

Secs. 1-234—1-240. - Reserved.

ARTICLE IX. - SWIMMING POOL AND SPA CODE

Sec. 1-241. - Code adopted.

- A. *Adopted.* The 2012 International Swimming Pool and Spa Code is hereby adopted, including current revisions and all appendices, and all subsequent amendments thereto, published by the International Code Congress, Inc., one (1) copy of which is on file with the city secretary is hereby adopted and incorporated by reference as the swimming pool and spa code of the city, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.
- B. *Controlling law in case of conflict.* In the event of conflict between the provisions of the swimming pool and spa code adopted by this section and this Code, the provision of this Code shall prevail.

Secs. 1-242—1-250. - Reserved.

ARTICLE X. - MULTI-FAMILY DEVELOPMENTS

Sec. 1-251. - Density and size, access and separation between multi-family dwelling buildings.

- A. Each multi-family dwelling building shall be limited to not more than seven thousand (7,000) square feet per floor. Multi-family dwelling buildings shall be limited to two (2) floors, and shall not exceed thirty (30) feet in height above finished grade. Each building shall be separate and separated by distances as stated in subsection (C) of this Section.
- B. Access must be provided around the entire perimeter of all multi-family development for emergency vehicles, including fire trucks, police cars, ambulances and garbage trucks. This access area must be paved and have a width of at least twenty (20) feet. Multi-family developments with less than ten (10) multi-family dwelling units are exempt from this requirement. Multi-family developments may not be developed in stages or phases to circumvent this requirement.
- C. Each building within a multi-family dwelling development shall be separated from other buildings by not less than thirty (30) feet. Enclosed courtyards shall not be less than forty (40) feet in depth, width, or length.
- D. *Building lines.* The following minimum building lines shall be required for lots or tracts containing multi-family dwelling buildings, measured from the applicable property line; provided, however, if the lot is encumbered with a street right-of-way, such building line shall be measured from the boundary line of such street right-of-way:

1. *Front yard.* The front yard building line shall not be less than thirty-five (35) feet.
 2. *Side yard, interior.* The interior side yard building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed.
 3. *Side yard, street.* The side building line adjacent to a street shall be not less than thirty (30) feet, except that where the side yard is adjacent to a collector street or major thoroughfare such building line shall be not less than thirty-five (35) feet.
 4. *Rear yard; interior; alleyways.* The rear building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of thirty (30) feet between the buildings abutting said alleyway.
 5. *Rear yard, major street.* A rear building line adjacent to a collector street or a major thoroughfare shall be not less than thirty (30) feet.
- E. No multi-family dwelling development shall contain more than fourteen (14) units per net platted acre. The net platted acreage shall be the total platted acreage of the development, less any acreage occupied by lakes or ponds, irrigation canals or drainage canals. For a development with one-story multi-family dwelling buildings the density shall not exceed seven (7) dwelling units per net platted acre. For a development with two-story or a combination of one- and two-story multi-family dwelling buildings the density shall not exceed fourteen (14) dwelling units per net platted acre. At no time shall any acre contain more than fourteen (14) dwelling units.
- F. The total number of units within a multi-family development shall not exceed two hundred (200). Multi-family developments may not be developed in stages or phases to circumvent this requirement.

Sec. 1-252. - Masonry construction.

At a minimum, seventy-five (75) percent of the exterior walls of a multi-family dwelling development shall be constructed of masonry materials and shall contain an appropriate moisture barrier in accordance with Article II of Chapter 1 hereof.

Sec. 1-253. - Screening.

The following screening requirements shall apply to multi-family dwelling developments:

- A. All refuse containers shall be screened;
- B. An eight-foot tall decorative masonry wall shall be constructed on the sides and rear of any multi-family dwelling development;
- C. All walls shall be constructed of a solid masonry material of brick, decorative block or similar material. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four (4) inches wider than the wall to be erected.
- D. For security purposes, structurally sound gates complying with applicable codes shall be placed at all entrances to multi-family dwelling developments in a manner sufficient to restrict access to residents and authorized visitors. Master codes to the gates shall be provided to the Chief of Police to provide for unrestricted access to police, fire and EMS emergency services and police routine patrol; and
- E. On-site management shall be present at all times.

