

ZONING REGULATIONS

TABLE OF CONTENTS

TITLE
INTERPRETATION AND SCOPE
RULES AND DEFINITIONS
DISTRICTS AND BOUNDARIES
"A-L" AGRICULTURAL DISTRICT
"R-1" SINGLE-FAMILY DWELLING DISTRICT
"R-2" SINGLE-FAMILY DWELLING DISTRICT
"R-3" SINGLE-FAMILY DWELLING DISTRICT
"R-4" TWO-FAMILY DWELLING DISTRICT
"R-5" MULTIPLE-FAMILY DWELLING DISTRICT
"M-P" MOBILE HOME PARK DISTRICT
"C-O" OFFICE AND INSTITUTION DISTRICT
"C-S" HIGHWAY SERVICE DISTRICT
"C-2" GENERAL COMMERCIAL DISTRICT
"C-3" CENTRAL BUSINESS DISTRICT
"I-P" INDUSTRIAL PARK DISTRICT
"I-1" LIGHT INDUSTRIAL DISTRICT
"I-2" HEAVY INDUSTRIAL DISTRICT
SUPPLEMENTARY DISTRICT REGULATIONS
PARKING AND LOADING REGULATIONS
SIGN REGULATIONS
NONCONFORMING USES
BOARD OF ZONING APPEALS
AMENDMENTS
ENFORCEMENT, VIOLATION AND PENALTY
VALIDITY
APPROVAL AND EFFECTIVE DATE

Introduced _____
Published _____

A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARD, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A MAP OF THE CITY SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ZONING APPEALS; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AMENDING ORDINANCE NO. ___ AND ALL AMENDMENTS THERETO COMMONLY KNOWN AS THE "ZONING ORDINANCE" AND REPEALING SAID ORIGINAL ORDINANCE NO. ___ AND ALL AMENDMENTS THERETO.

BE IT ORDAINED by the Governing Body that:

TITLE

SECTION 1. This ordinance shall be known and may be cited as the Zoning Ordinance for the City of Minneapolis and shall repeal and replace Ordinance NO. ___ and all amendments thereto.

INTERPRETATION AND SCOPE

SECTION 1. In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this ordinance 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 this ordinance shall control.

RULES AND DEFINITIONS

SECTION 1. RULES. For the purpose of this Zoning Regulations, the following rules shall apply:

1. Words and numbers used singularly shall include the plural and the plural, the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory.

SECTION 2. For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. **ACCESSORY USE OR BUILDING:** A subordinate building or use which customarily is incidental to that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, air conditioners, garden houses, children's play houses, barbecue ovens and fire places.
2. **ALLEY:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.
3. **ALTERATION:** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered as an alteration.
4. **ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs).
5. **APARTMENT:** (See Dwelling, Multiple).
6. **BASEMENT:** That portion of a building having more than 1/2 of its height below grade.
7. **BOARD OF ZONING APPEALS:** That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulations.
8. **BOARDING OR LODGING HOUSE:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for 3 or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.
9. **BUILDING:** Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
10. **BUILDING, HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
11. **CLINIC:** (See Medical, Dental or Health Clinic).

12. COMMON OPEN SPACE: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

13. DAY NURSERY: An establishment other than a public or parochial school, which provides day care and education for four or less unrelated children.

14. DISTRICT: A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.

15. DOG: Any canine specie over 12 months of age.

16. DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

17. DWELLING, SINGLE-FAMILY: A building having accommodations for and occupied exclusively by one family. It is specifically identified insofar as permitted uses that single-family dwelling does not include the permission of mobile homes. Mobile homes are permitted only in those districts where mobile homes are listed as a permitted use.

18. DWELLING, TWO-FAMILY: A building having accommodations for and occupied exclusively by two families, independently.

19. DWELLING, MULTIPLE: A building having accommodations for and occupied exclusively by more than two families, independently.

20. FAMILY: One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel or motel.

21. FLOOR AREA:

a. For computing off-street parking requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- (1) The basement floor area.
- (2) The area of each floor of the structure.
- (3) Attic space having head-room of 7' 10" or more.

b. Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:

(1) The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the center line of walls separating two buildings which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof);

- (2) Penthouse;
- (3) Basement floor area;

- (4) Attic space having a head-room of 7' 10" or more;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches;
- (7) Floor area devoted to accessory uses;
- (8) Interior malls.

22. FLOOR AREA RATIO: The maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.

23. FRONTAGE: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

24. GARAGE, PRIVATE: An accessory building designed or used for storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

25. GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring servicing, selling or storing motor-driven vehicles.

26. GOVERNING BODY: That Body having jurisdiction in the zoning area.

26a. GROUND FLOOR: The first story above the basement and if there is no basement then the first story of a building.

27. GROUP DAY CARE CENTER: An establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for five or more unrelated children aged three years or more. Group Day Care Centers shall meet all requirements of the Kansas State Board of Health, Maternal Child Care Division.

28. GRADE:

a. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.

b. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in a. above) of all walls facing each street.

c. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls or the building shall be the grade. Any wall approximately parallel to and not more than five feet from a street line is considered as facing the street.

29. HOME OCCUPATIONS: A business, profession or trade conducted for gain or support entirely within a residential building subject to the following use limitations:

a. In all residential districts:

(1) No commodities shall be displayed or sold on the premises except that which is produced on the premises.

(2) No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.

(3) No outdoor storage of materials or equipment used in the home occupation shall be permitted.

(4) No alteration of the principal residential building shall be made which changes the character thereof as a residence.

(5) The home occupation shall be carried entirely within the principal residential structure and under no circumstances shall the home occupation be carried on within a detached accessory building.

b. In the "R-S", "R-1", "R-2", and "R-3" Residential Districts:

(1) No sign shall be permitted unless required by State Statute, and if so required, shall not exceed two square feet in area, shall not be illuminated and shall be placed flat against the main wall of the building.

(2) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.

(3) No manufacturing or processing of any sort whatsoever shall be done, and no stock-in-trade shall be displayed or sold on the premises.

c. In all other districts permitting residents:

(1) No sign shall exceed two square feet in area and any sign provided shall be placed flat against the main wall of the building.

(2) No stock-in-trade except articles produced by persons occupying such dwelling as their residence, shall be displayed or sold on the premises.

d. Particular Home Occupations Permitted: Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of subsections a., b., and c. of this section:

(1) Dressmakers, seamstresses, tailors.

