

## **20.16.000**

## **HEIGHT REGULATIONS**

**20.16.010** **MAXIMUM HEIGHT RESTRICTED.** In any district no building or structure shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for the district.

**20.16.020** **EXCEPTIONS.** Except as provided in Section 20.16.040 relating to buildings or structures in the B-4 Central Business District, the following shall be excepted from the height regulations for all districts:

- A. Chimney and flues.
- B. Accessory farm buildings, not to exceed 60 feet in height on lots of 120,000 square feet or more in area.
- C. Electrical, telephone and telegraph transmission and distribution structures.
- D. Subject to approval of Plan Commission: elevator bulkheads, stacks, scenery lofts, water towers, church spires, radio or television broadcasting towers, non-dish type antenna extending more than 10 feet above the height limit, aerials, windmills and necessary mechanical appurtenances. The Commission in granting or denying the exception shall be guided by the standards contained in Section 31.000 except that dish-style earth station satellite antenna shall not be installed on the roofs of residential or their accessory buildings, nor be eligible for this height regulation exception nor that of 20.16.030.

**20.16.030** **INCREASE PERMITTED.** The maximum height of any structure may be increased by no more than 10 feet, providing all required offset and setbacks are increased by one foot for each foot in excess of the height limit of the district in which located.

### **20.16.040** **MAXIMUM BUILDING HEIGHTS IN B-4 CENTRAL BUSINESS DISTRICT.**

- A. **Buildings Existing on or Before September 17, 2004.** Any building or structure within the B-4 Central Business District which exceeds thirty-five (35) feet in height, existing or for which a building permit was issued on or before September 17, 2004, shall be a permitted building or structure and shall not be deemed a legal non-conforming building or structure on the basis of the height thereof, nor be subject to any conditions relating to such height nonconformity under Section 20.12.020 1. The height of such building or structure may be increased up to a maximum of sixty-one (61) feet by special exception, upon petition to and recommendation of the Plan Commission, and upon the favorable two-thirds (2/3) vote of all of the elected members of the Common Council. A request for such special exception shall be subject to the petition, public hearing, notice and determination procedures applicable to a petition for conditional use permit under Section 20.23.020. In considering such petition for special exception, the Plan Commission and Common Council shall be guided

by the standards contained in Section 20.30.040 relating to site plan and design review, and by the criteria contained in Section 20.31.030 relating to approval of building, site and operational plans, provided, however, that such building or structure shall not be eligible for the height regulation exceptions set forth in Section 20.16.020 nor be eligible for the height increase permitted under Section 20.16.030.

Notwithstanding any other provision of this subsection, in the event a building or structure subject to this subsection is damaged to the extent of more than 50% of its current full market value, it may be repaired or restored to its height at the time of such damage, provided, however, that it shall not be repaired or restored for use except in conformity with the use and lot regulations then in effect for buildings, structures and land within the B-4 Central Business District.

- B. Buildings Erected or Structurally Altered After September 17, 2004. Except as provided in Section 20.16.040 A. and this section, no building or structure erected or structurally altered within the B-4 Central Business District and for which a building permit is issued after September 17, 2004, shall exceed a height of thirty-five (35) feet. The height of such building or structure may be increased up to a maximum of sixty-one (61) feet by special exception, upon petition to and recommendation of the Plan Commission, and upon the favorable two-thirds (2/3) vote of all of the elected members of the Common Council. A request for such special exception shall be subject to the petition, public hearing, notice and determination procedures applicable to a petition for conditional use permit under Section 20.23.020. In considering such petition for special exception, the Plan Commission and Common Council shall be guided by the standards contained in Section 20.30.040 relating to site plan and design review, and by the criteria contained in Section 20.31.030 relating to approval of building, site and operational plans, provided, however, that such building or structure shall not be eligible for the height regulation exceptions set forth in Section 20.16.020 nor be eligible for the height increase permitted under Section 20.16.030.
- C. Building Inventory. An inventory listing the heights of all buildings and structures within the B-4 Central Business District as of September 17, 2004 shall be prepared and maintained by the City Engineer or his designee for purposes of future reference in the application, interpretation and enforcement of this Section.