.

See Article 13.

14.050 LOT SIZE

There is no minimum lot size requirement.

14.060 LOT COVERAGE

There shall be no requirements except as may be dictated by setback requirements.

14.70 YARD REQUIREMENTS

1. Front Yard:

   A. No front yard shall be required for uses permitted in this district.

2. Side Yard:

   A. No side yard shall be required for uses permitted in this district except where such use abuts a residential district, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the residential district.

3. Rear Yard:

   A. No rear yard shall be required for uses in this district except where the district abuts a residential district in which case there shall be a twenty (20) foot rear yard provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10) feet.

14.80 HEIGHT REGULATIONS

1. Maximum height for structures shall be seventy-five (75) feet.

2. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.

14.090 PARKING REGULATIONS

See Article 20.

14.100 SIGNS

See Article 21.

14.110 SUPPLEMENTAL DEVELOPMENT STANDARD

See Article 22.

14.120 EXCEPTIONS AND MODIFICATIONS

See Article 23.

ARTICLE 15

"F" FLOOD PLAIN OVERLAY DISTRICT

15.010 CODE OF ORDINANCES REFERENCE

Refer to the City of Atlantic Code of Ordinances Chapter 160 "Flood Plain Regulations."

ARTICLE 16

"PUD" PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SECTIONS:

16.010 Statement of Intent
16.020 Permitted Uses
16.030 Minimum Requirements
16.040 Supplementary and Bulk Regulations
16.050 Off-Street Parking Requirements
16.060 Review Application Procedure
16.070 Processing Procedure
16.080 Preliminary Plan Referral to Planning & Zoning Commission
16.090 Changes in Approved Plan

16.010 STATEMENT OF INTENT

The "P.U.D." District is intended and designed to provide a means of the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility anddiversification ofland uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is further 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 zoning standards as set forth in this ordinance and statutes concerning light and air, recreation and open space, and building coverage be preserved.

It is the intent of the City of Atlantic that the planned residential, commercial and industrial development be encouraged for areas of the community, as appropriate, in particular those areas of the community now undeveloped and those areas which in time would be annexed to the City.

16.20 PERMITTED USES

Normal permitted uses are those of a residential character including single-family (detached or attached), two family and/or multiple family dwellings, and the usual accessory buildings, such as garages, storage space, maintenance structures, and buildings for recreational purposes. The same applies for commercial uses.

A. It must be so designed to reflect the character of the development; and,

B. In any district more than one principal structure may be erected on a lot.

1630 MINIMUM REQUIREMENTS

A. Open Space Requirements. A major portion of any PUD is its open space. The desirability is closely tied to the integration of open space with the total development. A minimum of 20 percent of the land area shall be retained for common open air recreational uses and other usable open space. Quality standards acknowledge the separate and multiple functions of open space; active recreation, passive recreation, and preservation of natural site amenities. In designing a PUD, consideration shall be given to such functions. The term open spaces shall not include space devoted to streets and parking of the developer and City. Such conveyance may be by dedication or easement.

B. Yard Requirements. The minimum lot and yard and setback requirements of the conventional zoning districts in which the development is located shall not apply, except that minimum yards specified in the conventional district for suitable screening or buffering shall be provided around the boundary of the development. In the absence of any appropriate physical barrier, the Council may require open space or screening be located along all or a portion of the development boundary. While the minimum yard requirements of the conventional zoning district in which the development is located do not apply, a minimum distance of ten feet between buildings shall be observed.

C. Maximum Density. The maximum number of dwelling units permitted in a "P.U.D." development district shall be determined bydividing the net development area bythe following maximum densities:

Zoning Classification Maximum Density

R-1 7,500 sq. ft. per unit

R-2 Single family detached dwelling unit
5,600 sq. ft. perunit;
All other units 3,700 sq. ft. per unit

R-3 Single family detached dwelling unit
4,500 sq. ft. per unit;
All other units 2,800 sq. ft per unit

R-4 Single family detached dwelling unit
3,600 sq. ft. perunit;
All other units 1,900 sq. ft. per unit

Net development area shall be determined by subtracting from the gross development area any area proposed for streets.

If the development contains two or more zoning district classifications, the number of dwelling units permitted shall be determined by adding the maximum dwelling units allowable for each proportional part, but the dwelling units may be located within the development irrespective of the conventional zoning district classification of any particular area. However, if the development area includes land in a Flood Plain District, maximum of thirty (30) percent of such land may be used in determining the number of dwelling units that can be built within the entire development. No dwelling shall be placed on land zoned "F" in an "P.U.D." development.

E. Height Limitations. There shall be no maximum height requirements. However, heights shall be regulated to the extent that it is related to the proposed development and to the general area within which the development is proposed to be located.

F. Other Considerations. A number of major factors should undergo evaluation as a portion of design standards. Theseinclude:

1. Natural drainage areas shall be retained as appropriate and, if necessary, improved.

2. Due consideration shall be given to preserving natural site amenities and minimizing the disturbance to the natural environment.

3. Existing trees shall be preserved wherever possible. The location of the trees is to be

considered in designing building locations, underground services, and paved areas.

4. If the development includes flood plain areas, they shall be preserved as permanent open spaces.

5. Due consideration shall be given to the natural topography and major grade change shall be avoided. If the development includes hillsides and slopes, special evaluation shall be given to geological conditions exist, and topsoil loss. If unfavorable development conditions exist, the City Council may restrict clearing, cutting, filling, or other substantial changes in the natural conditions of the affected area.

16.040 SUPPLEMENTARY AND BULK REGULATIONS

No part of an area required for the purpose of complying with the provisions of this section shall be included as an area required for another lot.

16.050 OFF-STREET PARKING REQUIREMENTS

Two parking spaces per single unit dwelling and two parking spaces per unit for two or more unit dwellings. All other permitted uses shall be as required by Article 20.

16.60 REVIEW APPLICATION PROCEDURE

The reviewing and processing of any proposed P.U.D. shall be in two steps.

A. Pre-Application Conference. Prior to any application for P.U.D. plan approval, contact shall be made with the Zoning Administrator, for a pre-application conference. It is advised that the conference occur prior to an extensive financial expenditure on the part of the developer. The purpose of the meeting is to inform appropriate City staff on the proposed development and to inform the developer about various City ordinances, applicability of the proposed development, timing of procedure, and any other pertinent information appropriate to the proposal. To this end, the developer must outline the proposal in schematic and/or written form for discussion purposes. Areas of consideration include, but are not limited to:

1. General discussion of project, building types, timing of development.

2. Proposed land uses and density ranges.

3. Conformance to Land Use Policy Plan.

4. Utility and street arrangements and patterns.

5. Proposed open space and recreational facilities and review of natural amenities to be preserved such as hill forms, wet lands, wooded areas, and water courses.

Subsequent to the meeting, the developer will be furnished, as appropriate, with any comments regarding the meeting including recommendations to inform and assist the developer in the processing of the proposed plan. No oral, written or schematically illustrated statements made during the course of the conference shall be held as legally binding. The City Council is the only authorized approval body, upon recommendation of the Planning and Zoning Commission.

Upon written request and approval by the City Council, an additional 60 days may be granted for a recommendation. All technical assistance to the Planning and Zoning Commission on the application shall be coordinated by the Citystaff.

The P.U.D. application shall include the following written and visual materials:

1. A written request and approval by the City Council, an additional 60 days may be granted for a recommendation. All technical assistance to the Planning and Zoning Commission on the application shall be coordinated by the City staff.

2. A site development plan containing the following:

    a. The proposed name of the area and the name(s) and address ofthe application(s).

    b. Legal description of the total site being developed along with the seal of the registered land surveyor making the plat.

    c. Total acreage and the location of the proposed land to be developed.

    d. The location and size of the land to be retained as common open space.

    f. The existing and proposed public and/or private street and sidewalk system.

    g. The location and size of water and sanitary sewer lines.

    h. Provisions for the disposition of storm water or surface runoff.

    i. A statement of quantitative data including total number and types of structures to be constructed on the site, individual parcel sizes, lot coverage's, gross and net residential densities, areas reserved for open space and recreation, and off-street parking areas.

    j. Projected schedule for development (construction schedule).

3. Site supporting information to include as, appropriate:

    a. Any water course areas.

    b. Unique natural features.

    c. Unique historical sites.

    d. General vegetation cover.

    e. Soil suitability.

4. Other information to be submitted with application:

    a. A landscape plan delineating the proposed treatment of the site.

    b. Representative floor plans and exterior elevations of proposed structures and buildings.

    c. Percent of residential and commercial (business) development in the Planning Unit Development.

d. Evidence that the developer is capable of successfully completing the proposed development.

e. Evidence that the proposed development is compatible with the surrounding area.

f. The substance of any covenants, grants, easements, or any other restrictions proposed to be imposed upon the land or building(s), including easements for public utilities.

16.070 PROCESSING PROCEDURE

The processing for P.U.D. approval shall be in accordance with the Subdivision Chapter of this Code.

1680 PLAN REFERRAL TO PLANNING AND ZONING COMMISSION

The application, accompanying evidence and preliminary plan shall be referred to the Planning and Zoning Commission for study and report after a public hearing. The Commission shall review the conformity of the proposed development with the and with recognized principles of civic design, land use planning, and landscape architecture. After a public hearing, the Commission may approve or disapprove the preliminary plan and request for rezoning as submitted, or require that the applicant amend the plan to preserve the intent and purpose of this ordinance to promote public health, safety, and general welfare.

A. Performance bond or bonds approved by the City legal department and Director of Finance in an amount not less than the estimated cost of the bonded improvements, which bond or bonds shall insure to the City that the dedicated public streets and utilities, including sewers, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan.

B. Additional easements or agreements required by the Council at the time of preliminary plan approval. Should changes be required, The final development plan and required documents shall be reviewed by the Commission, for compliance with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan.

16.090 CHANGES IN APPROVED PLAN

Changes of a minor nature may be made in an approved plan by the City staff. However, any proposed change of a major consequence is only authorized by City Council upon recommendation by the Planning and Zoning Commission.

Major changes shall include:

1. Non-conformance to the original approved statement of intent;

2. Any increase in density, numbers, and/or types of units;

3. Non-conformance to the original approved overall statement of intent of the landscape plan;

4. Any change in maximum height or change in location of structures or buildings.

If any proposed change is questionable whether it is a major or minor consequence, such determination shall be made by the City Council. A P.U.D. plan runs with the land and is binding on any and all interested parties from and after the time a P.U.D. is approved. No permits will be issued in an area that has been rezoned on application of owners representing that a P.U.D. will be submitted until the P.U.D. has been submitted and approved.

16.090 POWERS RESERVED BY THE PLANNING & ZONING COMMISSION AND CITY COUNCIL

No section of this Article nor any other Article in this Ordinance, nor any other City document shall be construed as limiting the authority of either the Planning & Zoning Commission or the City Council's right and responsibility to judge a P.U.D. application on its merit and exercise the right to pass judgment on said merit.

ARTICLE 17

ACCESSORY USES

SECTIONS:

17.010 Accessory Uses - Definition
17.020 Accessory Uses Permitted
17.030 Accessory Structures - General Restrictions
17.040 Fences and Walls
17.050 Private Swimming Pools
17.060 Satellite Dishes
17.070 Storage of Commercial Vehicles
17.080 Location of Boats, Boat Trailers, Campers, and Travel Trailers

17.010 ACCESSORY USES - DEFINITIONS

An accessory use is a use or structure which is incidental and subordinate to the principal structure or use on a lot or group of lots. Accessory uses are subordinate in area and purpose and are intended for the convenience or necessity of the occupants, business, or industry in the principal building or use. An accessory building shall not cover more than twenty-five percent (25%) of the lot area.

17.020 ACCESSORY USES PERMITTED

Accessory uses and structures may be permitted in any Zoning District provided such uses or structures conform to the definition in Section 17.010. Permitted accessory uses and structures include but are not limited to the following:

1. Buildings such as garages, carports, bath houses, gardening sheds, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

2. Children's playhouses.

3. Swimming pools.

4. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

5. Barbecue stoves, flagpoles, fences, walls, trellises, statuary, arbors, gazebos, greenhouses, fountains, porches and decks.

6. Commercial canopies, provided that said canopy is no closer than five (5) feet from the property line with setback determined by center posts.

7. Fallout shelters provided that they shall not be used for any other purpose.

8. Storage of boat trailers, boats, campers, camp trailers, and similar recreation equipment.

9. Off-street parking.

10. Satellite T.V. reception dishes.

11. Uses incidental to permitted hotels or motels such as clubs, gift shops, restaurants, etc.

12. Home occupations - See Article 19.

13. Tree homes are permitted but do not require a building permit. Tree homes may only be built in trees located within the property line of the property owner.

14. Residential convenience services for multi-family uses and mobile home parks.

15. Garage sales, provided that the frequency of such sales at any one location does not exceed one sale during a continuous, two month period or four sales during any 12 month period.