(2) Music teachers, provided that instruction shall be limited to five pupils at a time.

(3) Dance and drama instructors, provided that instruction shall be limited to not more than ten pupils at one time.

(4) Artists, sculptors and authors or composers.

(5) Offices for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.

(6) Ministers, rabbis and priests.

(7) Offices for salesmen, sales representatives, manufacturers representatives, when no retail or wholesale transactions are made on the premises.

(8) Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc. provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or avocation.

(9) Day care centers or babysitters caring for less than five unrelated children.

(10) Barber shops and beauty parlors.

(11) Services such as small appliance, radio and T.V. repair.

e. Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include:

(1) Funeral homes.

(2) Nursery schools unless specifically permitted by the district regulations.

(3) Restaurants

(4) Small grocery stores.

(5) Stables or kennels.

(6) Tourist homes, unless specifically permitted by the district regulations.

(7) Renting of trailers or equipment.

(8) Animal kennels or hospitals.

(9) Auto and other vehicle repair.

30. HOTEL: A building or portion thereof, or a group of buildings, used as a transient abiding place which may not serve meals and whether such establishments are designed as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court or other similar designation.

31. INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

32. KENNEL-BOARDING: Any place, area, building or structure where dogs (including those under 1 year in age) are boarded, housed, cared for, fed or trained by other than the owner.

33. KENNEL-BREEDER: Any place, area, building or structure where more than four dogs are kept for purposes of breeding, raising or as pets.

34. LODGING HOUSE: (See Boarding House.)

35. LOT: A parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by this regulation, which may include more than one lot of record or metes and bounds described tract having its principal frontage upon a public street or officially approved place.

36. LOT, CORNER: A lot abutting upon two or more streets at their intersection.

37. LOT, DEPTH OF: The mean horizontal distance between the front and the rear lot lines.

38. LOT, DOUBLE FRONTAGE: A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

39. LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded

in the office of the Register of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds prior to the adoption of this regulation.

40. LOT, ZONING: A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.

41. MEDICAL, DENTAL OR HEALTH CLINIC: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients are lodged overnight, but which may include an apothecary.

42. MOBILE HOME: Any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or rollers, jacks, blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails. This excludes modular and modular type houses with the outside walls of the house bolted to a continuous masonry foundation. (Ord. #1245)

43. MOBILE HOME PARK: Any area, piece, parcel, tract, or plot of ground, equipped as required for support of mobile homes and offered for use by owner or representative for mobile home park purposes and/or ground upon which one or more mobile homes are parked, whether for compensation or not, including all accessory uses thereof. The term mobile home park does not include sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

44. NON-CONFORMING STRUCTURE: A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

45. NON-CONFORMING USE: An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.

46. NURSING HOMES OR CONVALESCENT HOMES: An institution or agency licensed by the State for the reception, board care or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

47. PARKING SPACE: An area surfaced for all weather use including gravel, sand or comparable material for the purpose of storing on parked automobile. For the purpose of this regulation on parking space shall have a minimum width of nine feet and a minimum length of 20 feet. In computing off-street parking, additional space shall be required for access drives to each parking space.

48. PLACE: An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.

49. PRIVATE CLUB: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

50. PROFESSIONAL OFFICE: Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering or other occupation customarily considered as a profession.

51. PUBLIC UTILITY: Any business which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, (f) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

52. RESTAURANT: A public eating establishment at which the primary function is the preparation and serving of food.

53. SERVICE STATION: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included, such service shall not include tire recapping, body repairs or major overhaul.

54. SIGN: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice or official flag.

55. SITE TRIANGLE: An area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 1/2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall be increased to 120 feet.

56. SPECIAL USE PERMIT: A special use permit is a written permit issued by the Zoning Administrator with the written authorization of the Board of Zoning Appeals. This special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

57. STORY: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

58. STREET: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

59. STREET LINE: A dividing line between a lot, tract or parcel of land and the contiguous street.

60. STREET NETWORK:

a. Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas does not provide a land service function.

b. Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.

c. Collector: A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.

d. Local: A street which provides direct access to abutting land, and local traffic movement whether in business, industrial or residential areas.

61. **STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.

62. **STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration.

- a. Attachment of a new front where structural supports are not changed.
- b. Addition of fire escapes where structural supports are not changed.
- c. New windows where lintels and support walls are not materially changed.
- d. Repair or replacement of non-structural members.

63. **TAVERN:** An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests.

64. **TRAILER:** (See Mobile Home.)

65. **YARD:** A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

66. **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 and the building setback line.

67. **YARD, REAR:** A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.

68. **YARD, SIDE:** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the side lot line and the furthest architectural projection of the structure.

69. **ZONE OR DISTRICT:** A section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open spaces about buildings are herein established.

70. **ZONING ADMINISTRATOR:** The person or persons authorized and employed by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

71. **ZONING AREA:** The area to be zoned as set out on the official Zoning Map filed of record.

72. **ZONING REGULATIONS:** The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

SECTION 3. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

DISTRICTS AND BOUNDARIES

SECTION 1. DISTRICT CLASSIFICATIONS. In order to classify, regulate and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings, to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings, and to regulate and restrict the density of population, the Zoning Area is hereby divided into districts designated as follows:

"A-L" AGRICULTURAL DISTRICT
"R-1" SINGLE-FAMILY DWELLING DISTRICT
"R-3" SINGLE-FAMILY DWELLING DISTRICT
"R-5" MULTIPLE-FAMILY DWELLING DISTRICT
"M-P" MOBILE HOME PARK DISTRICT
"C-O" OFFICE AND INSTITUTION DISTRICT
"C-S" HIGHWAY SERVICE DISTRICT
"C-3" CENTRAL BUSINESS DISTRICT
"I-P" INDUSTRIAL PARK DISTRICT
"I-1" LIGHT INDUSTRIAL DISTRICT
"I-2" HEAVY INDUSTRIAL DISTRICT

SECTION 2. DISTRICT ZONING MAP. The boundaries of the districts are shown on the map and/or sections thereof attached here to and made a part of this regulation, which map is designated as the "District Zoning Map". The District Zoning Map and all the notations, references and other information shown thereon are a part of this regulation and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described herein. The District Zoning Map is properly attested and is on file in the office of the Clerk having jurisdiction.