Sec. 1-254. - Minimum off-street parking requirements.

- A. The minimum requirements for off-street parking for multi-family dwelling developments are set forth in Section 1-418.
- B. A parking space shall be constructed of concrete cement and be the minimum size required by Section 1-418. No on-street parking shall be permitted. All parking areas shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other protection device. Parking will be so arranged as to prevent backing out onto any public street.

Sec. 1-255. - Special protective requirements.

- A. All multi-family dwelling buildings shall be constructed using one-hour fire-resistive materials in all walls, floors, ceilings, and attic separations, and shall contain a fire sprinkler system on all floors.
- B. The use of wood shingle roofing and cedar shake siding materials is prohibited.

Sec. 1-256. - Open green space requirements.

- A. A minimum of thirty (30) percent of the net platted area shall be open green space. "Open green space" is defined as, and limited to, common areas of open green space with landscaping or open community recreational areas. Open green space

does not include any areas specifically designated or used as building sites for multi-family units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within a multi-family development. The actual surface areas of open green space, such as common area lawns and landscaping, and community recreational areas, such as playgrounds, community swimming pools and surrounding paved deck area, community tennis courts, and other open common recreation areas, shall be considered in calculating the minimum requirement for open green space. Recreational facilities located within enclosed buildings shall not be considered open green space. Park land provided to satisfy the requirements set forth in Chapter 4, Subdivisions, Article IV, Park Land, Public Sites and Open Spaces, may be included in satisfaction of the minimum required area of open green space required by this section, with the exception that detention basins (dry-bottom) shall not be used to satisfy open green space requirements.

- B. All multi-family dwelling developments shall provide at least three (3) of the following amenity items:
1. Tennis courts (minimum two (2));
 2. Swimming pool;
 3. Recreation/community center or room;
 4. Basketball court (full court);
 5. Fitness center; or
 6. Playground area.

A basketball court or tennis court shall not occupy the same space to be counted as separate amenities.

Sec. 1-257. - Access.

- A. Multi-family dwelling developments, including apartment and condominium developments, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said developments shall be provided in accordance with Section 4-61 of this Code.
- B. All multi-family dwelling units (buildings) and all common/recreational areas shall have direct access to a driveway or access street, which shall be constructed in accordance with the city's minimum design construction standards for a private street.

Sec. 1-258. - Lighting.

Each multi-family dwelling development shall include lighting for all recreational areas, driveways, access streets, entrances, and exits.

Sec. 1-259. - Site plan.

At the time a preliminary plat application is submitted, a preliminary site plan of the multi-family development shall be submitted for review and approval of the Planning Commission. At the time a final plat application is submitted, a final site plan shall be submitted for review and approval by the Planning Commission and the City Council. Any site plan of the multi-family development submitted in conjunction with an application for a building permit shall be in accordance with the final site plan approved by the City Council. This requirement to provide a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed under this Code. A site plan may be denied by the Commission and Council if the proposed multi-family development is within one half (1/2) mile of an existing multi-family development, resulting in undue concentration of multi-family developments as determined by the Commission and Council.

Sec. 1-260. - Minimum square footage.

Each dwelling unit within a multi-family development shall meet the following minimum square footage requirements:

- A. Each one-bedroom unit shall have a minimum of area of six hundred (600) square feet;
- B. Each two-bedroom unit shall have a minimum area of nine hundred (900) square feet;
- C. Each three-bedroom unit shall have a minimum area of one thousand two hundred (1,200) square feet; and
- D. No four-bedroom units shall be permitted.

Sec. 1-261. - Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalty provided in Section 1-13 of the Code of Ordinances.

Sec. 1-262. - Exceptions.