16. Living quarters of persons employed on the premises.

17. Pet kennels and homes. These do not require a building permit.

17.30 ACCESSORY STRUCTURES - GENERAL RESTRICTIONS

The following is a list of restrictions on accessory structures and shall override any:

1. A six (6) foot setback is required for accessory buildings on one side yard of the property, in addition to a twelve (12) foot minimum distance is from buildings located on abutting lots. Accessory buildings in C-3 district do not need to meet setback requirements.

2. No accessory building shall be constructed within the front yard setback.

3. On corner lots, accessory structures and uses shall conform to setback requirements on both street frontages.

4. The maximum height of any accessory residential building shall be twenty eight (28) feet.

17.040 FENCES, WALLS AND HEDGES

Fences (i.e., masonry walls, ornamental iron, chain link, open wood, solid wood, metal, vegetation, etc.) placed on private property, used for any purpose, and shall conform to the following requirements:

1. General requirements for all zoning districts,

   A. No fence placed on any lot shall project over the property line.

   B. No fence or obstruction shall be placed in the public right-of-way.

   C. The height of the fence shall be measured from the grade on which the fence is placed.

   D. The finished side of any fence shall be directed toward the street right-of-way and adjoining properties.

   E. No fence shall be placed within a vision clearance triangle having two (2) sides of 35 feet each running along the edges of the pavement or curbs of such streets to form a point in the intersection. (See Exhibit No.17.040A).

   F. No fence shall be placed within three (3) feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.

G. Fences made of lumber or metal shall either be of newly acquired or reconstituted materials. Junk and debris shall not be considered a fence.

2. General requirements for R-2, R-3, R-4, R-5, R-6 and P.U.D

A. In a front yard, the height of a fence shall not exceed four (4) feet, unless its placement meets the setback requirements for principal and accessory structures.

i. No solid or opaque fence shall be placed within a front yard or street side yard which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.

B. In a side yard or rear yard, the height of a fence, excepting vegetation fences, shall not exceed six (6) feet. Properties abutting an active railroad may erect a fence up to eight (8) feet in height.

3. General requirements for R-l districts:

A. Barbed wire fences 0 to 6 feet in height are permitted in R-l for agricultural use only.

B. Electrically charged fences located within the boundaries of a conforming fence are permitted in R-l districts for agricultural uses only.

4. General requirements for C-l, C-2, C-3, I-1, I-2.

A. For the Heavy Industrial District (I-2), a fence of twelve (12) feet with barbed wire shall be allowed as a permitted use.

B. For all commercial districts and the light industrial district (I-1) fences higher than six feet shall be considered as conditional uses.

5. Required fences.

A. An opaque fence shall be required where any conforming commercial or industrial use abuts a residential district. The fence shall be provided at the abutting side and rear property lines. The fence shall be provided by one of the following methods:

i. a wood, plastic, and/or masonry fence six (6) feet in height;

ii. a vegetation fence capable of providing a substantially opaque barrier and attaining a height of six (6) feet within three (3) years of planting;

iii. a landscaped earth berm with a maximum slope of 3 to 1 horizontal/vertical, six (6) feet above the existing grade of the property line separating the zoning districts; or

iv. any combination of the described methods that achieves a cumulative height of six (6) feet.

6. Maintenance. Upon placement of a fence, appropriate measures shall be taken by the owner of the fence to ensure continued maintenance.

17.050 PRIVATE SWIMMING POOLS

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all property lines and shall be completely surrounded by a fence or wall having a height of at least six (6) feet. There shall be no opening larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices. Swimming pools, spas, hot tubs and Jacuzzis are not allowed in front yard setback requirements.

17.060 SATELLITE DISHES

Satellite T.V. reception dishes shall be located in rear yards only.

17.070 STORAGE OF COMMERCIAL VEHICLES

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of ten (10) tons shall be stored or parked on any lot or parcel within any residential zone; nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone.

17.080 LOCATION OF BOATS, BOAT TRAILERS, CAMPERS, AND TRAVEL TRAILERS

Boats, boat trailers, campers, or travel trailers shall not be placed, kept, stored, or maintained within the front yard area of any residential district. Boats and such recreational equipment shall not be located within the clear vision of any corner lot. The front yard area may be used for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a proven guest of the occupants of the premises.

ARTICLE 18

NONCONFORMING USES

SECTIONS:

18.010 Nonconforming Uses - Definition
18.020 Nonconforming Uses Permitted to Continue
18.030 Nonconforming Uses to be Discontinued
18.040 Maintenance and Repair

18.010 NONCONFORMING USES - DEFINITION

Any building or land lawfully occupied by a use, at the time of the effective date of this Zoning Ordinance or amendments hereto, which does not conform with the regulations of the district in which it is situated.

18.020 NONCONFORMING USES PERMITTED TO CONTINUE

1. The lawful use of land:

   A. Existing at the time of the adoption of this Zoning Ordinance.

   B. Existing at the time of annexation of a particular area of the corporate limits of the City of Atlantic.

   C. Existing at the time an amendment is made to the Zoning Ordinance so as to transfer the land to a more restricted district, as the case may be, may be continued, although such use does not conform to the provisions of this Zoning Regulation as amended, but if such nonconforming use or a more restricted use to which a change as hereafter provided is discontinued for a period of one year, any future use of said premises shall be in conformity with provisions of the Zoning Ordinance of the City of Atlantic, Iowa.

2. The lawful use of a building existing prior to the effective date of this Zoning Ordinance as set forth in this Article may be continued although such existing use does not conform with the provisions of the zoning regulations as amended, and such existing use may be continued throughout the building. The existing use is defined as that entire category in which that use may be classified. A nonconforming use of a building may be changed to another nonconforming use of the same of more restricted classification. The foregoing provision shall also apply to nonconforming uses in any district hereafter changed. The substitution of one nonconforming use for another must be approved by the Board of Adjustment. (See-Article 25)

3. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.

4. The nonconforming use of a building or premises for the purpose of dismantling or wrecking automobiles or other vehicles of any kind, or for the purpose of storing junk, scrap iron, and scrap material, including dismantled and wrecked automobiles or other vehicles,

or other types of open storage, and which is located in other than "1-2", Heavy Industrial District, shall be discontinued and the buildings or premises thereafter devoted to a use permitted in the district in which such buildings or premises are located, within five (5) years from the effective date of this Ordinance.

5. Residential properties in industrial zones shall not be considered nonconforming uses and may be completely rebuilt ifdestroyed.

6. All properties, principal and accessory, may be rebuilt to original designs, regardless of setback conformance unless the property has been rezoned to a different use by the City.

18.40 MAINTENANCE AND REPAIR

1. Routine maintenance and repair may be permitted. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure.

18.50 HOLDING RESIDENTS HARMLESS FOR CITY STAFF ERRORS

1. The City shall consider all permitted construction in Atlantic having been completed prior to the effective date of this Ordinance to have been in conformance with the zoning codes active at the time. Non-conforming structures shall be allowed to continue, with reconstruction and additions added to the property, provided the construction was completed prior to the effective date of the new zoning ordinance.

ARTICLE 19

HOME OCCUPATIONS

SECTIONS:

19.010 Definition
19.020 Home Occupation Permit Required
19.030 Procedure
19.040 Conditions
19.050 Home Occupations Permitted
19.060 Home Occupations Prohibited
19.070 Fees
19.080 Noncompliance
19.090 Appeal
19.100 Business License Required

19.010 DEFINITION

The term "Home Occupations" shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which uses is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

19.020 HOME OCCUPATION PERMIT REQUIRED

To assure compliance with the provisions of this Zoning Ordinance and to protect the character of residential neighborhoods in the City of Atlantic, a Home Occupation Permit shall be obtained from the Zoning Administrator.

19.030 PROCEDURE

When applicable, the Zoning Administrator may issue a Home Occupation Permit which shall state the Home Occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the applicant will meet all of the conditions listed below, and that the applicant has agreed in writing to comply with all said conditions.

19.40 CONDITIONS

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Permit:

1. Persons who are not bonafide residents of the premises shall not be employed on said premises.

2. The Home Occupation shall be conducted wholly within the structures on the premises

3. Inventory and supplies for the Home Occupation shall not occupy more than fifty (50) percent of the permitted area.

4. Only one sign shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed the allowable square footage area established in Article 21 and shall be non-illuminated.

5. No display of any kind shall be visible from the exterior of the premises.

6. No mechanical or electrical apparatus, equipment, or large unlicensed machinery shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts.

7. The Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

8. The Home Occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

9. The Home Occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, or vibrations.

10. Any special condition established and made of record in the Home Occupation permit, as they deem necessary to carry out the intent of this Section, shall be met.

11. All Home Occupation permits shall be valid continuously without renewal provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the Zoning Administrator, require termination of said permit.

19.50 HOME OCCUPATIONS PERMITTED

Customary home occupations include, but are not limited to, the following list of occupations.

1. Dressmakers, seamstresses, and tailors.

2. Music teachers, provided that instruction shall be limited to one pupil at a time except for occasional groups.

3. Artists, sculptors, authors, or composers.

4. Ministers, rabbis, and priests.

5. Office facilities for accountants, salesmen, sales representatives, and manufacturer's representatives; when no retail, wholesale, or exchange of goods are made or transacted on the premises.

6. Home crafts, such as model making, rug-weaving, lapidary work, cabinet making, etc., provided that machinery or equipment shall be used or employed, other than that which would customarily be found in the home shall include machinery or equipment that would customarily be employed in connection with a hobby or a vocation not conducted for gain or profit.

7. Day care homes, provided such homes shall have all yard areas enclosed that are devoted to such use.

8. Barber or beauty shops, provided that the service is limited to one chair and one operator only.

9. Garage, rummage sales, or similar activities provided no more than four such events occur per calendar year. This use does not require a home occupation permit.

10. Massage therapists and similar personal services.

19.60 CONDITIONAL USES

The following conditional uses may be granted by the Board of Adjustment:

1. Sale of guns and similar weapons.

   A. Prior to applying for a Conditional Use Permit, the sale of guns and rifles must first be approved by the Federal Bureau of Alcohol, Tobacco and Firearms (ATF) or its successive federal agency.

   B. Signs advertising for this use are prohibited on the property.

   C. Weapons must be held in a locked and secure area and removed only for maintenance, sale, transport or briefly for view by prospective buyers.

19.70 HOME OCCUPATIONS PROHIBITED

Permitted home occupations shall not in any event be deemed to include:

1. Dancing schools.
2. Funeral homes.
3. Nursery schools and group day care centers, unless specifically permitted by the District Regulations.
4. Restaurants.
5. Stables or kennels.
6. Tourist homes, unless specifically permitted by the District Regulations.
7. Renting of trailers.
8. Medical or dental clinics or hospitals.
9. Animal kennels or hospitals.
10. Barber and beauty shops employing more than one chair and one operator.

19.080 FEES

A fee as prescribed in Article 26 shall accompany the initial application for a Home Occupation Permit.

19.090 NONCOMPLIANCE

Any Home Occupation permit shall be revoked by the Zoning Administrator upon violation of any requirements of this Article, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within one (1) week of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Article, not withstanding compliance to the violation notice.

19.110 APPEAL

In the event of denial of any permit, or of the revocation thereof, or of objection to the limitations placed thereon, appeal may be made to the Planning and Zoning

Commission in accordance with the provisions of this Zoning Regulation.

19.120 BUSINESS LICENSE

A Home Occupation permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the City or any other public agency.

19.130 PERMIT POSSESSION

Possession of the home occupation permit shall rest with the property owner and not the property, and is non-transferable.

ARTICLE 20

OFF-STREET PARKING AND LOADING

SECTIONS:

20.010 Purpose and Intent
20.020 Jurisdiction
20.030 Applicability
20.040 Off-street Parking Regulations
20.050 Number of Parking Spaces Required

20.010 PURPOSE AND INTENT

The purpose of this chapter is to protect the health, safety, and general welfare of the citizens, prevent traffic congestion and hazards, provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian, bicycle, and vehicular traffic, provide for attractive, secure, properly lighted, and well screened off street parking facilities, assure the mobility and access of emergency vehicles, provide for appropriately designed parking facilities in proportion to the needs generated by the varying types of land use, and minimize the negative visual impacts of large expanses of parking by reducing glare from parking lots through open space and landscaping around the parking areas.

20.020 JURISDICTION

The lawful use of parking facilities existing at the time of the enactment of this chapter (December 14, 2014) may be continued although such use may not conform to the regulations herein. For those parking facilities permitted before the adoption of these regulations, such facilities shall be classified as "permitted nonconforming" facilities. No permit shall be issued for any lot, tenant, or development after the effective date hereof and not in substantial conformity with the provisions of these regulations.

20.030 APPLICABILITY

In all districts, in connection with every industrial, commercial, business, recreational, or dwelling use, and all other uses, space for off street parking and storage of vehicles shall be provided in accordance with all of the following regulations except as elsewhere provided herein.