SECTION 3. ANNEXATION RULE. All territory which may hereafter be annexed to the City shall be in the "R-1" Single-Family District until otherwise changed by Ordinance.

SECTION 4. RULES WHERE UNCERTAINTY MAY ARISE. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this regulation, the following rules apply:

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be constructed to be the lot lines, and where the districts designated on the map accompanying and made a part of this regulation are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary line on the map accompanying and made a part of this regulation shall be determined by the use of the scale appearing on the map.

"A-L" AGRICULTURAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent of the "A-L" Agricultural District to protect agricultural uses in the Zoning Area through control of density, land use and land coverage.

SECTION 2. DISTRICT REGULATIONS. In District "A-L", no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 3 below:

SECTION 3. USE REGULATIONS.

1. General agricultural operations, but this shall not include or permit:
 - a. The Spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - c. The construction of agricultural buildings or structures closer than 90 feet to the centerline of a principal public way.
2. Single-family dwellings which the land is used or intended to be used only for agricultural purposes.
3. Public parks, playgrounds, recreation areas and community buildings owned and operated by a public agency.
4. Churches, synagogues and similar places of worship.
5. Farms and ranches.
6. Public or parochial schools, elementary, junior high and high schools and private schools with equivalent curriculum.
7. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
8. Greenhouses and nurseries.
9. Institutions of higher learning, including dormitory accommodations when located on the same tract as the education buildings.
10. Home Occupations.
11. Public buildings including libraries and museums.
12. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.
13. Accessory buildings and uses customarily incidental to any of the above uses.
14. Exploration and extraction of oil and natural gas.
15. The Board of Zoning Appeals may, by special use permit, authorize the following exceptions subject to such conditions as the board deems necessary, to include, but not restricted to proper setbacks,

landscaping, screening, fencing, maintenance provisions and other similar requirements:

- A. Airports and heliports.
- B. Cemetery, crematory or mausoleum.
- C. Hospitals, isolation homes, penal institutions, sanitariums or asylums for the insane or feeble-minded.
- D. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc.
- E. Nursing and care homes subject to inspection and license requirements.
- F. Seasonal or temporary uses such as recreation camp or similar enterprises.
- G. Telephone exchange, electric substations or similar public utilities.
- H. Any public building, erected or land used by any department of the City, County, State or Federal Government.
- I. Agricultural product storage (elevators) when no other business is in combination with said storage.
- J. Animal feed lots subject to the license requirements of the State and subject to the following minimum sanitation and odor practices. (The intent is to establish a healthful environment around the feed lot.)

Operation:

- (1) Manure shall be removed or disposed of in one of the following manners:
 - (a) Spraying or spreading on land followed by discing or Plowing.
 - (b) Grinding or dehydrating in properly designed dehydrators.
 - (c) Stockpiling in a compost plant in an isolated area at least 3 miles from a developed non-agricultural residential area of 8 or more residences developed at a density of 4 residences or more Per acre.
 - (d) Designed sewerage disposal systems approved by the State Board of Health and the Livestock Control Commission.
- (2) Insect and rodent control:
 - (a) Removal of manure and disposal as outlined above.
 - (b) Use chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.

Drainage:

- (1) All ground surfaces within pens shall be so graded and compacted to insure proper drainage.
- (2) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed.

J. Radio or television transmitters.

K. Private clubs (as defined in these regulations).

L. Kennels-Breeder and Boarding, provided that:

(1) The minimum lot size shall be not less than 2 acres.

(2) No kennel buildings or runs shall be located nearer than 75 feet to any property lines.

(3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chain link fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.

M. Privately-owned parks, playgrounds, golf courses or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges.

N. Riding stables and academies providing no structure housing horses shall be located nearer than 600 feet to the boundary of any residential district.

SECTION 4. INTENSITY OF USE REGULATIONS. Areas used for nonagricultural dwelling shall meet the following intensity requirements:

1. Every lot served with public sanitary sewers and public water system shall have an area of not less than 9,600 square feet and a lot width of not less than 80 feet.

2. Every lot not served with a public sanitary sewer shall have a lot area of not less than one-half acre and a lot width of not less than 140 feet.

3. Every lot not served with a public water system shall have an area of not less than 1/2 acre and a lot width of not less than 140 feet.

SECTION 5. HEIGHT REGULATIONS. No building or structure shall exceed the following height restrictions:

1. When the building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 35 feet in height.

2. When the building or structure is more than 150 feet from a residential district zone, said building shall not exceed 80 feet in height.

3. Public and semi-public buildings, public service and institutional buildings, hospitals, schools, churches and similar places of worship are permitted 2 feet of additional height for each one foot of additional front building setback.

SECTION 6. YARD REGULATIONS.

1. Front Yard: The front yard shall be a minimum of 40 feet in depth, measured from the front lot line, except on collector streets the minimum front yard shall be 80 feet, measured from the centerline of the street and except on arterial streets, the minimum front yard shall be 90 feet, measured from the centerline of the street.

2. Side yards: There shall be a side yard of not less than 15 feet on each side of every single-family dwelling. All other permitted and conditional uses shall provide a minimum side yard of 25 feet.

3. Rear Yards: There shall be a rear yard of not less than 40 feet.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"R-1" SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-1" Single-Family Dwelling District is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS. In District "R-1", no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in the Use Regulations:

SECTION 3. USE REGULATIONS.

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. General agricultural operations, but this shall not include or permit:
 - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - c. The construction of agricultural buildings or structures closer than 90 feet to the centerline of a principal public way.
5. Accessory buildings and uses.
6. Public and parochial schools.
7. Home occupations.
8. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
9. The Board of Zoning Appeals may, by special use permit, authorize, the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
 - a. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - b. Telephone exchange, electric substations and regulatory stations or other public utilities.

SECTION 4. INTENSITY OR USE REGULATIONS. Every lot or tract of land shall have an area of not less than 9,000 square feet and an average width of not less than 70 feet.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 35 feet in height.

SECTION 6. YARD REGULATIONS.

1. Front Yards:

- a. The front yard shall be a minimum of 30 feet in depth measured from the front lot line,
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the build able width of a lot of record at the time of the passage of this regulation need not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than 5 feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

- a. There shall be a side yard having a width of not less than 6 feet measured from the point of the building closest to the property line on each side of the principal residential building and all other permitted and conditional uses.
- b. Whenever a lot of record existing at the time of the passage of this regulation has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than 3 feet.
- c. Side yards of accessory buildings shall be the same as side yards for principal residential buildings.