The following developments shall be subject to the standard regulations set forth in this article, except as otherwise hereinafter provided:

- A. Federally funded (example: U.S. Department of Housing and Urban Development, commonly referenced as "HUD") projects that comply with HUD Section 811 regulations for such projects, which is restricted to housing for persons with physical disabilities, developmental disabilities, or chronic mental illness, shall be subject to the following requirements:
1. *Applicability*. Non-profit organizations: Entity must provide proof of non-profit status and federally funded status concurrently with the submittal of a site plan for consideration by the planning commission;
 2. *Density*: Maximum density of seven (7) units per net platted acre;
 3. *Number of units*: Maximum number of fifteen (15) units within a development;
 4. *Minimum development area*: Two (2) acres;
 5. *Parking*: Minimum of two (2) spaces per unit;
 6. *Building separation*: Minimum building separation of eighteen (18) feet;
 7. *Property line fencing*: A fence, consisting of chain link, wrought iron, or wood panels, shall be required along the perimeter property lines. An opaque fence shall be required along any property line that is adjacent to a residential use, or property platted for residential use, at the time of development of the multi-family use;
 8. *Amenities*: A minimum of one (1) of the following amenities shall be provided:
 - i. Tennis courts.
 - ii. Swimming pool.
 - iii. Recreation/community center or room.
 - iv. Basketball court.
 - v. Fitness center.
 - vi. Playground area.
 - vii. Open green space/play area.
 - viii. Gazebo.
 9. *Size of units*: Units shall be a minimum of five hundred (500) square feet;
 10. *Maximum number of residents per unit*: Three (3), with one (1) of those residents being at least eighteen (18) years of age or older; and

11. *Site plans*: All site plans shall be submitted to the planning commission for a recommendation, and the city council for final approval.

Secs. 1-263—1-270. - Reserved.

ARTICLE XI. - DANGEROUS BUILDINGS

Sec. 1-271. - Definitions.

- A. All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:
1. Those which have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
 2. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage of structural members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
 3. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
 4. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, morals or the general health and welfare of the occupants or the people of the city;
 5. Those which are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those occupying such building;
 6. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live therein;
 7. Those, regardless of their structural condition, which have, during times that they were not actually occupied by their owners, lessees or other invitees, been left unsecured from unauthorized entry to the extent that they may be entered and utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area;
 8. Those which have parts thereof which are so attached that they may fall and injure members of the public or property;
 9. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city; and/or

- ii. The Special Study, if denied, may be appealed to the Planning Commission. The City Engineer and Planning Administrator reserve the right to refer the study to the Planning Commission for review and approval for any reason.
- iii. A Special Study may be submitted as the basis for requesting a reduction of parking requirements by demonstration of lesser demand management, subject to:
 - (a) The City is able to retain a qualified traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the City;
 - (b) The comparability of the uses being documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that were considered by the traffic engineer that could affect parking demand; and,
 - (c) Planning Commission review and approval.

Table 1	
Residential and Commercial Use of the Home Parking Requirements	
Use	Required Off-Street Parking Spaces
Residential Uses (Housing Types)	
Single-Family Detached	
- Single-Family Detached	2 spaces per du.
Single-Family Attached	
- Duplex	2 covered spaces per du.
- Townhouse	2 spaces per du.
- Live-Work Unit	3 spaces per du.
Multi-family	
Apartment	2 spaces for efficiency unit and 1 BR plus 2 spaces per unit for visitor parking; 3 spaces per du for 2 BR plus 2 spaces per unit for visitor parking; and 4 spaces per du for 3 BR plus 2 spaces per unit for visitor parking (min. 30% covered parking)
Special Neighborhood Types	
Planned Cluster	Individual spaces as set out above for single-family detached or single-family attached, whichever is applicable + 1 visitor space per each 5 dwelling units
Manufactured Home Park or Subdivision	Individual spaces as set out above for single-family detached + 2 visitor spaces per each 5 manufactured home spaces
Recreational Vehicle (RV) Park	1 space per RV pad (not including RV space) + 2 visitor spaces for each 5 recreational vehicle spaces
Commercial Uses of the Home	
Child-Care, Family Home	1 space per each 3 children on the premises at any one time + 1 space per each provider, staff member, or employee on duty at any one time
Child-Care Facility, Group Home	Greater of: 1 space per 3 rooms or 1 space per BR