20.40 OFF-STREET PARKING REGULATIONS

All of the following standards shall apply to all off street parking:

A. Spaces Required: No structure or use shall be permitted or constructed unless off street parking spaces are provided in accordance with the provisions of this chapter.

B. Parking Area Arrangement and Markings: All parking areas shall be so arranged and marked so as to provide for orderly and safe loading or unloading, parking and storage of self-propelled vehicles.

C. Fractional Spaces: Fractional space requirements shall be rounded up to the next whole space.

20.050 NUMBER OF PARKING SPACES REQUIRED

Use	Parking Spaces Required
Auditorium/Theater/Events Center	1 space per 4 fixed seats, if no fixed seats, 20 spaces per 1,000 square feet
Automobile Sales/Service Garages	1 space per 400 square feet of retail floor area.
Banks, Business and Professional Offices	3 spaces per 1,000 square feet of gross floor area.
Bowling Alleys	5 spaces per lane.
Coffee Shop/Deli/Bakery	10 spaces per 1,000 square feet of gross floor area.
Convenience stores	5 spaces per 1,000 square feet of gross floor area.
Churches	1 space per 5 seats in auditorium or 1 space per 17 classroom seats, whichever is greater
Combine with other schools	
Dance Halls, Assembly Halls and Exhibition Halls without fixed seats	1 space per 100 square feet of space used for assembly
Dormitory, Fraternity, or Sorority Houses	1 space per 3 active members/residents plus 1 space per 3 full-time employees.
Drive-through lane	5 queuing spaces from order board for food related uses; 3 queuing spaces from window for all other uses
Dwellings, Single Family and Two-Family	2 spaces per dwelling unit.
Dwellings, Multiple Family	. 2 spaces per dwelling unit; 1 visitor space per 5 dwelling units.
Funeral Homes and Mortuaries	4 spaces per parlor or 1 space per 100 square feet of gross floor area.
Furniture and Appliance Stores	1 space per 800 square feet of floor area
Hospitals	3 spaces per 1,000 square feet in gross floor area.
Clinics with Beds, Nursing Homes, Rest Homes,	1 space per 2 beds plus 1 space per 3

and Institutional Homes	employees plus 1 space per staff doctor
Hotel or Motel	1 space per each living or sleeping unit* For a facility with a restaurant, requirements. restaurant
Industrial/Manufacturing Uses	1.5 spaces per 1,000 square feet of gross floor area.
Medical Clinics/ Offices (includes dental)	3 spaces per 1,000 square feet of gross floor area.
	3 spaces per 1,000 square feet of gross floor area.
Motor Vehicle and Machinery Repair, Sales or Wholesaling	1 space per 800 square feet of gross floor area.
Offices (providing no customer services or no sales conducted on premises)	1 space per 400 square feet of gross floor area.
Outdoor service, patio (restaurant/bar)	0 spaces up to 300 square feet, same as underlining use thereafter.
Personal Service Establishments including barber shops, beauty shops, shoeshine/shoe repair, custom dressmaking, tailor shops	1 space per200square feet of gross floor area.
Professional Offices/Business	. 3 spaces per 1,000 square feet of gross floor area
Public Buildings (should be similar to or same as “professional offices”)	. 3 spaces per 1,000 square feet of gross floor area
Restaurants, Bars, Taverns, and Nightclubs	15 spaces per 1,000 square feet of gross floor area (this could be adjusted if it is desired to separate restaurant/bar uses)
Retail Stores, except as otherwise specified herein	4 spaces per 1,000 square feet of gross floor area
Rooming and Boarding Houses, Lodging Houses, Clubs and Fraternity Housing with sleeping rooms	1 space per 2 tenants or 1 space per vehicle kept by a roomer, boarder, or tenant which is being parked on the premises, whichever is greater.
Schools, Private, Vocational, College, University etc.	1 space per classroom, 1 space per 4 student seats at capacity. Auditorium and gymnasiums, 1 space per 4 seats
Theaters/Auditorium/Events Center	1 space per 4 fixed seats, if no fixed seats, 20 spaces per 1,000 square feet
Warehouses and Wholesale Storage, Storage Facilities	2 spaces per employee on the maximum shift or 1 space per 1,000 square feet of gross floor area, whichever is greater

ARTICLE 21

SIGNS

SECTIONS:

21.010 Purpose and Intent
21.020 General Requirements
21.030 Design Standards
21.040 Signs in Residential Districts
21.050 Signs in Commercial and Industrial Districts
21.060 Monument Signs

21.010 PURPOSE AND INTENT

It is the intent of this regulation to control the construction, size, and uses of signs and outdoor advertising to prevent the needless cluttering of the appearance of the City by providing for reasonable number, location, size, and illumination of signs. The purpose of this article is to further the overall purposes of the Zoning Regulation.

21.20 GENERAL REQUIREMENTS

The following general requirements shall apply to all signs and outdoor advertising structures erected within the City, unless otherwise provided by this Zoning Regulation.

1. No persons shall erect, alter, construct, rebuild, remodel, relocate, or expand any sign or outdoor advertising structure in the City without first obtaining a sign permit from the Zoning Administrator, except as stated in this Article.

2. Signs shall not be permitted within the public right-of-way or easement.

3. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

4. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

5. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

6. Rotating and/or flashing signs shall not be permitted.

8. Prohibited signs and conditions.

    A. Banners, pennants, spinners, streamers (banners are permitted on a temporary

basis for grand openings and City holidays for no longer than 10 days)

B. Billboards

C. Neon lights, spot lights, strobe lights

D. Pole signs

E. Roof mounted signs

21.030 DESIGN STANDARDS

1. Signs, if illuminated, must be lit by internal fixtures unless an alternate method is approved by the Zoning Administrator (or Planning and Zoning Commission).

2. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.

3. Wind Pressure And Dead Load Requirements: All signs and sign structures shall be designed and constructed to withstand a wind pressure as regulated by the building code of the city, and shall be constructed to receive dead loads as required in the building code and/or other ordinances of the city. Temporary signs shall be excluded from dead load requirements as required above.

4. Clearance From Electric Lines: A clearance of not less than eight feet (8') horizontally and twelve feet (12') vertically shall be maintained between any sign and any overhead electrical transmission line.

5. Emissions Prohibited: No sign shall emit audible sound, noticeable odor, or smoke or other visible matter.

6. Obstruction Of Fire Exits, Light Or Ventilation: No sign shall be permitted to obstruct or interfere in any way with free use of any door, window, fire escape, nor to obstruct or impair operation of any opening required for light or ventilation.

7. Traffic Hazards: It is illegal for any sign to interfere with, obstruct the view of, or be of such design which may be confused with any authorized traffic sign, signal, or device; no sign shall imitate an official traffic sign or include the words "stop", "look", "caution", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse motorists.

21.40 SIGNS IN RESIDENTIAL DISTRICTS

No sign shall be erected in any RESIDENTIAL DISTRICT except:

1. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be

illuminated, and do not require a permit.

2. A sign pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated, and do not require a permit.

3. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed ten (10) days after completion of work, prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law. Such signs do not require a permit.

4. One sign located on the building, and one monument sign, per each street frontage, with each sign not to exceed twenty-four (24) square feet in surface area displaying information for churches, schools, hospitals, nursing homes, clubs, offices, libraries, similar uses, or other conditional uses. Such signs may be illuminated.

5. Directional unilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

6. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

7. Business signs located in Residential zones as Non-Conforming or Home Occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated or exceed two (2) square feet.

8. All requirements set forth in Section 21.050 Monument Signs as applicable.

21.50 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Signs may be erected in Commercial and Industrial Districts subject to the following provisions:

1. The gross surface area in square feet of business signs on a lot shall not exceed three times the lineal feet of frontage of the lot and each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a lot, structure, or street shall not exceed three times the lineal feet in the separate frontage.

2. Such advertising structure may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length.

3. Any sign located within three (3) feet of a driveway, parking area, or within fifty (50) feet of the intersection of two or more streets shall have its lowest elevation at least ten (10) feet above curb level.

4. Signs within fifty (50) feet of a residential district shall be affixed to be a part of the building.

5. On Corner lots, a maximum of one sign on each facade shall be allowed for a business or profession conducted on the premises.

6. No sign shall be allowed unless said sign is permanently affixed or anchored.

7. A sign may be permitted for a rear entrance of a building.

8. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Council and/or Zoning Administrator, they are not so maintained.

9. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way and such light shall be directed away from any RESIDENTIAL DISTRICT.

10. No sign shall project more than one (1) foot perpendicular to the building, with the exception of "under-marque" signs, which shall be limited in size to not more than five (5) feet in length and not to extend more than one (1) foot below the marque and not to reduce clearance under the sign to less than seven (7) feet six (6) inches. This Subsection 21.040-8 shall apply only in the C-3 Central Business District.

11. All requirements set forth in Section 21.050 Monument Signs as applicable.

21.60 MONUMENT SIGNS

1. Cutout Letters Or Figures; Copy Area Limited: All letters, figures, characters or representations in cutout or irregular form maintained in conjunction with, attached to, or superimposed on a monument sign shall be safely and securely built to or attached to the sign structure and shall comply with all requirements of the "design" and "maintenance" subsections of this chapter. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.

2. Sign Bases: All sign bases shall be designed and constructed of materials that are similar to those used on the principal building. Sign bases shall be dominated with materials of permanency and strength, such as brick, stone, block, or other masonry or concrete materials and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material.

3. Number of Signs: One sign shall be permitted on each lot of record; provided, however, if the frontage of such lot measured in a straight line along such street exceeds five hundred feet (500'), then two (2) such signs shall be permitted. A minimum distance of two hundred fifty feet (250') shall separate the two (2) permitted monument signs.

4. Setback Requirement: The minimum setback required for monument signs shall be five feet (5'). All signs shall have a side setback not less than the height of the sign. See table below for sign area calculations.

5. Sign Area: The total area of a sign shall be the actual square footage of one sign face. Double faced signs may be permitted with the maximum square footage permitted on each side. The maximum sign area of a monument sign shall not exceed twenty five (25) square feet; provided, however, the maximum sign area may be increased one square foot for each additional one foot (1') of setback over the minimum required

setback to a maximum sign area of one hundred (100) square feet. See table below for sign area calculations.

6. Height: The maximum height of a monument sign shall be five feet (5'); provided, however, the maximum height may be increased one foot (1') for each additional three feet (3') of setback over the minimum required setback to a maximum sign height of thirty feet (30'). See table below for sign area calculations. Where the street is substantially higher or lower than the proposed sign location, the city council may provide variations on the height requirement as described in this chapter. "Substantially" is defined, in this case, as a change in vertical distance greater than five feet (5').

7. Vertical Distance: The vertical distance between the sign face and the base shall not be greater than six inches (6").

8. Monolithic Or Columnar Line: Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of sixty percent (60%) of the entire width of the sign.

Table 21.060-1: Sign Area Table for Monument Signs

Setback (Feet)	Height (Feet)	Area (Square Feet)
5	5	25
6	5	26
7	5	27
8	6	28
9	6	29
10	6	30
11	7	31
12	7	32
13	7	33
14	8	34
15	8	35
16	8	36
17	9	37
18	9	38
19	9	39
20	10	40
21	10	41
22	10	42

23	11	43
24	11	44
25	11	45
26	12	46
27	12	47
28	12	48
29	13	49
30	14	50
31	14	51
32	14	52
33	15	53
34	15	54
35	15	55
36	16	56
37	16	57
38	16	58
39	17	59
40	17	60
41	17	61
42	18	62
43	18	63
44	18	64
45	19	65
46	19	66
47	19	67
48	20	68
49	20	69
50	20	70
51	21	71
52	21	72
53	21	73
54	22	74
55	22	75
56	22	76
57	23	77

58	23	78
59	23	79
60	24	80
61	24	81
62	24	82
63	25	83
64	25	84
65	25	85
66	26	86
67	26	87
68	26	88
69	27	89
70	27	90
71	27	91
72	28	92
73	28	93
74	28	94
75	29	95
76	29	96
77	29	97
78	30	98
79	30	99
80	30	100

ARTICLE 22

EXCEPTIONS AND MODIFICATIONS

SECTIONS:

23.010 Height
23.020 Front Yard
23.030 Side Yard
23.040 Rear Yard
23.050 Visibility at Intersections

22.10 HEIGHT

Height limitations stipulated elsewhere in this ordinance shall not apply:

1. To barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if, in the opinion of the Zoning Administrator, or his equivalent, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

2. To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six (6) stories of 75 feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

3. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

22.20 FRONT YARD

1. Front Yard Requirements Do Not Apply. To bay windows or balconies (does this include front porch?) occupying in the aggregate not more than 1/3 of the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, plantings, or similar features not over three (3) feet high above the average finished grade and distant feet from every lot line. A fence or hedge not exceeding three (3) feet in height shall be permitted within the front yard provided that such does not obstruct visions. The front yard shall apply to 60% of the frontage building line.