3. Rear Yards: There shall be a rear yard having a depth of not less than 5 feet.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See Article on Sign Regulations.)

"R-2" SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-2" Single-Family Dwelling District is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS. In District "R-2", no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in the Use Regulations:

SECTION 3. USE REGULATIONS.

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. General agricultural operations, but this shall not include or permit:
 - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - c. The construction of agricultural buildings or structures closer than 90 feet to the centerline of a principal public way.
5. Accessory buildings and uses.
6. Public and parochial schools.
7. Home occupations.
8. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
9. The Board of Zoning Appeals may, by special use permit, authorize, the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
 - a. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - b. Telephone exchange, electric substations and regulatory stations or other public utilities.
 - c. Buildings which were used for undertaking and funeral service establishments, telephone exchange or other public utilities and public buildings, such as churches, libraries, museums, governmental buildings, and similar public buildings whose uses have terminated can be used for the following:
 1. Accessory buildings and uses customarily incidental to the uses permitted in "C-O" Office

and Institution District.

2. Boarding and lodging houses.
3. Hospital, but not animal or mental.
4. Medical, dental offices and health clinics, including apothecary (for people only).
5. Non-profit institutions of religious, educational, eleemosynary or philanthropic nature.
6. Office buildings for professional, commercial, industrial, religious, instructional, public and semi-public purposes.
7. Public Libraries.
8. Undertaking and funeral service establishment.
9. Multiple-family dwellings.
10. Two-family dwellings.
11. Nursing and convalescent homes.
12. Group day care centers.

SECTION 4. INTENSITY OR USE REGULATIONS. Every lot or tract of land shall have an area of not less than 7,500 square feet and an average width of not less than 60 feet.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 35 feet in height.

SECTION 6. YARD REGULATIONS.

1. Front Yards:

- a. The front yard shall be a minimum of 30 feet in depth measured from the front lot line.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the build able width of a lot of record at the time of the passage of this regulation need not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than 5 feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

- a. There shall be a side yard having a width of not less than 6 feet measured from the point of the building closest to the property line on each side of the principal residential building and all other permitted and conditional uses.
- b. Whenever a lot of record existing at the time of the passage of this regulation has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than 3 feet.

c. Side yards of accessory buildings shall be the same as side yards for principal residential buildings.

3. Rear Yards: There shall be a rear yard having a depth of not less than 5 feet.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See Article on Sign Regulations.)

"R-3" SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-3" Single-Family Dwelling District is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS. In District "R-3" . no structure or land shall be used and no structure shall be erected, altered or enlarged. which is arranged, intended or designed for other than one of the uses listed in the Use Regulations.

SECTION 3. USE REGULATIONS.

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues, and other similar places of worship.
4. General agricultural operations, but this shall not include or permit:
 - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - c. The construction of agricultural buildings or structures closer than 90 feet to the centerline of a principal public way.
5. Accessory buildings and uses.
6. Public and parochial schools.
7. Home Occupations.
8. Golf Courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
9. The Board of Zoning Appeals may, by special use permit authorize the following exceptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
 - a. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - b. Telephone exchange, electric substations and regulatory stations or other public utilities.
 - c. Buildings which were used for undertaking and funeral service establishments, telephone exchange or other public utilities and public buildings, such as churches, libraries, museums, governmental buildings, and similar public buildings whose uses have terminated can be used for the following:
 1. Accessory buildings and uses customarily incidental to the uses permitted in "C-O" Office

and Institution District.

2. Boarding and lodging houses.
3. Hospital, but not animal or mental.
4. Medical, dental offices and health clinics, including apothecary (for people only).
5. Non-profit institutions of religious, educational, eleemosynary or philanthropic nature.
6. Office buildings for professional, commercial, industrial, religious, instructional, public and semi-public purposes.
7. Public Libraries.
8. Undertaking and funeral service establishment.
9. Multiple-family dwellings.
10. Two-family dwellings.
11. Nursing and convalescent homes.
12. Group day care centers.

SECTION 4. INTENSITY OF USE REGULATIONS. Every lot or track of land shall have an area Of 6,000 square feet and an average width of not less than 50 feet.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 35 in height.

SECTION 6. YARD REGULATIONS.

1. Front Yards:

- a. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than 5 feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

a. There shall be a side yard having a width of not less than 6 feet measured from the point of the building closest to the property line on each side of the principal residential building and all other permitted and conditional uses.

b. Whenever a lot of record existing at the time of the passage of this regulation has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than 3 feet.

c. Side yards of accessory buildings shall be the same as side yards for principal residential buildings.

3. Rear Yards: There shall be a rear yard having a depth of not less than 5 feet.

SECTION 7. PARKING REGULATIONS. (See the Article on parking Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See Article on Sign Regulations.)

"R-4" TWO-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-4" Two-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in Districts "R-1", "R-2" and "R-3", yet retain the residential qualities. This district allows duplex uses, single-family home, home occupations, certain community facilities and certain special uses.

SECTION 2. DISTRICT REGULATIONS. In District "R-4", no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in the Use Regulations:

SECTION 3. USE REGULATIONS.

1. Single-family dwellings.
2. Two-family dwellings.
3. Public parks and recreation areas and community buildings owned and operated by a public agency.
4. Churches, synagogues, and other similar places of worship.
5. General agricultural operations, but this shall not include or permit:
 - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - c. The construction of agricultural buildings or structures closer than 90 feet to the centerline of a principal public way.
6. Accessory buildings and uses.
7. Public and parochial schools.
8. Home occupations.
9. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
10. The Board of Zoning Appeals may, by special use permit, authorize, the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
 - a. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - b. Telephone exchange, electric substations and regulatory stations or other public utilities.

SECTION 4. INTENSITY OR USE REGULATIONS. Except as hereinafter provided, all dwellings hereafter erected, enlarged or reconstructed, shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than 6,000 square feet per family and an average width of 50 feet.

2. A lot on which there is erected a two-family dwelling shall contain an area of not less than 5,000 square feet per family except that a lot of record at the time of the adoption of this regulation may contain an area of not less than 3,000 square feet per family.

3. On the effective date of this regulation where a lot or tract has less area than herein required and its boundary lines, along their entire length, touched lands under other ownership, such lot or tract may be used for a single-family dwelling.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 35 feet in height.

SECTION 6. YARD REGULATIONS.

1. Front Yards:

- a. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this regulation need not be reduced to less than 28 feet, except where necessary to provide a yard along the side street with a depth of not less than 5 feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

- a. There shall be a side yard having a width of not less than 6 feet measured from the point of the building closest to the property line on each side of the principal residential building and all other permitted and conditional uses.
- b. Whenever a lot of record existing at the time of the passage of this regulation has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than 3 feet.
- c. Side yards of accessory buildings shall be the same as side yards for principal residential buildings.

3. Rear Yards: There shall be a rear yard having a depth of not less than 5 feet.

SECTION 7. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See Article on Sign Regulations.)

"R-5" MULTIPLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "R-5" Multiple-Family Dwelling is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single family and two-family dwellings, apartments, home occupations, community facility and certain special uses, yet retain the basic residential quality.

SECTION 2. DISTRICT REGULATIONS. In District "R-5". no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed in the Use Regulations:

SECTION 3. USE REGULATIONS.

1. Single-family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings, including apartment houses and dormitories.
4. Boarding and lodging houses.
5. Day nursery and group day care centers.
6. Hospitals (but not animal hospitals or mental hospitals).
7. Non-profit institutions of an educational, philanthropic or eleemosynary nature, except for penal or mental institutions.
8. Nursing and convalescent homes.
9. Public parks and recreation areas and community buildings owned and operated by a public agency.
10. Churches, synagogues, and other similar places of worship.
11. General agricultural operations, but this shall not include or permit:
 - a. The spreading, accumulation, feeding or use of garbage any manner on the open surface of the land.
 - b. A use or activity engaged in within 300 feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise.
 - c. The construction of agricultural buildings or structures closer than 90 feet to the centerline of a principal public way.
12. Accessory buildings and uses.
13. Public and parochial schools.
14. Home occupations.
15. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
16. The Board Of Zoning Appeals may, by special use permit, authorize the following exceptions

subject to such conditions the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:

- a. Any public building erected or land used by any department of the City, County, State or Federal Government.
- b. Private clubs.
- c. Cemetery or crematory or mausoleum when used in conjunction with a cemetery.
- d. Telephone exchange, electric substations and regulatory stations or other public utilities.

SECTION 4. INTENSITY OF USE REGULATIONS. Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated reconstructed shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than 5,000 square feet.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than 3,000 square feet per family.
3. A lot On which there is erected a multiple-family dwelling shall contain an area of not less than 5,000 square feet, or 1200 square feet per family, whichever area is the larger, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments.
4. Where a single lot of record, as defined in the definitions section of this regulation, has less area than herein required and was recorded prior to the effective date of this regulation, that lot may be used only for single-family dwelling purposes.
5. Multiple-family uses shall not cover more than 40 percent of the lot area.

SECTION 5. HEIGHT REGULATIONS. NO building shall exceed 45 feet in height, except that for each one foot of additional front yard provided, 2 additional feet of height will be permitted.

SECTION 6. YARD REGULATIONS.

1. Front Yards:
 - a. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than 28 feet, except where necessary to provide a yard along the side street with a depth of not less than 5 feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yards:
 - a. There shall be a side yard having a width of not less than 6 feet measured from the point of the building closest to the property line on each side of the principal residential building and all other permitted and conditional uses.

b. Whenever a lot of record existing at the time of the passage of this regulation has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10 percent of the width of the lot, but in no instance shall it be less than 3 feet.

c. Side yards of accessory buildings shall be the same as side yards for principal residential buildings.

3. Rear Yards: There shall be a rear yard for buildings in this district which shall have a depth of not less than 5 feet.

SECTION 7. PARKING REGULATIONS. (See the Article On Parking and loading Regulations.)

SECTION 8. SIGN REGULATIONS. (See Article On Sign Regulations.)

"M-P" MOBILE HOME PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent of the "M-P" Mobile Home Park District to permit low density mobile home uses in a park-like atmosphere where such zones are recommended by the Planning Commission and approved by the Governing Body.

SECTION 2. DISTRICT REGULATIONS. In District "M-P", no structure or land shall be used and no structure shall be altered, enlarged or erected, which is arranged, intended or designed for other than independent Mobile Homes or Independent Trailer House Coaches and accessory service buildings.

SECTION 3. USE REGULATIONS.

1. Mobile home parks.
2. Mobile home subdivisions.
3. Churches, synagogues and other similar places of worship.
4. Public and parochial schools.
5. Home Occupations.
6. Accessory buildings and uses.

SECTION 4. GENERAL REQUIREMENTS. The mobile home park shall have private streets and the tracts shall be held in the ownership of the park applicant or his successor. (The individual occupants other than said applicant cannot purchase and own said tracts.) A mobile home park must meet the following regulations and must show evidence of same by acquiring an annual license for each mobile home park and renew same each year.

1. The tract to be used for a mobile home park shall be less than 2 acres.
2. The Applicant of the mobile home park must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one year, following the approval by the Planning Commission and shall be completed within a period of 2 years.
3. The applicant for a mobile home park shall prepare or cause to be prepared a development plan and shall present 3 Copies of said plan for review by the Planning Commission and Governing Body. This plan shall show the proposed development which shall conform with the following requirements:
 - a. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - b. Mobile home parks hereafter approved shall have a maximum density of 8 trailers per gross acre and a minimum space of 2,800 square feet shall be provided for each trailer.
 - c. Each mobile home space shall be at least 35 feet wide and clearly defined.
 - d. Mobile homes shall be so located on each space that there shall be no less than a 5-foot setback from any mobile home space boundary and that there shall be at least a 20-foot clearance between mobile home; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than 15 feet. No mobile home shall be located closer than 25 feet from any building within the park or from any property line bounding the park.

e. All mobile home spaces shall front upon a private roadway of not less than 27 feet in width, which shall have unobstructed access to a public street, alley or highway. Thirty feet of private roadway shall be required where parking is allowed in the roadway.

f. Walkways not less than 30 inches wide shall be provided from the mobile home spaces to the service buildings.

g. All roadways and walkway within the mobile home park shall be surfaced, all-weather material and adequately lighted at night with electric lamps.

h. Laundry facilities may be provided in a service building.

i. A recreation area shall be provided at a central location in the mobile home park area at the rate of 200 square feet for each trailer space.

j. A solid or semi-solid fence or wall at least 6 feet high, but not more than 8 feet high and/or a 10-foot landscaped buffer which shall consist of either trees, shrubs, evergreens, and grass or any combination thereof and the buffer shall be provided between the mobile home park district and any adjoining property or property immediately across the street which is zoned for residential purposes. Said fence or wall shall be placed a minimum of 10 feet from the boundary of the "M-P" District (the interior line of the 10-foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection site triangle as defined by this regulation. The fence or wall and landscape buffer shall be properly policed and maintained by the owner.

k. A mobile home park shall not be used for other than residential purposes. Mobile homes may be offered for sale in the mobile home Park only by resident Owners.

SECTION 5. SERVICE BUILDINGS.

1. Service buildings, if provided, housing sanitation and laundry facilities, or any such facilities, shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electric installations and plumbing and sanitation systems.

2. All service buildings, if provided, and the grounds of the park shall be maintained in a clean, sightly condition, and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

3. Service buildings and parking related to the service operations shall not occupy more than 5% of the area of the park and shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

SECTION 6. GENERAL REQUIREMENTS - MOBILE HOME SUBDIVISIONS. The mobile home subdivision shall comply with the requirements of the Subdivision Regulations adopted by the Governing Body and shall comply with the following regulations. Lots in the mobile home subdivision shall front onto dedicated public streets and the said lots may be sold to individual owners. No license of operation of such a subdivision is required.

1. The minimum size of the tract to be utilized as a mobile home subdivision shall not be less than 5 acres.

2. The applicant of the mobile home subdivision must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one year, following the approval by the Planning Commission and shall be completed within a period of 2 years.

3. The applicant for a mobile home subdivision shall prepare or cause to be prepared a development plan and shall present 3 copies of said plan for review by the Planning Commission and Governing Body. This plan shall show the proposed development which shall conform with the following requirements:

a. The subdivision shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

b. Each mobile home space shall have a minimum area of 6000 square feet, a minimum width of 50 feet and a minimum depth of 100 feet.

c. Setbacks:

Front Yard	25 feet
Side Yard	6 feet
Rear Yard	20 feet

d. All mobile home spaces shall front upon a public street right-of-way in accordance with the subdivision regulations.

e. A solid or semi-solid fence or wall at least 6 feet, high but not more than 8 feet high and/or 10-foot landscaped buffer which shall consist of trees, shrubs, evergreens, and grass shall be provided between the mobile home park district and any adjoining property or property immediately across the street which is zoned for residential purposes. Said fence or wall shall be placed a minimum of 10 feet from the boundary of the "M-P" District (the interior line of the 10-foot landscape buffer) and shall not be reduced in height, but shall be so located as to observe the intersection site triangle as defined by this regulation. The fence or wall and landscape buffer shall be properly policed and maintained by the owner.

f. A mobile home subdivision shall not be used for other than residential purposes. Mobile homes may be offered for sale in the mobile home subdivision only by resident owners.

SECTION 7. COMPLIANCE. The mobile home park or subdivision shall be in compliance with this article and all other regulations and the site shall be in conformance with applicable regulations of the locality and State.

SECTION 8. PARKING OR STORING. A house trailer or mobile home may be parked or stored in the mobile home park or subdivision, providing that it shall not be a nuisance and does not constitute a fire hazard and further providing said trailer is not offered for sale by other than the resident owner.

SECTION 9. UNUSED MOBILE HOME PARK. Whenever a property, zone "M-P", ceases to be used for such purposes for a period of 2 years, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former District Zoning.

SECTION 10. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 11. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"C-O" OFFICE AND INSTITUTION DISTRICT

SECTION 1: INTENT AND PURPOSE OF DISTRICT. It is the intent of the "C-O" Office and Institution District to permit public, quasi-public, institutional and professional service uses. Density and intensity of use may be considered moderate. Uses in this district are intended to be compatible with adjoining residential districts.

SECTION 2: DISTRICT REGULATIONS. The regulations set forth in this Article, or set forth elsewhere in this Regulation, when referred to in this Article are the regulations for "C-O" Office and Institution District. In District "C-O", no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than the uses listed in Use Regulations below.

SECTION 3: GENERAL REQUIREMENTS FOR OFFICE AND INSTITUTION USES.

1. The tract for uses other than residential shall be not less than 10,000 square feet in area.
2. The location of office and institutional uses shall be on property which has an acceptable relationship to major streets.

SECTION 4. USE REGULATIONS.

1. Accessory buildings and uses customarily incidental to the uses permitted in "C-O" Office and Institution District.
2. Boarding and lodging houses.
3. Churches.
4. Lodges and private clubs.
5. Hospital, but not animal or mental.
6. Medical, dental offices and health clinics, including apothecary (for people only).
7. Non-profit institutions of religious, educational, eleemosynary or philanthropic nature.
8. Office buildings for professional, commercial, industrial, religious, instructional, public and semi-public purposes.
9. Parks, playgrounds and community buildings owned and operated by the locality.
10. Public Libraries.
11. Public and parochial schools.
12. Undertaking and funeral service establishment.
13. Multiple-family dwellings.
14. Single-family dwellings.
15. Two-family dwellings.
16. Nursing and convalescent homes.
17. Group day care centers.

18. The Board of Zoning Appeals may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary, to include, but not limited to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements.

- a. Light Industrial.
- b. Warehouse.
- c. Service.
- d. Retail not outlined above.
- e. Ground Floor Residential.

SECTION 5. INTENSITY OF USE REGULATIONS. Except as hereinafter provided, every dwelling hereafter erected, enlarged, relocated or reconstructed shall be located upon lots, tracts or parcels containing the following areas:

1. A lot on which a single-family dwelling is erected shall contain not less than 5,000 square feet of area.
2. A lot on which a two-family dwelling is erected shall contain not less than 3,000 square feet per family unit.
3. A lot on which there is erected a multiple dwelling shall contain an area of not less than 5,000 square feet, or 2,500 square feet per family, whichever area is the larger, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments.
4. Where a single lot of record, as defined in the definitions section of this regulation has less area than herein required and was recorded prior to the effective date of this regulation, may be used only for residential purposes.
5. Multiple-family uses shall not cover more than 40 percent of the lot area.

SECTION 6. HEIGHT REGULATIONS. No building shall exceed 45 feet in height, except that each one foot of additional front yard provided, 2 additional feet of height will be permitted.

SECTION 7. YARD REGULATIONS.

1. Front Yards: No front yard is required for any building provided that no new structure shall be closer to the street than the structures on either side of the new structure.
2. Side Yards: No side yard is required for any building in the "C-O" Office and Institution District.
3. Rear Yards: No rear yard is required for any building in the "C-O" Office and Institution District.

SECTION 8. LANDSCAPE REQUIREMENTS. Whenever land or structure is to be occupied for other than residential purposes in the district and said land adjoins a residential district, a minimum 5-foot side yard and 15-foot rear yard landscape screen shall be provided between the two districts. The landscape screen shall consist of trees, shrubs and evergreens and shall be adequately maintained by the property owner.

SECTION 9. PARKING REGULATIONS. (See the Article of Parking and Loading Regulations.)

SECTION 10. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"C-S" HIGHWAY SERVICE DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. This district is intended to provide limited highway service businesses only when grouped on a single tract. Floor areas are restricted and off-street parking is required to reduce possible adverse effects surrounding residential uses.

SECTION 2. DISTRICT REGULATIONS. In District "C-S", no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed below.

SECTION 3. USE REGULATIONS.

1. Agricultural implement sales and services.
2. Animal hospitals when all facilities are within an enclosed building.
3. Automobile and truck sales and service.
4. Automotive accessory stores.
5. Boat sales, service and rental.
6. Bowling alleys.
7. Car washes.
8. Construction equipment rental and sales.
9. Dance halls.
10. Electric and telephone substations.
11. Gift and souvenir shops.
12. Gymnasiums.
13. Hotels and motels including accessory service uses, such as newsstands, messenger and telegraph stations, swimming pools (for motel guests only), flower and gift shops.
14. Indoor skating rinks.
15. Indoor theaters.
16. Lumber and building materials sales yards.
17. Mobile home sales and service.
18. Motorcycle sales, service and rental.
19. Nursery and garden stores.
20. Package liquor stores.
21. Parks, playgrounds and community buildings owned and operated by a public agency.

- 22. Pool halls.
- 23. Restaurants and tea rooms, including drive-in establishments.
- 24. Service stations or filling stations (light service work only).
- 25. Sporting goods stores.
- 26. Taverns.

27. The Board of Zoning Appeals may, by special use permit authorize the following exceptions subject to such conditions the Board deems necessary, to include, but not limited to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements.

- a. Governmental buildings.
- b. Mortuary.
- c. Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf and pitch and putt courses, driving ranges and other similar establishments.
- d. Drive-in theaters.

SECTION 4. INTENSITY OF USE REGULATIONS. The principal building or buildings in this District shall not cover more than 25 percent of the ground area on which the building or buildings are located.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 40 feet in height, except that for each one foot of additional setback provided, two foot of additional height will be permitted.

SECTION 6. YARD REGULATIONS.

1. Front Yards: No setback is required for existing structures. All new structures shall meet the following requirements:

- a. There shall be a front yard having a depth of not less than 45 feet measured from the front property line except if located on a collector street, the front yard shall be 85 feet measured from the centerline of the street and if located on an arterial, the front yard shall be 95 feet measured from the centerline of the street.

- b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets for all uses permitted in this district.

- c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than 28 feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yards:

- a. There shall be a side yard on each side of a one to two and one-half story building, having a width of not less than 5 feet.

- b. There shall be a side yard on each side of a three story building having a width of not less than 8 feet.

3. Rear Yards: Except as otherwise provided in the Supplemental District Regulations, there shall be a rear yard for buildings in this district as follows:

a. One to two and one-half story buildings shall have a rear yard depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is the smaller.

b. Three story buildings shall have a rear yard of not less than 30 feet.

4. A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential district: however, in the event the adjacent residential district and the commercial development are separated by a public right-of-way, a 10-foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "C-S" District.

SECTION 7. LOADING AND UNLOADING REGULATIONS. (See the Article on Parking Regulations.)

SECTION 8. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 9. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"C-2" GENERAL COMMERCIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "C-2" General Commercial District is intended for the purpose of allowing basic retail, service and office uses in addition to those normally permitted in neighborhood centers. This district is also intended to provide locations for commercial activity that do not require a central location downtown but do require a location easily accessible to the downtown shoppers. Business uses needing large floor area, particularly those of a service nature, not compatible with Central Business District uses are included in this district.

SECTION 2. DISTRICT REGULATION. In District "C-2", no structure of land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Use Regulations below:

SECTION 3. USE REGULATIONS.

1. Adding machine and other small business machine repair, sales and service.
2. Amusement places (indoor).
3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apartments on floors other than the ground floor.
6. Apparel and accessory stores.
7. Appliance sales and service.
8. Armory.
9. Art and art supply stores.
10. Auditorium and similar places of public assembly.
11. Auto repair and body shop, providing that all work is done with in an enclosed building and that no inoperable autos or materials are held or stored on the site, unless within an enclosed building.
12. Auto supply stores.
13. Automobile and mobile home sales and service.
14. Automobile parking lots and garages (public and private).
15. Banks and other saving and lending institutions.
16. Barber and beauty shops.
17. Bicycle shops.
18. Books and stationery stores.
19. Bowling alleys and recreation buildings.

20. Business and technical schools and schools for photography, music and dancing.
21. Carpenter and cabinet shops employing 5 persons or less.
22. Churches and parish homes.
23. Cigar and tobacco store.
24. Clothing and costume rental.
25. Commercial recreation uses.
26. Custom dressmaking, furrier, millinery and tailor shops employing 5 persons or less.
27. Delicatessens and catering establishments.
28. Department stores.
29. Drug stores and prescription shops.
30. Dry goods and notion stores.
31. Dry cleaning and laundry establishments, employing 5 persons or less.
32. Electric repair shops (household appliances).
33. Field crops, nurseries, tree crops and truck gardens.
34. Fire stations, police stations and jails.
35. Fix-it shops (radio, television and small household appliances repair).
36. Florist and gift shops.
37. Furniture and home furnishing stores.
38. Garage (public and private).
39. Golf courses (including miniature golf and driving tees).
40. Government administration buildings.
41. Grocery stores (including retail meat markets and produce stores).
42. Hardware stores.
43. Hobby, stamp and coin shops.
44. Hotels and motels
45. Household and appliance stores.
46. Interior decorator's shops.
47. Jewelry and metal craft stores.

48. Leather goods and luggage stores.
49. Library and museum.
50. Lock and Key shops
51. Mail order catalog stores.
52. Medical, dental and health clinic.
53. Medical and orthopedic appliance stores.
54. Meeting halls and auditoriums.
55. Messenger and telegraph service stations.
56. Mortuary.
57. Music instrument sales and repair shops.
58. Music studios, radio and television stores.
59. Newspaper offices.
60. Newsstand.
61. Offices and office buildings.
62. Office supply and office equipment stores.
63. Optician and optometrists shops.
64. Package liquor stores.
65. Paint stores.
66. Parking lots and garages (commercial, public and private).
67. Parks and recreation areas.
68. Pawn shops.
69. Pet shops.
70. Photographic equipment and supply stores.
71. Photographic studios.
72. Picture frame shops.
73. Plumbing shops employing 5 persons or less.
74. Post office and court buildings.
75. Printing and publishing houses (including newspapers).

76. Private clubs, fraternities, sororities and lodges.
77. Public and parochial schools (elementary through high school).
78. Radio and television studios.
79. Restaurants and tea rooms (excluding drive-ins).
80. Self-service laundries.
81. Service stations.
82. Sewing machine stores.
83. Sheet metal shops employing five persons or less.
84. Shoe repair and shoeshine shops.
85. Shoe stores.
86. Sporting and athletic goods stores.
87. Tailor shops employing 5 persons or less.
88. Taverns.
89. Theaters.
90. Tinsmith shops employing 5 persons or less.
91. Tire repair shops.
92. Toy stores.
93. Travel bureaus.
94. Undertaking establishments.
95. Used car lots.
96. Utility company offices.
97. Variety stores and shops.
98. Wallpaper stores and shops.
99. Warehouses.
100. Watch repair shops.
101. Wholesale establishments.
102. Accessory uses customarily incidental to the above uses.
103. Implement sales and services.

104. Lumber yards.

SECTION 4. INTENSITY OF USE REGULATIONS.

1. No requirement for commercial uses in this district except those to meet fire regulations.
2. Fifteen hundred square feet of lot area shall be required for each apartment built above ground floor.

SECTION 5. HEIGHT REGULATIONS. No building shall exceed 45 feet.

SECTION 6. YARD REGULATIONS.

1. Front Yards: No setback is required for existing structures. All new structures shall set back a minimum of 40 feet from the centerline of a collector street and a minimum of 50 feet from the centerline of an arterial route.

2. Side Yards: None required, except adjacent to residential land use then the side yard shall be 5 feet. Existing uses otherwise complying shall not be required to provide a side yard.

3. Rear Yards: None required, except adjacent to residential land use then the rear yard shall be 15 feet. Existing uses otherwise complying shall not be required to provide a rear yard.

4. Landscaping and Screening:

a. A solid or semi-solid wall, fence or evergreen hedge not less than 5 feet or more than 8 feet high shall be installed and maintained by the owner when the district abuts a residential district.

b. A landscape strip of trees, shrubs, evergreens or other suitable planting materials not less than 10 feet in width shall be installed and properly maintained by the owner when the district is across the street from a residential district.

SECTION 7. LOADING AND UNLOADING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. PARKING REGULATIONS. Off-street parking not required in this district for existing structures. Any new structures shall comply with the requirements of the Article on Parking and Loading Regulations.

SECTION 9. SIGN REGULATIONS. (See article on Sign Regulations.)

"C-3" CENTRAL BUSINESS DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "C-3" Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the central business activity.

SECTION 2. DISTRICT REGULATIONS. In District "C-3", no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 3 below:

SECTION 3. USE REGULATIONS.

1. Adding machine and other small business machine repair, sales and service.
2. Amusement places.
3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apartments on floors other than the ground floor.
6. Apparel and accessory stores.
7. Art and art supply stores.
8. Artist studio.
9. Auditorium and similar places of public assembly.
10. Automobile accessory and supply store.
11. Automobile and mobile home sales and service.
12. Automobile parking lots and garages.
13. Bakery and pastry shop.
14. Banks and other saving and lending institutions.
15. Barber shops, beauty shops, chiropody, massage or similar personal services.
16. Bicycle shops.
17. Books and stationery stores.
18. Bowling alleys and recreation buildings.
19. Business and technical schools including schools for photography, dancing and music.
20. Churches.

21. Cigar and tobacco store.
22. Clothing and costume rental.
23. Commercial recreation uses.
24. Custom dressmaking, millinery, tailoring and similar trades.
25. Delicatessens and catering establishments.
26. Department stores.
27. Drug stores and prescription shops.
28. Dry goods and notion stores.
29. Dry cleaning and laundry establishments, employing 5 persons or less.
30. Electric repair shops.
31. Fire stations, police stations and jails.
32. Fix-it shops (radio, television and small household appliances).
33. Florist and gift shops.
34. Furniture and home furnishing stores.
35. Garage and auto repair shops.
36. Government buildings.
37. Grocery, fruit and vegetable stores.
38. Hardware stores.
39. Hobby, stamp and coin shops.
40. Hotels and motels.
41. Household and appliance stores.
42. Interior decorator's shops.
43. Jewelry and metal craft stores and shops.
44. Laundry and laundrettes.
45. Leather goods and luggage stores.
46. Library and museum (public).
47. Lock and key shops.
48. Mail order catalog stores.

49. Medical, dental and health clinic.
50. Medical and orthopedic appliance stores.
51. Meeting halls and auditoriums.
52. Messenger and telegraph service stations.
53. Milk and milk products distribution stations.
54. Music instrument sales and repair shops.
55. Music stores and studios.
56. Newspaper offices.
57. Newsprint, job printing and printing supply stores.
58. Newsstands.
59. Offices and office buildings.
60. Office supply and office equipment stores.
61. Optician and optometrists shops.
62. Package liquor stores.
63. Paint stores.
64. Parking lots and garages.
65. Parks and open spaces.
66. Pawn shops.
67. Pet shops.
68. