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## **CHAPTER 10 – MUNICIPAL PLANNING**

### **Article 1 – General Provisions**

#### **SECTION 10-101: COMPREHENSIVE PLAN; ADOPTED BY REFERENCE**

For purposes of promoting the public health, safety, and general welfare of the Village and extraterritorial jurisdiction by providing the Village Board sufficient information to stimulate private initiative, protect existing development, and promote the orderly growth and development of the Village and extraterritorial jurisdiction, the Comprehensive Plan for the Village of Waterloo and extraterritorial jurisdiction, as prepared by the Omaha-Council Bluffs Metropolitan Area Planning Agency and published in pamphlet form, has been adopted by the Village Board by Resolution No. 2-10-09-2 and incorporated herein by reference as though fully set forth. A copy of the adopted Comprehensive Plan shall be on file with the Village Clerk and available for inspection by the public during office hours.

#### **SECTION 10-102: ZONING REGULATIONS; ADOPTED BY REFERENCE**

For purposes of setting minimum standards to promote the public health, safety, morals, and general welfare of the Village; providing for the harmonious development and coordinated layout for the subdivided area; providing for the proper arrangements of streets; providing for adequate sanitary facilities; and reducing flood damage potentials to the greatest extent possible, the Zoning Regulations for the Village of Waterloo, as prepared by the Omaha-Council Bluffs Metropolitan Area Planning Agency and published in pamphlet form, as subsequently amended from time to time, have been adopted by the Village Board by Ordinance No. 700 on February 10, 2009, and incorporated herein by reference as though fully set forth. A copy of the adopted ordinance shall be on file with the Village Clerk and available for inspection by the public during office hours.

#### **SECTION 10-103: SUBDIVISION REGULATIONS; ADOPTED BY REFERENCE**

For purposes of promoting the public health, safety, morals, and general welfare of the Village; providing for the harmonious development and coordinated layout for the subdivided area; providing proper arrangement of streets; providing adequate and convenient open spaces for traffic utilities, recreation, light, air, and access of fire-fighting equipment; avoiding population congestion through requirements for minimum lot widths and lot areas; providing adequate sanitary facilities; and reducing flood damage potentials to the greatest extent possible, the Subdivision Regulations for the Village of Waterloo, as prepared by the Omaha-Council Bluffs Metropolitan Area Planning Agency and published in pamphlet form, as subsequently amended from time to time, have been adopted by the Village Board by Ordinance No. 444 and incorporated herein by reference as though fully set forth. A copy of the adopted ordinance shall be on file with the Village Clerk and available for inspection by the public during office hours.

**SECTION 10-104: ADMINISTRATIVE PROCEDURES FOR ZONING AND SUBDIVISION REGULATIONS; ADOPTED BY REFERENCE**

For purposes of assisting elected and appointed officials and the citizens of Waterloo in the implementation and administration of the Village of Waterloo Zoning and Subdivision Regulations, the Administrative Procedures for Zoning and Subdivision Regulations for the Village of Waterloo, as prepared by the Omaha-Council Bluffs Metropolitan Area Planning Agency and published in pamphlet form, as subsequently amended from time to time, have been adopted by the Village Board and incorporated herein by reference as though fully set forth. A copy of the adopted procedures shall be on file with the Village Clerk and available for inspection by the public during office hours.

**SECTION 10-105: FLOODWAY AND FLOODWAY FRINGE DISTRICTS; ADOPTED BY REFERENCE**

For purposes of promoting the public health, safety, and general welfare of the Village of Waterloo and extraterritorial jurisdiction by minimizing the loss of life and property, health and safety hazards, disruption of commerce and governmental services, impairment of the tax base, and extraordinary public expenditures for protection resulting from periodic inundation of flood waters, Ordinance No. 559 creating Floodway and Floodway Fringe Districts was adopted by the Village Board and amended by Ordinance No. 709 on February 23, 2010, incorporated herein by reference as though fully set forth. Copies of the adopted ordinances shall be on file with the Village Clerk and available for inspection by the public during office hours.

**SECTION 10-106: PAPIO-MISSOURI RIVER NRD REGULATIONS; ADOPTED BY REFERENCE**

The Papio-Missouri River Natural Resources District Rules and Regulations, Papio Trails System, dated April 11, 1991, as subsequently amended from time to time, are hereby adopted by the Village, incorporated herein by reference as though fully set forth, to control the administration, use, operation, maintenance, and protection of the Waterloo Trail. (Ord. No. 628, 12/12/00)

## Article 2 – Sound Performance Standards

### SECTION 10-201: PURPOSE

This article shall be known as the sound performance standards. The performance standards are intended to provide reasonable environmental standards by regulating potentially objectionable or harmful effects resulting from uses permitted within zoning districts. The standards, by requiring specific standards of environmental performance, are also designed to avoid the arbitrary exclusion of certain uses from specific areas.

### SECTION 10-202: COMPLIANCE WITH ARTICLE

A. *Generally.* Except, as otherwise provided herein, no land, building or structure in any district shall be used or occupied in a way that creates excessive noise or vibration, as defined in this article. Permitted uses as set forth in this chapter must conform to the regulations of this section. Compliance with this article shall not prohibit the enforcement of any other provision of this Code or existing permit.

B. *Permit Applications.* The building official may require an applicant for a building permit or certificate of occupancy to submit information certifying that the proposed use will and is capable of complying with the applicable performance standards.

C. *Existing Uses.* Uses existing and lawfully complying with all other provisions of this Code on the effective date of this ordinance, but measurably exceeding these performance standards, shall be required to comply with more restrictive performance standards within six months of said effective date. Such uses shall also be subject to the following provisions:

1. Operations shall not be changed so as to increase the degree of non-compliance with these performance standards.
2. An expansion of the use or installation of new equipment or processes shall be subject to all applicable performance standards.

### SECTION 10-203: MEASUREMENT OF NOISE

The following provisions regulate noise generation by any use within a specific zoning district. The methods of measurement shall be:

A. *Scale.* All noise shall be measured in units of the frequency weighted sound level (Db(A)), in accordance with American National Standards Institute specifications for sound level meters, S1.4-1971.

B. *Point of Measurement.* Sound level measurements for R (multi-family) and more intensive districts shall be taken at the boundary line between the zoning district

in which the measured use is located and the adjacent less intensive zoning district. If the measured use is located across public right-of-way from a less intensive zoning district, the measurement shall be taken at the nearest property line across from the less intensive zoning district. Sound level measurements for R (single-family) and less intensive districts shall be taken at the property line of each use.

C. *Instrument of Measurement.* Measurements shall be made with a sound level meter and octave band filter, maintained in calibration and good working order.

**SECTION 10-204: MAXIMUM PERMITTED SOUND LEVELS**

A. *Sound Levels.* The following table displays the maximum permitted sound levels generated by uses in specific zoning districts, taken at the point of measurement set forth in Section 10-203.

	<b>Zoning District Adjacent To or Across ROW From Measured Use</b>					
	Heavy Industrial	General Industrial	Light Industrial	Commercial	Multi-Family/Office	Single-Family
Daytime: 7 a.m. to 9 p.m.	85 dB(A)	80 dB(A)	75 dB(A)	70 dB(A)	65 dB(A)	60 dB(A)
Nighttime: 9 p.m. to 7 a.m.	80 dB(A)	75 dB(A)	70 dB(A)	65 dB(A)	60 dB(A)	55 dB(A)

B. *Adjustments.* Maximum permitted sound levels may be adjusted subject to the following conditions:

1. The permitted sound level may be exceeded by 5 dB(A) for a cumulative period not to exceed 30 minutes of a given hour during daytime hours.
2. The permitted sound level may be exceeded by 10 dB(A) for a cumulative period not to exceed 15 minutes of a given hour during daytime hours.
3. If the ambient noise level measurement exceeds the maximum permitted sound level, the maximum permitted sound level shall be increased to equal the ambient noise level.

C. *Exemptions.* The following uses and activities shall not be considered in determining compliance with these standards and shall be exempt from these regulations:

1. Noises not directly under the direct control of the property user.
2. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 9:00 p.m.
3. Noises of safety signals, warning devices or emergency pressure relief valves.
4. Transient noises from moving sources, including automobiles, trucks, airplanes and railroads.
5. Activities conducted on public parks or public and private schools.

6. Occasional outdoor events, provided such events are conducted pursuant to an appropriate license or permit issued by the proper department or agency.

### **SECTION 10-205: VIBRATION**

A. *Performance Standard.* No use within any zoning district may produce vibrations which are perceptible without instruments at the common boundary line with a less intensive zoning district. If the use is located across a public right-of-way from a less intensive zoning district, the boundary line shall be considered the nearest property line of such use across from the less intensive use.

B. *Exemption.* Ground vibration caused by automobiles, trucks, aircraft, trains or temporary construction or demolition activities shall be exempt from the vibration regulations.

### **SECTION 10-206: APPEALS**

A. *Variance Procedure.* Unless otherwise provided, the owner or operator of any use which violates any performance standard may file an application for a variance to the Zoning Board of Appeals. The applicant shall document all actions taken to comply with these performance standards and state the reasons why he/she is unable to come into full compliance. The Zoning Board of Appeals may grant variances to these standards, subject to conditions that it considers appropriate to achieve maximum possible compliance.

B. *Criteria for Variances.* In acting upon an application for a variance, the zoning board of appeals shall consider the following criteria:

1. The degree of nuisance caused by the violation.
2. The uses of surrounding properties affected by the violation.
3. The amount of time required to study the violation and increase the level of compliance.
4. Economic considerations, including an analysis of costs and benefits produced by full compliance.
5. The health, safety and welfare of the public.