2. Permitted Variations. Permitted Variations. In any district where the average depth of two or more existing front yards on lots within sight distance of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lots shall not be less than the average of said existing front yards or the average depth of the two lots immediately adjoining, or, in case of a corner lot, the depth of the front yard

on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any "R" District shall be at least 10 feet and not exceed 60 feet."

22.30 SIDE YARD EXCEPTIONS AND MODIFICATIONS

1. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an "I" or "C" District abuts a lot in an "R" District, the side yard shall be increased by three (3) feet for each story that the building proposed on such lot exceeds the height limit of said "R" District.

2. Side Yards Shall be Increased. In width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any "R-2" District, or 50 feet in any "R-3" District. This could be included in the R-3 & R-2 sections

3. Side Yards May be Reduced. By three (3) inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2-1/2 stories, and in case the owner of record does not own any adjoining property. No side yard shall be narrower at any point than three (3) feet.

4. Structures or Projections into Side Yards May be Permitted as Follows: Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main building.

    A. Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than 1-1/2 feet.

    B. Terraces, steps, stoops, or similar features, not higher than the elevation of the ground story of the building and three (3) feet distant from a side lot line.

22.40 REAR YARD EXCEPTIONS AND MODIFICATIONS

1. Rear Yards May be Reduced. By three (3) inches from the required least depth for each foot by which a lot at the time of enactment of the ordinance is less than 100 feet deep, in the case of a building not higher than 2-1/2 stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than ten (10) feet deep.

2. Structures or Projections into Rear Yards may be Permitted as Follows: Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes, six (6) feet. Bays and balconies, not more than three (3) feet. The sum of the lengths of such projections shall not exceed 1/2 of the width of the rear wall.

    A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 1-1/2 feet.

B. Terraces, steps, stoops, or similar features, not higher than the elevation of the ground story of the building and six (6) feet distant from the rear lotline.

22.50 VISIBILITY AT INTERSECTIONS

1. In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them twenty-five (25) feet from their intersection. Within this triangle no site obstructing object-shall be allowed between the height of three (3) feet and ten (10) feet above the elevation of the streets.

22.60 CARPORTS

1. Carports permitted and built prior to July 18, 2018 shall be allowed to be upgraded to garages, regardless of building setback conformance.

ARTICLE 23

SUPPLEMENTAL DEVELOPMENT STANDARDS

SECTIONS:

23.010 Purpose
23.020 Establishment of Permitted Uses not Specified
23.030 Clarification of Ambiguity
23.040 Street Frontage Required
23.050 Minimum Dwelling Structure Dimensions
23.060 Maximum Dwelling Structure Occupancy
23.070 Architectural Design Standards – Commercial Structures
23.080 Architectural Design Standards – Residential Structures
23.090 Bulk Fuel Tanks

23.010 PURPOSE

The purpose of this Article is to provide for the several miscellaneous development standards which will qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Ordinance. The requirements of this Article shall be in addition to the development standards contained within the provisions of the district regulations. The provisions of this Article shall prevail over conflicting provisions of any other Articles.

23.20 ESTABLISHMENT OF USES NOT SPECIFIED

Routine decisions on language interpretation of this Zoning Ordinance will be the responsibility of the Zoning Administrator. When doubt exists on intent, the Zoning Administrator shall defer the decision to the Planning & Zoning Commission. The Commission will rule on the issue in question, keeping in mind the following issues:

1. That the establishment of the use will be in accordance with the purpose of the district in which that use is proposed.

2. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.

3. That the use will not be detrimental to the public health, safety, or welfare.

4. That the use will not adversely effect the character of that district in which it is proposed to be established.

5. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that district.

6. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

23.030 CLARIFICATION OFAMBIGUITY

If ambiguity or uncertainty arises concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they may pertain to unforeseen

circumstances, including technological changes and processing of materials, it shall be the duty of the Zoning Administrator to ascertain all pertinent facts and set forth his or her findings and its interpretations, and thereafter such findings and interpretations shall govern. Appeals to the Zoning Administrator's decision will be judged by the Board of Adjustment and a letter of transmittal sent to the Planning and & ZoningCommission.

23.040 STREET FRONTAGE REQUIRED

No lot created after the adoption of this ordinance shall contain any building used as a dwelling unless it connects to a public street, private street or extended driveway.

23.050 MINIMUM DWELLING STRUCTURE DIMENSIONS

No dwelling structure hereafter erected outside of an approved Mobile Home Park shall be erected or placed within any district unless it has a minimum width of 20 feet and a minimum length of 20 feet. For the purpose of determining the minimum width of a dwelling structure the shortest dimension of the dwelling structure shall be used, excluding non-habitable spaces. Such dwellings shall be placed on a permanent continuous perimeter foundation.

23.060 MAXIMUM DWELLING STRUCTURE OCCUPANCY

All Dwellings/Units in the City of Atlantic must provide living space totaling at least 80 square-feet for the first occupant and 60 square-feet for each additional occupant. Individuals under the age of eighteen (18) are exempt from this calculation for the primary tenant or legal property owner to whom they are the legal guardian. This exemption is not included when individuals are present in the dwelling/unit that are not in an intimate relationship with the legal guardian of said individuals. A primary healthcare provider or assisted living provider living on- site is exempt from this regulation

23.70 ARCHITECTURAL DESIGN STANDARDS - COMMERCIALSTRUCTURES

All new commercial structures, and substantial improvements to such existing structure, which are in districts zoned "C-l" Highway Commercial, "C-2" Administrative-Professional, and "C-3" Central Business, shall comply with the following architectural design standards:

a. A minimum of thirty (30) percent of the building wall surface that faces any street shall consist of stucco, natural wood siding, brick or other materials with similar texture and appearance. Areas for glazing or overhead doors (or similar doors for vehicle entrances only) shall be excluded from the total wall area in making this determination.

b. Unpainted metal siding is prohibited.

c. Loading areas and waste container areas shall be screened from public view or shall be located on the side or rear yard.

d. The architectural design standard requirements found in this section apply to additions to existing buildings except additions to existing buildings in the amount of fifty (50) percent or less of its existing ground cover and/or total first floor area, all in an amount of less than one thousand (1,000) square feet, whichever is less. Whenever additions to existing buildings are subject to requirements of this section,

e. In C-3 Districts only, buildings are required to have square roof lines on all sides facing any street.

23.80 ARCHITECTURAL DESIGN STANDARDS-RESIDENTIAL STRUCTURES

All structures intended for residential occupancy and all residential accessory buildings, placed, erected, assembled or constructed in the City after effective date of this Ordinance shall comply with the following architectural design standards:

External wall covering shall be either:

A. Wood or masonry finish, or its appearance and/or:

B. Vertical or horizontal grooved siding or lap siding, or its appearance.

Use of flat or corrugated galvanized or bare sheet metal for exterior walls or roof covering of a residential structure or accessory building is prohibited. Use of ribbed painted sheet metal for exterior walls or roof covering of an accessory building is permitted. Use of ribbed painted sheet metal for exterior walls of a residential structure is prohibited.

23.090 BULK FUEL TANKS

A total setback requirement of three hundred (300) feet shall be mandatory for all land uses handling highly explosive or inflammable materials in quantity such as gas service stations, bulk fuel or oil dealers and similar operations, from all schools, churches, hospitals, or any public meeting place having a seating capacity of fifty (50) or more persons.

ARTICLE 24

AMENDMENTS

SECTIONS:

24.010 Authority
24.020 Purpose
24.030 Procedure for Amending the Zoning Map
24.040 Procedural Omissions
24.050 Changes to the Zoning Ordinance

24.010 AUTHORITY

The City Council may, from time to time, on its own action or on petition, after public notice and hearing as provided herein and after report by the Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established and such amendment shall not become effective except by a favorable vote of the City Council, as set forth in the Code of Iowa.

24.020 PURPOSE

For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be a public policy that amendments shall not be made to the Zoning Ordinance and Map except to promote more fully the objectives and purposes of this Zoning Ordinance or to correct errors.

24.30 PROCEDURE FOR AMENDING THE ZONING MAP

1. Whenever any person, firm or corporation desires that any amendment or change be made to the Zoning map in the City there shall be presented to the Planning and Zoning Commission 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 owner or owners of at least fifty percent (50%) of all real estate included within the boundaries of said tract as described in said petition. It shall be the duty of the Planning and Zoning Commission to vote upon such petition within sixty (60) days after the filing of such petition.

2. In case the proposed amendment, supplement or change be disapproved by the Planning and Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except, by the favorable vote of at least three-fourths (3/4) of all members of the Council. It shall be the duty of the City Council to vote upon such petition within the sixty (60) days after the receipt of the Planning and Zoning Commission recommendation. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of the filing of the first petition.

3. Before any final action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district boundaries, shall deposit with the City Clerk the amount prescribed in Article 27. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

4. Public hearings shall be held by the Planning and Zoning Commission and the City Council; notice of time and place of such hearings shall be published not less than fifteen (15) or more than thirty (30) days preceding said hearing and at least once in a newspaper of general circulation in the City. The City Clerk shall notify all abutting or opposite property owners separated by public right-of-way. Such notice shall be in written form and shall be sent by ordinary mail not less than ten (10) days prior to the public hearing.

24.040 PROCEDURAL OMISSIONS

The failure to notify, as provided by this Article shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this Article to provide so far as may be possible for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

24.050 CHANGES TO THE ZONING ORDINANCE

The regulations imposed in the districts created by this chapter may be amended from time to time by the Council, but no such amendment shall be made without public hearing before the Council and after a report has been made upon the amendment by the Commission. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City. In case the Commission does not approve the change or, in the case of a protest filed with the Council against a change in district boundaries signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the Council.

ARTICLE 25

ADMINISTRATION AND ENFORCEMENT

SECTIONS:

25.010 Compliance
25.020 Duty of Zoning Administrator
25.030 Violations
25.040 Penalties
25.050 building Permit and Compliance
25.060 Board of Adjustment – Creation, Appeals
25.070 Board of Adjustment – Powers
25.080 Conditional Uses

25.010 COMPLIANCE

No structure, land or water hereafter shall be used and no structure or part thereof shall hereafter be located, erected, moved, re-constructed, extended, enlarged, converted, or structurally altered without a Building Permit and without full compliance with the provisions of this Ordinance. New ramps, siding, roofing, and steps shall not be considered a structural alteration and not require a building permit.

25.20 DUTY OF ZONING ADMINISTRATOR

The Zoning Administrator or designee shall enforce the provisions of this Ordinance and shall have the following powers and duties in connection therewith:

1. To issue all permits and certificates required by this Ordinance.

2. To cause any building, structure, land, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of any provision of this Ordinance.

3. Transmit to and advise the Board of Adjustment applications for appeal, variances or other matters which the Board of Adjustment is required to pass on.

4. Transmit to and advise the Planning & Zoning Commission site plans, subdivisions, rezoning applications or other matters which the Planning & Zoning Commission is required to pass on.

5. Transmit to the Cass County Assessor's Office a monthly report on all building permits issued in the City of Atlantic and estimated construction value of each permit issued.

6. Transmit immediately to Atlantic Municipal Utilities all building permits so as to keep the City of Atlantic in compliance with the Iowa Utilities Board, or its succeeding regulatory body

7 It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be in the courts as provided by law and particularly by Statute.

25.030 VIOLATIONS

It shall be unlawful to construct any structure or building or to use any structure, building, land, or water in violation of any of the provisions of this Ordinance. In case of any violation; the- City Council, the Zoning Administrator, the Board of Adjustment, the Planning and Zoning Commission, or any property owner who would specifically be damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

25.0-040 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance, shall, upon conviction thereof, be fined not more than Two Hundred Dollars ($200) and costs of prosecution for each violation or shall be imprisoned for a period not to exceed thirty (30) days, or both.

25.050 BUILDING PERMITS AND COMPLIANCE

No structure shall hereafter be erected, reconstructed, structurally altered, enlarged, added to, nor shall an excavation for any -such structure be commenced until and unless a building permit therefore shall have been issued by the Zoning Administrator. An application for a building permit shall be filed with the Zoning Administrator and shall be accompanied by a drawing or plat, in drawn to and showing: The lot and the proposed building and their dimensions; the exact location of the proposed building on the lot and the use for which such building and any existing building is designed or intended; location, dimension and present use of any existing building on the same lot; and such other information as the Zoning Administrator shall require for the proper enforcement of this Ordinance. All building permits issued under this Ordinance shall expire and be null and void on the date which shall be twelve (12) months after issuance, unless the Zoning Administrator grants an extension, in writing, at his or her discretion.

25.060 BOARD OF ADJUSTMENT-CREATION/APPEALS

1. Creation. A Board of Adjustment consisting of five members appointed by the Mayor with the consent and approval of the City Council. At least one such member shall be named from among the members of the Planning and Zoning Commission. At least three members of the Board shall not be involved in the business of selling or purchasing real estate. The City Council may remove any member of the Board of Adjustment for cause after public hearing.

2. Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his or her absence the acting chairman, 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, if necessary, 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 City Clerk and shall be a public record. The presence of three (3) shall be necessary to constitute a quorum.

3. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within twenty-one (21) days by filing with the Zoning Administrator and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

4. Affect of Appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record or application on notice to the Zoning Administrator from whom the appeal is taken and due cause shown.

5. Fee for Appeal. *See* Article 27 for schedule of fees.

6. Hearings, Notice. Within a reasonable time after receiving a notice of appeal, the Board shall fix a date and time for the hearing on the appeal, giving public notice thereof in a newspaper of general circulation in the City of Atlantic, Iowa, as well as due notice to the parties in interest all, in accordance with Section 362.3 of the Iowa Code, 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 a fee as provided in Article 27 to the City of Atlantic to be credited to the general fund of the City.

25.070 BOARD OF ADJUSTMENT - POWERS

The Board of Adjustment shall have the following powers:

1. Special Exceptions and Interpretation of Map. The Board shall have the power to hear and decide, in accordance with the provisions of the regulation, requests or applications for special questions upon which the Board is authorized to pass.

2. Special Exceptions. In addition to permitting the special exceptions heretofore specified in this ordinance, the Board shall have the authority to permit the following:

    a. Non-Conforming Uses - The substitution for a non-conforming use, another non-conforming use,; provided, however, that any use so substituted shall be of the same or a more restricted classification.

    b. Temporary Uses and Permits. The temporary use of a building or premises in any district for a purpose or use that does not conform to the standards prescribed by the regulations, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

    c. The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by the regulations, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings.

    d. Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot line indicated on the zoning map, the

Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the regulations for the particular

section or district in question.

3. Administrative Review and Variances-The Board of Adjustment also shall have the following powers:

    a. Administrative Review - to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of the regulation.

    b. Use Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a use variance is submitted demonstrating:

        i. 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;

        ii. That literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

        iii. That the special conditions and circumstances do not result from the actions of the applicant;

        iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

        v. Non-conforming use of neighboring lands, structures, or buildings in the same district, and permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for the issuance of a variance.

    c. Dimensional Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, , and so that the spirit of this ordinance shall be observed and substantial justice done.

    d. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

        i. A written application for a use variance is submitted demonstrating:

            1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.

            2. That the special conditions and circumstances do not result from the

3. actions of the applicant;

4. The Board of Adjustment shall make findings that the requirements of this subsection have been met by the applicant for a variance. This finding shall be implicit in the approval of the variance application;

5. The Board of Adjustment 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. This finding shall be implicit in the approval of the variance application;

6. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This finding shall be implicit in the approval of the variance application.

e. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. 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 Ordinance and punishable under Section 25.040 of this Ordinance.

f. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

g. Decisions on Appeal. In exercising the above mentioned powers such Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, 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 all the powers of the Zoning Administrator from whom the appeal is taken.

h. Notification and Public Hearing for Variance Requests. Upon receipt of any application, such officer shall set a time and place for a public hearing before the Zoning Board of Adjustment for such application. Notice of such hearing shall be given to all abutting property owners, and in case of front yard setback, to all property owners fronting on the same street in the block but not further than within 300 feet of the subject property. Said notice shall be given at least 15 days prior to the hearing by ordinary mail to the property owners and by publication of said notice one time in a newspaper of general circulation in the City. Said notice shall describe the particular variance, date, time and place of hearing. The Cass County Auditor's office records shall be deemed sufficient for the location or certification of ownership of said adjacent properties.

i. Vote Required. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of

any such administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance or to affect any variance in such Ordinance; provided, however, that the action of the Board, setting forth the full reason of its decision and the vote of each member participating therein, has been spread upon the minutes and a copy of said minutes has been received by the City Council. Such resolution, immediately following the Board's final decision, shall be filed in the office of the City Clerk and shall be open to public inspection. Every violation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted therewith.

25.080 CONDITIONAL USES

1. Permit. The Board of Adjustment may authorize the Zoning Administrator to issue a conditional use permit for conditional uses provided that such conditional uses or structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment, the applicant or the value of the neighborhood or community.

2. Application. Application for Conditional Use Permits shall be made to the Zoning Administrator on forms provided by the City Clerk. Such applications shall be forwarded to the Board of Adjustment on receipt by the Zoning Administrator. Such application shall include where applicable:

    a. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record. In addition, a map or plat showing the legal description as well as name and address of each opposite and abutting property owner of record, to date of application, shall also be provided by the applicant.

    b. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

    c. Additional information as may be required by the Board of Adjustment and Zoning Administrator.

    d. Fee - As noted in Article 27.

3. Review and Approval. The Board of Adjustment shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

4. Public Notification. A public hearing shall be held. Notice of time and place of such hearing shall be published not less than four (4) nor more than twenty (20) days preceding said hearing and at least once in a newspaper of general circulation in the City. The City Clerk shall notify all abutting or opposite property owners separated by public right-of-way. Such notice shall be in written form and shall be sent by ordinary mai1.

5. Standards. No conditional use shall be granted by the Board of Adjustment unless the Board

shall find:

a. 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;

b. That the conditional use will not be injurious to the use and enjoyment of other property in their immediate vicinity for the purpose already permitted, and will not substantially diminish and impair property values within the neighborhood;

c. 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;

d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

e. 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; and

f. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance, be modified as provided in Article 23.

g. That the proposed use shall be consistent with the comprehensive plan.

6. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board of Adjustment upon finding that these are necessary to fulfill the purpose and intent of this Ordinance.

ARTICLE 26
SITE PLAN REQUIREMENTS

SECTIONS:

26.010 Purpose and Application
26.020 Design Standards
26.030 Site Plan Approval Required
26.040 Site Plan Requirements
26.050 Planning and Zoning Commission Action
26.060 Appeals
26.070 City Council Action
26.080 Validity of Approval

26.010 PURPOSE AND APPLICATION

It is the intent and purpose of this Article to establish a procedure which will enable the City to review certain improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations.
A site plan shall be submitted as outlined in this Article (except for single family detached and two family dwelling units) for all new primary building construction, and additions to primary buildings.

26.20 DESIGN STANDARDS

The design standards outlined within this section are necessary to insure an orderly development of property in such a manner as will safeguard the public's health, safety and general welfare.

1. 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.

2. The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illumination of required perimeter yards, refuse containers and impairments 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.

3. The proposed development shall have entrances and exits upon adjacent streets and an internal traffic circulation pattern that will not unduly increase congestion on adjacent surrounding public streets.

4. The proposed development shall include fences, walls, screening (landscaping), erosion control, traffic control and other improvements as are required in the Zoning and

Subdivision Regulations.

5. All electrical, telephone and other public utilities shall be placed underground, where required, or wherever installation is reasonablypracticable.

6. The proposed development shall conform to all applicable provisions of the Code of Iowa, as amended, and all applicable provisions of regulations adopted by the City of Atlantic.

26.030 SITE PLAN APPROVAL REQUIRED

No building permit shall be issued for the construction of any structure that is subject to the provisions of this Ordinance until a site plan has been submitted covering the land upon which said structure is to be erected and, further, approved for such development in accordance with this Ordinance.

26.40 SITE PLAN REQUIREMENTS

All site plans required under Section 26.010 shall include the following information:

1. Date of preparation, north arrow and scale.

2. Legal description and address of the property.

3. Name and address of the record property owner, the developer or builder, and preparer of the siteplan.

4. Existing and proposed zoning.

5. Total area of proposedsite.

6. Total number, type of and distance between all buildings including the floor area and number of stories for each building.

7. The number of dwelling units, bedrooms, offices etc.

8. Total number of parking spaces to include location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters and other similar permanent improvements.

9. Building setback lines as required by zoning districts.

10. Location of trees six (6) inches or larger in diameter and wooded areas featured on the site.

11. Location of any area subject to flooding by a one hundred (100) year storm.

12. Location of proposed and existing wells and septic systems.

13. Location, amount and type of any proposed landscaping, plantings, fences, walls, monuments, statues, location and size of all solid waste containers and other

manmade features to be used in the landscape.

14. Location and type of any existing and proposed signs.

15. Existing and proposed utility lines and easements to include location, size and capacity of existing public utilities.

16. Location, dimensions and materials used of all existing and proposed paved surfaces and all abutting streets to include vehicle circulation pattern.

17. The site plan shall include a drainage plan to show area, slopes and runoff of the site. This plan shall also indicate the connections to existing storm sewers or drainage ditches and the courses surface water shall take for exit from the property.

26.50 PLANNING AND ZONING COMMISSION ACTION

1. The Planning and Zoning Commission shall take action to approve the site plan *as* submitted if the same conforms to all local regulations and ordinances. If the site plan fails to conform to all regulations and applicable ordinances, the Commission shall state the reasons for its disapproval and shall return a copy to the applicant for revision in accordance with the action taken. The applicant shall then submit the revised copy to the City Clerk for presentation at the next Planning and Zoning Commission meeting.

2. Upon approval by the Planning and Zoning Commission a building permit shall be issued, or the Commission may forward the site plan to the City Council with its recommendation.

26.060 APPEALS

If the site plan is disapproved by the Planning and Zoning Commission, the applicant may, upon written application to the City Council, appeal in whole or in part any condition or requirement the Commission would require for its approval. The application for appeal and the site plan as submitted shall be presented to the City Council at its next regular meeting for their action. The application for appeal must include specific reasons and conditions that exist for variance from the applicable codes or ordinances and variations from the Planning and Zoning Commission recommendations.

26.70 CITY COUNCIL ACTION

1. The City Council shall review site plans upon one or more of the following circumstances:

    a. The Planning and Zoning Commission has requested site plan review by the City Council.

    b. The Applicant has appealed the recommendations and/or decisions of the Planning and Zoning Commission.

    c. The City Council, by majority vote, decides to review a site plan approval

made by the Planning and Zoning Commission.

2. A site plan that has been denied by the Planning and Zoning Commission and the City Council may be resubmitted to the Planning and Zoning Commission by the applicant with respect to the terms of this ordinance.

3. A site plan shall become effective upon approval by the City Council pursuant to this ordinance.

26.080 VALIDITY OF APPROVAL

The approval of any site plan required by this ordinance shall remain valid for two (2) years after the date of approval after which time the site plan shall be deemed null and void if development has not been established or actual construction commenced.

ARTICLE 27
WIRELESS COMMUNICATIONS FACILITIES

SECTIONS:

27.010 Scope, Purpose and Policy
27.020 Definitions
27.030 Requirements

27.010 SCOPE, PURPOSE AND POLICY

The provisions of this Section apply to, and apply only to, the placement, construction and modification of that which is called "personal wireless service facilities" in Section 704 of the Telecommunications Act of 1996. It is the intent of this Ordinance not to discriminate unreasonably among providers of functionally equivalent services and not to have the effect of prohibiting the provision of personal wireless services. Any request for authorization to place, construct, or modify personal wireless service facilities shall be acted on within a reasonable time after the request is duly filed with the proper city office, taking into account the scope and nature of such request. Any decision to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

27.20 DEFINITIONS

For the purpose of this Section, the following definitions shall apply.

1. Antenna Height means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the site shall be used in calculating the antenna height.

2. Antenna Support Structure means any tower or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

3. Cell Site means a tract or parcel of land that contains the wireless communication antenna, its support structure, accessory building(s), and parking and may include other uses associated with and necessary for wireless communication transmission.

4. Tall Structure means any structure the top of which is more than 50 feet above grade.

27.30 REQUIREMENTS

1. **Special Use Permit Required.** A cell site with antenna that is either not mounted on an existing tall structure or is more than 20 feet higher than the tall structure on which it is mounted shall not be permitted except pursuant to a Special Use Permit issued by the Zoning Board of Adjustment

2. **Ancillary Activities.** All other uses and activities ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) Must be approved by the Planning & Zoning Commission according to the site plan submitted.

3. **Monopoles Required.** All antenna support structures shall be "monopole." Lattice or guyed towers are prohibited in all Zones except Industrial Zones.

4. **Standards for Special Use Permit.** The following standards and procedures shall apply to the issuance of a for a cell site with antenna:

    a. Necessity. The wireless communications company shall demonstrate, using technological evidence, that the antenna must be located at the proposed location in order to satisfy the antenna's function in the company's grid system.

    b. Co-location Effort. If the wireless communications company proposes to build a tower (as opposed to mounting the antenna on an existing tall structure), it shall demonstrate that it contacted the owners of tall structures within a one-quarter-mile radius of the site proposed, asked for permission to install the antenna on those tall structures, and was denied for reasons. The Planning & Zoning Commission may deny the permit if it concludes that the applicant has not made a good faith effort to mount the antenna on an existing tall structure.

    c. Antenna Height. The applicant shall demonstrate, to the reasonable satisfaction of the, Planning & Zoning Commission that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

    d. Antenna Support Structure Safety. The applicant shall demonstrate, to the reasonable satisfaction of the Planning & Zoning Commission that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

e. Screening. An opaque fence constructed of wood or masonry material, or other substantial material, that is consistent with the existing structures on the proposed site and approved by the Planning & Zoning Commission, shall be installed around the

f. Co-location. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communications companies and local police, fire and ambulance companies.

g. FCC License. The wireless communication company shall provide proof that it is licensed by the Federal Communications Commission.

h. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

i. Painting. Antenna support structures should be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.

j. Site Plan. A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access.

k. Air Safety. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations.

5. **Changes.** There shall be no change in the exterior appearance of a cell site, including any change in the profile of the antenna support structure that is a departure from what was shown or represented in the initial application for the granted Site Plan. Additional antenna devices may be attached to the antenna once an antenna support structure has been certified as having been installed according to the approved Site Plan. The additional antenna devices may be attached as provided for in as a means to accomplish the objective of co-location.

6. **Engineered Addition.** If an additional antenna is installed on an existing antenna support structure, engineering data and certification by a licensed professional engineer assuring that the installation is structurally sound within the standards of good engineering practice shall be provided to the City Zoning Administrator.

7. **Removal.** If a cell site, or any antenna support structure, is not used for a period of one year, it shall be the duty and obligation of the party then in possession and control of the site to have the unused antenna support structure and any other unused cell site apparatus completely dismantled and removed from the site.

ARTICLE 28

SOLAR ENERGY SYSTEMS

SECTIONS:

28.010 Scope, Purpose and Policy
28.020 Requirements

28.010 SCOPE, PURPOSE AND POLICY

Solar energy is a clean, readily available and renewable energy source. This section establishes regulations to facilitate the installation and construction of Solar Energy Systems so that systems are safe, effective, and efficient, as well as harmonious with the character of the adjacent area where located. The provisions of this Section apply to the placement, construction and use of "solar energy systems" as defined in this chapter. The following standards shall apply to the development of Solar Energy Systems:

28.20 REQUIREMENTS

1. **Allowed Use.** Solar Energy Conversion is an allowed accessory use in all zoning districts pursuant to the standards in this section.

2. **District Classifications.**

   a. Residential Properties. As used in this subsection residential properties include those zoned R-1, R-2, R-3, R-4, R-5 and R-6.

   b. Non-residential Properties. As used in this subsection, all properties not zoned in the residential classifications above shall be classified as non-residential property.

3. **Freestanding Solar Energy Systems:**

   a. Setbacks. Solar Energy Systems shall not be located within any required front setback. They may be located in a front yard (beyond the required front setback line) subject to approval of a Solar Energy System

      i. Easements, Utilities, Rights of Way. No portion of any solar energy system shall extend into any easement, right of way or public way, regardless of above stated exceptions and regulations for setback and yard requirements.

   b. Residential Height. Six (6) feet in height maximum in side and rear yards. Four (4) feet in height maximum in front yards. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

c. Freestanding System Size:

i. Residential Properties. Systems shall not exceed one-tenth (1/10) the footprint of the principal building served or one hundred (100) square feet, whichever is greater.

ii. Non-Residential Properties. Systems shall not exceed one-half (1/2) of the footprint of the principal building served.

iii. Lot Coverage. Freestanding systems shall be included in the maximum lot coverage or minimum landscaped area calculations except that up to 40 square feet is allowed regardless of total lot coverage.

iv. Measurement of the system shall be based upon the area of the solar receiving panel, regardless of the adjustment angle of the panel.

v. A freestanding system, or portion thereof, not visible from abutting street rights of way at any time of the year is exempt from maximum size and coverage calculations.

4. **Residential Attached Solar Energy Systems** are permitted to be located on the roof or attached to a building, subject to all of the following:

a. In the case of wall mounting, no part of the system shall project more than five (5) feet from the building.

b. In the case of front wall mounting, attached systems are only allowed subject to approval of a Solar Energy System Certificate of Zoning and Regulatory Compliance by the Zoning Administrator. The front wall, as used in this section is defined as any wall coincident with the front yard as defined in Section 29.406(7) (e).

c. No part of the system shall extend more than 50 percent into any required side or rear setback. No part of the system shall extend into any required front setback.

d. No portion of any solar energy system shall extend into any easement, right of way or public way, regardless of above stated exceptions and regulations for setback and yard requirements.

e. Systems shall not exceed the maximum height in the zone, for the structure to which it is attached.

f. The building must have a conforming principal use.

g. Roof attached systems may be mounted on principal and accessory building roofs provided they conform to the maximum height standards established in the zone. Additionally, systems shall be mounted parallel to the pitch of the roof and be no higher than 6 inches from the roof surface except that systems not meeting the flush

mount requirement may be allowed subject to approval of a Solar Energy System Certificate of Zoning and Regulatory Compliance, provided they do not project more than 5 feet from the roof surface. A system or a portion of a system not visible from abutting street rights of way is exempt from the flush mount requirement, but no part of the system shall project higher than 5 feet from the roof surface.

h. Article 22, pertaining to height exceptions for architectural features and projections shall not apply.

i. Section 29.402(2), pertaining to exceptions for projections into required setbacks shall not apply.

j. There is no surface area size limitation on attached systems

5. **Non-Residential Attached Solar Energy Systems** are permitted on the roof of, or attached to a nonresidential building, subject to all of the following:

   a. For wall mounting, no part of the system shall project more than five (5) feet from the wall.

   b. For roof mounting, no part of the system shell project more than ten (10) feet from the roof.

   c. No part of the system shall extend more than 50 percent into any required side or rear setback. No part of the system shall extend more than 20 percent into any required front setback.

   d. No part of the system shall exceed the maximum height permitted in the zone, for the structure to which it is attached.

   e. The building must have a conforming principal use.

   f. Article 22, pertaining to height exceptions for architectural features and projections shall not apply.

6. **Zoning Permit-Exempt systems.** The following systems are exempt from zoning permit requirements:

   a. Systems in which the cumulative surface area of the system is four (4) square feet or less

7. **Solar Access.** A property owner who has installed or intends to install a solar energy system shall be responsible for negotiating with other property owners in the vicinity for any necessary solar easement. The granting of a zoning permit or Special Use Permit by the City does not constitute solar access rights.

8. Residential **Application for Solar Energy System Certificate of Zoning and Regulatory Compliance.** The Zoning Administrator shall prescribe the application form and any necessary submittal requirements, as needed, to determine compliance with this section. The Certificate of Zoning and Regulatory Compliance application shall include, but not be limited to:

    a. A plot plan, showing:

        i. Existing structures on the lot

        ii. Proposed system

        iii. Property lines

        iv. Setbacks of existing and proposed structures

        v. Rights of way

        vi. Utility diagram applicable to proposed system

    b. Elevation views and dimensions

    c. Manufacturer's photographs

    d. Manufacturer's specification sheet including capacity

    e. Demarcation of dimensions. For systems claiming exemption due to "no-visibility" from abutting street rights of way, the applicant shall place demarcation posts, rods or balloons and schedule an appointment for staff to confirm no visibility.

9. Issuance of Solar Energy System Certificate of Zoning and Regulatory Compliance the Zoning Administrator shall review the permit application. If the application is compliant, an approval shall constitute a Solar Energy System Certificate of Zoning and Regulatory Compliance and the applicant shall then be authorized to seek any other necessary building permits and approvals before installation. Any decision of denial shall be in writing and supported by substantial evidence contained in a written record. The Certificate of Zoning and Regulatory Compliance can be revoked if there is evidence that the system does not comply with the certificate.

10. Nonresidential Solar Energy System Special Use Permit (SES SUP):

    a. Application. The Zoning Administrator shall prescribe the application form and any necessary submittal requirements, as required in this Section and Section 29.1503. The Director can waive any of the submittal requirements of a SES SUP upon request of the applicant, which the Director deems not applicable.

b. Site Plan requirements as found in Article 26 of the Zoning Ordinance of the City of Atlantic shall be submitted according to said Article.

c. Review Criteria. To approve a SES SUP, the Planning & Zoning Commission must find that the proposal conforms to all of the following five criteria (i-v) and either "vi" or "vii":

   i. The system will be harmonious with the character of the neighboring properties as they exist on the date of approval, which is defined as properties within 200 feet of the system property

   ii. Access to open space (air and light) from the neighboring properties is not significantly reduced

   iii. The predominate pattern of building placement, height, orientation and scale among the neighboring properties and general area beyond the neighboring properties will not be negatively impacted or altered by the system

   iv. The system conforms with all other city, state and federal regulations

   v. Unique topography, vegetation or lot conditions exist which help to shield the system from the view of neighboring properties and from the street.

   vi. Unique topography, vegetation or lot conditions exist which help to shield the system from the view of neighboring properties and from the street.

   vii. Placement of the principal building allows the system to be located and operated in a way that helps to shield the system from the view of neighboring properties and from the street.

d. Review and Approval. The Planning & Zoning Commission can request additional information if insufficient information is presented to determine conformance with the criteria. If approved, the SES Certificate of Zoning and Regulatory Compliance can be revoked after a public hearing, if there is evidence that the system does not comply with the provisions of the Certificate of Zoning and Regulatory Compliance. The Commission may impose conditions as it deems necessary for the general welfare of the public and for ensuring that the intent and objectives of this Ordinance will be observed.

11. **Interconnection:** Interconnected Solar Energy Systems are allowed subject to the standards in this section. Evidence of a signed interconnection agreement with the applicable electric utility shall be submitted to the Zoning Administrator prior to approval of any interconnected solar energy system. The applicant is encouraged to work with the applicable utility before purchasing equipment. The maximum allowable rated capacity of an Interconnected Solar Energy System is 10 kW, or 10,000 Watts unless evidence

from the applicable utility has demonstrated that safe interconnection can be achieved and the need is for on-site usage for the principal use of the property. Any system over 100 kW is not allowed unless approved by the Executive Director of Atlantic Municipal Utilities or any agency succeeding it with the same authority.

12. **Abandonment:** System use shall be determined abandoned under the provisions of Section 29.307, which requires notice by the Zoning Enforcement Officer to the property owner. The system shall be removed within 90 days of the termination date, at the cost of the property owner.

13. **Signage:** Any signs on the system shall be limited to one square foot.

14. **Commercial systems:** A Commercial Solar Energy System is not allowed in the City of Atlantic.

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

16. **Underground Wire Requirement.** Wires shall be underground or otherwise concealed, to the greatest extent possible, where crossing open areas.

ARTICLE 29

WIND ENERGY SYSTEMS

SECTIONS:

29.010 Scope, Purpose and Policy
29.020 Definitions
29.030 General Regulations
29.040 Permit Required
29.050 Commercial Tower
29.060 Color and Surface
29.070 Lighting
29.080 Signage
29.090 Climbing Apparatus
29.100 Maintenance
29.110 Displacement of Parking Prohibited
29.120 Utility Notification
29.130 Interconnection
29.140 Restriction on Use of Electricity Generated
29.150 Noise and Vibration
29.160 Low Frequency Sound
29.170 Shadow Flicker
29.180 Safety Controls
29.190 Shut Off
29.200 Wind Access Easements
29.210 Engineer Certification
29.220 Installation
29.230 Abandonment
29.240 Bulk Regulations
29.250 Maximum Height
29.260 Ground and Swept Area Clearance
29.270 Location
29.280 Number of Systems Per Lot

29.010 SCOPE, PURPOSE AND POLICY

(a) Purpose. Wind energy is a clean, readily available and renewable energy source. This section establishes regulations to facilitate the installation and construction of Wind Energy Systems so that systems are safe, effective, and efficient and have minimal impact on surrounding development. The provisions of this Section apply to the placement, construction and use of "wind energy systems" as defined in this section.

29.020 DEFINITIONS

See Sec. 29.201

29.030 GENERAL REGULATIONS

(a) A Small Wind Energy System (SWES) shall be allowed only as an accessory use to a permitted principal use on the same legalized lot. Commercial systems are not allowed. Non-electric systems are not regulated by this chapter.

(b) Zoning: SWES are allowed only in Commercial, Industrial and Agricultural Zones

29.040 PERMIT REQUIRED

1. It shall be unlawful to construct, erect, install, alter or locate any SWES within the City of Atlantic, unless both a SWES Certificate of Zoning and Regulatory Compliance and a Building Permit have been obtained. The Certificate of Zoning and Regulatory Compliance may be revoked by the City of Atlantic any time the approved system does not comply with the rules set forth in this Section.

2. After a Certificate of Zoning and Regulatory Compliance has been issued, the owner/operator of the SWES shall obtain a Certificate of Zoning and Regulatory Compliance from the City of Atlantic Zoning Administrator prior to commencing construction of the system. Authorization for interconnection is independent of the approval for the SWES zoning and building permits. If an interconnected system is planned, the utility's interconnection requirements must also be satisfied, and no Certificate of Zoning and Regulatory Compliance shall be issued until the Zoning Administrator has been provided with the utility's written authorization.

3. In order to obtain a SWES Certificate of Zoning and Regulatory Compliance, a SWESZP application must be submitted to the Zoning Administrator, in conformance with the Minor Site Development process and submittal requirements. The Zoning Administrator, upon request of the applicant, may waive any of the submittal requirements that he or she deems not applicable. The Director may also require additional information as minimally needed to determine compliance with the this Zoning Ordinance In addition to the requirements ofArticle 22, the following information shall be submitted:

   A. Manufacturer specifications of the proposed system

   B. Photographs or renderings of the proposed system

   C. Elevation drawings of the proposed system, including as applicable:

      i. Elevation of building to which attached

      ii. Distance to other objects on the property, such as trees, power lines and buildings.

29.050 COMMERCIAL TOWER

Only monopole towers are permitted for freestanding Small Wind Energy Systems. Either monopole or lattice towers are permitted in Industrial zones. Guyed towers or any other types of towers are not permitted.

29.060 COLOR AND SURFACE

Freestanding SWES shall be a neutral color such as white, sky blue, or light gray. Supporting structures for building mounted SWES shall match the color of the building on which they are mounted. Surfaces of the SWES and building mounted supporting structures shall be non-reflective

29.070 LIGHTING

No lights shall be installed on the tower, unless required to meet FAA guidelines.

29.080 SIGNAGE

Any signs on the system shall be limited to one square foot.

29.090 CLIMBING APPARATUS

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

29.100 MAINTENANCE

Facilities shall be well maintained in accordance with manufacturer's specifications. The property owner of any SWES shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall also maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any associated structures remain quality in appearance.

29.110 DISPLACEMENT OF PARKING PROHIBITED

The location of the SWES shall not result in the net loss of required parking or landscaping as specified elsewhere in the zoning code.

29.120 UTILITY NOTIFICATION

The City of Atlantic shall notify Atlantic Municipal Utilities of receipt of a SWES Certificate of Zoning Compliance application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement. This is only to inform the utility. A response from the utility is not required to approve or deny the SWES Certificate of Zoning Compliance ZP application.

29.130 INTERCONNECTION

The SWES, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility. Off-grid systems shall be exempt from this requirement. Approval by Atlantic Municipal Utilities will be required in writing.

29.140 RESTRICTION ON USE OF ELECTRICITY GENERATED

A SWES shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the SWES and not presently needed for use by the owner may be used by the Utility in accordance with laws and regulations governing interconnection and utility approval.

29.150 NOISE AND VIBRATION

A SWES shall be designed, installed and operated so that any noise or vibration has minimal impacts on adjacent properties. No noise or vibration above the ambient sound level shall be detected from a property within a zoning district where an SWES is not allowed. A SWES shall utilize only manufacturer designs in which the turbine sound level, when installed according to manufacturer's specifications, shall not exceed 55 decibels, at the base of the turbine tower.

29.160 LOW FREQUENCY SOUND

No SWES or combination of SWESs shall emit low frequency sound at or below 20 Hertz.

29.170 SHADOW FLICKER

No SWES shall be installed and operated so to cause a shadow flicker to fall on or in any residentially zoned dwelling unit existing at such time that the application to install a SWES is received by the city.

29.180 SAFETY CONTROLS

Each SWES shall be equipped with 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 system shall also be capable of stopping power generation in the event of a power outage so as to prevent back feeding of the grid.

29.190 SHUT OFF

A clearly marked and easily accessible power disconnect will be required as determined by the Building Official.

29.200 WIND ACCESS EASEMENTS

The enactment of this Article or granting of an SWES Zoning Permit does not constitute the granting of an easement by the City of Atlantic. The SWES owner/operator shall have the sole responsibility to acquire any easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWES.

29.210 ENGINEER CERTIFICATION

Submittal requirements for SWES shall require certification by an Iowa Professional Engineer, prior to completing review or issuing Certificate of Zoning and Regulatory Compliance.

29.220 INSTALLATION

Installation must be done according to manufacturer's recommendations. All wiring, electrical, and construction work must be completed according to applicable codes. All electrical components must meet industry standards as determined by Atlantic Municipal Utilities.

29.230 ABANDONMENT

System use shall be determined abandoned under the provisions of Section 29.307, which requires notice by the Zoning Enforcement Officer to the property owner. The system shall be removed within 90 days of the termination date, at the cost of the property owner.

29.240 BULK REGULATIONS

Setbacks:

(i) The minimum distance between any Freestanding SWES and any property line shall be a distance that is equivalent to 1.1 times the total system height. The setback shall be measured from the property line to the closest point of the swept area.

(ii) The required setback for any Building-Mounted SWES shall be equal to the required setback of the principal building to which the SWES is to be attached at such time that the application to install a building mounted SWES is received by the city.

29.250 MAXIMUM HEIGHT

Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades. Known as the "total system height," as defined in this section.

(a) For lots up to three (3) acres, the maximum height shall be 80 feet.

(b) For lots of three (3) to seven (7) acres, the maximum height shall be 100 feet.

(c) For lots of more than seven (7) acres the maximum height shall be 120 feet.

29.260 GROUND AND SWEPT AREA CLEARANCE

No portion of the SWES Swept Area shall be closer than 10 feet to the ground. Clearance of 15 feet is required over parking areas, driveways, sidewalks, decks, and balconies.

29.270 LOCATION

(a) No part of a SWES shall be located within or over drainage, utility, or other established easements.

(b) No SWES shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

(c) No SWES 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.

(d) No part of the SWES, including the swept area, shall be within or overhang any portion of the property that is within a required building setback.

29.280 NUMBER OF SYSTEMS PER LOT

(a) Additional building mounted SWES may be allowed within the parameters of this section.

(b) In no case shall the generating capacity of aggregated SWES exceed anticipated energy needs for on-site consumption, based upon analysis from the utility.

(c) Vertical axis (Building-Mounted or Freestanding): No limit on number.

(d) Horizontal axis (Building-Mounted): No limit on number.

(e) Horizontal axis (Freestanding): Limited to a maximum of two (2) per acre. At least one is allowed per lot/parcel, but not more than two (2) per acre. Systems collocated on existing poles or towers that serve another primary purpose are exempt from the two (2) per acre limit.

ARTICLE 30

LANDSCAPING AND SCREENING STANDARDS

SECTIONS:

30.010 Intent
30.020 Applicability
30.030 Definitions
30.040 Landscape Materials and Installation Standards
30.050 Screening Requirements
30.060 Planting Lists

30.010 INTENT

The landscaping and screening standards provide additional guidance on the development of sites within Atlantic by addressing landscaping and screening requirements. They are designed to improve and protect the appearance of the community; buffer potentially incompatible land uses from one another; and preserve the value of properties within the City of Atlantic and surrounding areas where extraterritorial zoning is adopted.

30.20 APPLICABILITY

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, except for the following:

A. Reconstruction or replacement of a lawfully existing use or structure following a loss by fire, storm, tornado or other act of God greater than 60% of total building gross floor area.

B. Remodeling, rehabilitation or improvements to existing uses which do not require a building permit, or structures which do not substantially change the location of structures, parking or other site improvements.

C. Additions or enlargements to existing uses or structures that increase floor area or impervious coverage area by less than twenty-five percent 50%and that are less than 5,000 square feet. Where such additions or enlargements are 50%or greater or larger than 5,000 square feet, these provisions shall apply only to that portion where the new development occurs.

A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions.

30.30 DEFINITIONS

For the interpretation of this section, the following definitions shall be used:

A. “Greenspace area” means an area devoted to or developed predominately with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs and

other plant materials. At a minimum “greenspace” includes grass or ground cover plus additional trees, shrubs or other screening where required herein.

B. “Screened” means shielded, concealed and effectively hidden from view by a person standing at ground level on an abutting site along the property line, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscaped feature. In the event of sloping topography, the adjacent property line shall be the geographic reference point wherever screening is required.

3. Landscaping Requirements. Single-family and two-family dwellings shall maintain a minimum of twenty-five percent (25%) of lot area as a permeable and uncovered surface that contains living materials. Single-family and two-family dwellings are exempt from other requirements of this section. All other uses shall provide and maintain a greenspace area that equals or exceeds ten percent (10%) of the total lot area unless specified otherwise herein.

30.40 LANDSCAPING MATERIALS AND INSTALLATION STANDARDS

A. Installation. All landscaping shall be installed in accordance with accepted good planting procedures and other applicable City Codes and policies. The plant materials shall form an effective screen based on the approved site plan within five (5) growing seasons of installation. Landscaped areas shall require protection from vehicular encroachment. Installation of required landscaping shall be done within one year after the date of building completion.

B. Use of Inorganic Landscaping Materials. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than five (5) feet in width.

C. Plant Material.

(1) Trees. Trees shall be a minimum of one inch (1") caliper [as measured one (1) foot above ground level] at the time of planting.

(2) Shrubs and Hedges. Shrubs shall be minimum of twelve (12) inches in height when measured at ground level immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of five (5) years after time of planting.

(3) Vines. Vines may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

(4) Ground Covers. Ground covers used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting.

D. Location of Required Landscaping. The following areas are listed by priority for the placement of the required landscaped area:

(1) A minimum greenspace area of five feet (5') in width along all street frontages unless a greater width is required per Tables 30.040-1 or per the maturation factor specified

below. Street/right-of-way landscaping shall not be located within the public right-of-way itself with the exception of City or State right-of-way landscaping.

(2) A minimum greenspace area of five feet (5') in width along all perimeter property lines unless a greater width is required per Tables 30.040-1. This five-foot perimeter greenspace area requirement does not apply to side yards where zero foot interior side yard setbacks are allowed

(3) Trees required as part of Type C right-of-way plantings shall be placed at least one-half the maturation diameter from the right-of-way line.

E. Landscaping for Off-Street Parking Areas. All off-street parking areas (except for single and two-family uses) shall provide site trees on the basis of one (1) tree for every ten (10) off-street parking spaces provided or fraction thereof. Fifty percent (50%) of required site trees shall be placed along street frontages. The remaining 50% may be placed in interior parking lot areas. Site trees shall be of a minimum one inch (1") caliper as measured one (1) foot above ground level at the time of planting. Further, required site trees may be utilized in conjunction with parking area screening requirements as set forth in this section.

(1) Parking areas in the I-2 Heavy Industrial Zoning District shall be exempt from the landscaping requirements except where said parking areas are adjacent non-industrial zoning districts or uses or where they are located adjacent a Residential or Commercial District.

Table 30.040-1 Landscape Depth and Minimum Lot Coverage

Zoning District	Minimum Depth of Greenspace Area Adjacent to Street Property Line	Minimum Percentage of Total Lot Area that Must be Landscaped with Vegetative Material
R-1	15 feet	20%
R-2	15 feet	20%
R-3	5 feet	5%
R-4,5,6	5 feet	10%
C-3	0 Feet	0%
I-1	15 feet	10%
I-2	15 feet	N/A

30.050 SCREENING REQUIREMENTS

Table 30.040-1, Table of Screening Requirements, found later in this section, refers to the following types of screens listed below. The following three basic types of screens are hereby established and are to be used as the basis for screening requirements to buffer conflicting zones and uses abutting one another. Variations of these screening types which do not alter the intent of this section may be permitted at the time of site plan review with approval from the Zoning Administrator or Planning & Zoning Commission, whichever holds authority over the proposed development.

A. Opaque Screen, Type A. A screen that is opaque from the ground to a height of at least six feet (6') with intermittent visual obstructions from the opaque portion to a height of at least twelve feet (12'), except that uses in the or other uses that have a zero lot line setback and utilize a wall or fence to meet Type A screening requirements shall only be required to achieve the 6' tall, opaque screening standard. The opaque screen is intended to exclude all

visual contact between uses and to create a strong impression of physical separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted or existing vegetation. Planted vegetation or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or by 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 completed unobstructed openings more than ten feet (10') wide. The portion of intermittent visual obstructions may contain deciduous plants. Planting areas for the placement of these screens (for vegetative screen) shall be in accordance with Table 30.040-1, but in no case less than five feet (5') in width. The following are typical Type A Opaque Screens:

- Small trees planted thirty (30) feet on center (see Planting List A).
- Six-foot high evergreen shrubbery planted four (4) feet on center (see Planting List D).
- Medium or large trees planted forty (40) feet on center (see Planting List B or C).
- Six-foot high earth-tone or natural colored wooden fence with intermittent trees (where maximum fence height restrictions allow).
- Six-foot high earth-tone or natural colored wooden fence or earth-tone or natural colored masonry wall (where maximum fence height restrictions allow).
- Medium or large evergreen trees, planted staggered, with the branches touching the ground (see Planting List E or F).

B. Semi-Opaque Screen, Type B. A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction from above the opaque portion to a height of at least twelve feet (12') except that uses in the or other uses that have a zero lot line setback and utilize a wall or fence to meet Type B screening requirements are only required to achieve a 3' tall, opaque screen with intermittent visual obstruction to a minimum height of six (6) feet. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted 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 by field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The zone of intermittent visual obstruction may contain deciduous plants. Planting areas for the placement of these screens (for vegetative screens) shall be in accordance with Table 30.040-1, but in no case less than five feet (5') in width. The following are typical Type B Semi-Opaque Screens.

1. Small trees planted thirty (30) feet on center (see Planting List A).
2. Three-foot high earth-tone or natural colored stone or masonry wall with intermittent trees.
3. Small trees planted twenty (20) to thirty (30) feet on center on top of berm (see Planting List A).
4. Three-foot high seeded or sodded earth berm (see Berming Requirements) with intermittent trees.

5. Large trees planted forty (40) feet on center (see Planting List C).

6. Three-foot high evergreen hedge shrubbery planted three (3) on center (see Planting List D).

C. Broken Screen, Type C. A screen composed of intermittent visual obstruction from the ground to a height of at least twelve feet (12'). 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 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 screen may contain deciduous plants. Planting areas for the placement of these screens (for vegetative screens) shall be in accordance with Table 30.040-1, but in no case less than five feet (5') in width. The following are typical Type C Broken Screens:

1. Small trees planted thirty (30) feet on center (see Planting List A).

2. Split rail or picket wooden fence with intermittent trees (fence colors for screening purposes shall be earth tone, white or natural wood colors).

3. Medium or large trees planted forty (40) feet on center (see Planting List B or C).

4. Small trees planted forty (40) feet on center with assorted shrubbery (see Planting Lists A, D, and G).

5. Assorted shrubbery combined with other plantings (see Planting Lists D and G).

6. Screening Locations. Screening, as required in the Table of Screening Requirements, shall be required along the common lot lines of adjacent uses. Where uses are separated by an intervening right-of-way, the burdened use need only screen from the adjoining right-of-way as required in the Table. Screening required by a burdened use for a benefited use shall apply only to those uses which are determined to be permitted within the particular zoning district. A burdened use is not required to provide screening to benefit a use within a zoning district that is determined to be a nonconforming use.

7. Fencing. Fencing used as screening shall comply with the regulations of Section 30.040-1 of this chapter. In the event of conflict with the Landscaping and Screening provisions, the provisions of Section 30.040.-1 shall apply.

30.060 PLANTING LISTS

A – Small Trees (under 30 feet)		
Adams Crabapple	**Prairie Fire Crabapple**	**Magnolias, saucer and star**
American Hornbeam	**Professor Sprenger Crabapple**	**Native Pussy Willow**
American Plum	**Snowdrift Crabapple**	**Redbud**
Amur Maple	**Sugar Tyme Crabapple**	**Sumacs, staghorn & smooth**
Autumn Brilliance Serviceberry	**Zumi Calocarpa Crabapple**	**Washington Hawthorn**
Beverly Crabapple	**Dogwood, alternate-leaf**	**Witch-hazel**
Donald Wyman Crabapple	**Downy Serviceberry**	**Other small tree species***
Indian Magic Crabapple	**Ironwood (Hop Hornbeam)**	
Ormiston Roy Crabapple	**Lilac, Japanese tree**	
B – Medium Trees (30 to 50 feet)		
American Buckeye	**Common Chokecherry**	**Red Maple**
River Birch	**Thornless Honeylocust**	**Northern Catalpa**
Callery Pear	**Littleleaf Lindon**	**Shingle Oak**
Black Cherry	**Autumn Blaze Maple**	**Other medium tree species***
C – Large Trees (50 to 100 feet)		
Green Ash	**Black Maple**	**Swamp white Oak**
White Ash	**Norway Maple**	**White Oak**
Basswood (American linden)	**Silver Maple**	**Shagbark Hickory**
Ginkgo (male only)	**Sugar Maple**	**Sycamore**
Hackberry	**Bur Oak**	**Other large tree species***
Kentucky coffee tree	**Red Oak**	
D – Evergreen Shrubs		
Globe Arborvitae	**Mountain Juniper**	**Other evergreen shrubs***

Techny Arborvitae	**Savin Juniper**	
Japanese Yew	**Mugo Pine**	
E – Medium Evergreen Trees (30 to 50 feet)		
Arborvitae (white cedar)	**Limber Pine**	**Eastern Red cedar**
		Other medium evergreen trees*
F – Large Evergreen Trees (50 to 100 feet)		
Baldcypress	**Ponderosa Pine**	**Norway Spruce**
Douglas-fir	**Red Pine**	**White Spruce**
White Fir (conocolor)	**White Pine**	**Other large evergreen trees***
Eastern Hemlock	**Black Hills Spruce**	
European Larch	**Colorado Spruce (blue or green)**	
G – Shrubs		
American Bittersweet	**Gray Dogwood**	**Potentilla**
American Black Currant	**Pagoda Dogwood**	**Pussy Willow**
American Cranberry bush Viburnum	**Redosier Dogwood**	**Spirea Japonica**
American Elder	**Silky Dogwood**	**Vanhoutte Spirea**
American Filbert	**Elderberry**	**Western Snowberry**
American Hornbeam	**Missouri Gooseberry**	**Fragrant Sumac**
American Plum	**Indian Currant**	**Smooth Sumac**
Blackcap Raspberry	**Indigobush Amorpha**	**Viburnums**
Buttonbush	**Junipers**	**Virginia Creeper**
Amur Chokecherry	**Leadplant Amorpha**	**Virginsbower**

Glossy Black Chokeberry	**Lilac**	**Winged Eounymus**
Clove Currant	**Nannyberry**	**Yews**
Dart's Gold Ninebark	**Ninebark**	**Other shrub species***
Cardinal Dogwood	**Mugho Pine**	

***Native Iowa Grasses/Wildflowers shall be allowed and is encouraged in substitute for mowed grass in retention basin locations.**

ARTICLE 31

SCHEDULE OF FEES

SECTIONS:

31.010 Schedule of Fees

31.010 SCHEDULE OF FEES

The City Council shall establish, by Resolution, a schedule of fees, charges, and expenses pertaining to this Ordinance. The schedule of fees listed in the Resolution shall be posted in the office of the City Hall and may be altered or amended only by the City Council.

No permit, conditional use or variance shall be issued unless or until such costs, charges, fees, or expenses listed in the Resolution have been paid in full, nor shall any action be taken on proceedings before the Planning and Zoning Commission or the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

It shall be the right of the property owner regarding the time when a finished basement is to be calculated for the building permit fee on a home. However, in the event a basement is not finished, it will be the responsibility of the current owner to pay the fine for violation of this Ordinance, plus the fee for the basement.

Resolution #38-18

BUILDING PERMIT AND ZONING FEES

Principal Buildings over 100 Square Feet---------- $0.30 per square foot ($5,000.00 Maximum)

Accessory Buildings over 100 Square Feet---------- $0.30 per square foot ($500.00 Maximum)

Accessory Structure under 100 Square Feet ---------- $20.00

Home Occupation---------- $25.00

Fences ---------- $40.00

Zoning Assessment (For Businesses not in City Limits) ----------$75.00

Signs---------- $75.00

Home Movers Permit ---------- $100.00

Special Meeting of Planning & Zoning Commission or Board of Adjustment---------- $100.00

Appeal Hearing to the Board of Adjustment ---------- $100.00

Residential Solar Energy System---------- $100.00

Small Wind Energy System ---------- $100.00

Conditional Use Hearing ---------- $150.00

Variance Hearing---------- $200.00

Permanent above Ground Swimming Pools---------- $200.00

Monopole Colocations and Equipment ---------- $250.00

Petition for Rezoning ----------$400.00

Wireless Communications Facility Special Use Permit (Monopole Tower)---------- $1,000.00

Commercial Wind Turbine----------$2,500.00

Commercial Solar Energy Farm ---------- $5,000.00

Mobile Home Park Site Plan Review ---------- $5,000.00

ARTICLE 32
STAND-ALONE GARAGES

32.010 Purpose and Intent
32.020 Permitted Uses
32.030 Prohibited Uses
32.040 General Restrictions
32.050 Accessory Uses
32.060 Lot Size
32.070 Lot Coverage
32.080 Yard Requirements
32.090 Height Regulations
32.100 Exceptions and Modifications

32.010 PURPOSE AND INTENT

The purpose of this Article is to allow stand-alone residential garages as a principal structure on certain residential lots while ensuring they remain compatible with the character and purpose of the underlying zoning district.

32.020 PERMITTED USES

Stand-alone residential garages may be permitted in the R-1, R-3, R-4, R-5, C-1, C-3, I-1, and I-2 Zoning Districts.

32.030 PROHIBITED USES

1. Commercial Uses.
2. Home Occupations.
3. Residential dwelling uses (living quarters).
4. The keeping or boarding of animals.
5. Sheds.

32.040 GENERAL RESTRICTIONS

1. Only one (1) garage will be allowed per lot.
2. Building construction and materials shall meet the requirements of a primary residential structure as outlined by Section 23.80 of this Ordinance. Approval of Materials shall be approved by the Zoning Administrator.
3. Exterior walls facing a front yard or street side yard shall include a durable masonry wainscot consisting of brick, stone, manufactured stone, or another material approved by the Zoning Administrator. The wainscot shall extend a minimum of 30 inches above finished grade.

4. One (1) window shall be required for every twenty (20) linear feet of wall length, or fraction thereof. Garage doors and pedestrian doors shall not be counted as windows.

5. Roof eaves shall project a minimum of twelve (12) inches horizontally beyond the exterior wall.

6. A garage's maximum side wall height shall not exceed sixteen (16) feet. Sidewall height shall be measured vertically from average finished grade adjacent to the wall to the roof eave.

7. Connection to sanitary sewer and water utilities is required.

8. Must have a paved driveway of concrete, laid bricks or stone, or asphalt. All other surfaces must be made of concrete, laid bricks, or stone, or asphalt. Gravel or any material similar in nature shall not constitute any portion of a driveway or surface for the purpose of this section.

9. Roofs shall have a Maximum pitch of 6:12.

10. Outside storage of materials, equipment, vehicles, trailers, or personal property shall not be permitted.

11. An accurate rendering of the proposed garage shall be submitted with the building permit application.

32.050 ACCESSORY USES
Accessory uses incidental to and on the same zoning lot as the principal use, provided the use does not duplicate nor contradict this article. See Article 17.

32.060 LOT SIZE
There is no minimum lot size requirement. Maximum lot size shall be 10, 500 square feet.

32.070 LOT COVERAGE

1. Maximum size of all structures shall not exceed thirty percent (30%) of lot area.

2. Maximum impervious surface (including structure) shall be fifty percent (50%) of the lot area.

32.080 YARD REQUIREMENTS
Except as otherwise provided in Article 22 of this Ordinance, the following minimum shall apply:

1. Front Yard.

    a. There shall be a front yard having a depth of not less than twenty five (25) feet.

    b. The street side yard of a corner lot shall be fourteen (14) feet.

2. Side Yard: A six (6) foot side yard setback is required on only one side of the property for residential uses. A twelve (12) foot minimum distance is required between buildings on abutting lots, unless otherwise stated in Article 22 of this Ordinance.

3. Rear Yard: Not less than twenty (20) percent of the depth of the lot.

32.090 HEIGHT REGULATIONS

1. Maximum height for structures shall be twenty-eight (28) feet.

32.100 EXCEPTIONS AND MODIFICATIONS

See Article 23.

APPENDIX A

RECORD OF AMMENDMENTS

Ordinance 964 **April 19, 2017**

- Adoption of comprehensive update to the Zoning Ordinance

Ordinance 973 **August 15, 2018**

- Changing the definition of "Building Height"; Changing Yard Requirements and Height Regulations in all Residential Districts; Repealing and Replacing Article 22 "Exceptions and Modifications," and Article 23 "Supplemental Development Standards,"

Ordinance 976 **October 3, 2018**

- Increasing Fence Height Limits in Comm/Ind Zones

Ordinance 1002 **December 16, 2020**

- Adding Automotive Sales as a Permitted Use in C-3; Changing Side Yard Setbacks for Accessory Uses.

Ordinance 1006 **May 5, 2021**

- Amending the definition of "District"; Changing setbacks in C-1.

Ordinance 1019 **July 6, 2022**

- Amending Article 21 "Signs" to allow one monument sign per street frontage for certain non-residential uses in residential zones.

Ordinance 1028 **December 7, 2022**

- Eliminating the Front Yard Setback in the I-2 Zone.

Ordinance 1029 **December 7, 2022**

- Amending Article 17 "Accessory Uses" by Eliminating the street side yard setback for 6-foot fences.

Ordinance 1036 **July 5, 2023**

- Amending Article 12 “C-3 Central Business District” by amending the permitted uses for residential to only the second floor in the downtown of Chestnut Street and allowing for first floor residential use as a conditional use.

Ordinance 1049 **February 19, 2025**

- Amending Article 7 “Multiple Family Residential District” by amending the front yard setback from 30 feet to 25 feet and changing the rear yard setback from 20% of the lot depth to 20% of the lot depth, with a maximum of 25 feet.

Ordinance 1069 **October 7, 2026**

- Adoption of Article 32 “Stand-Alone Garages.”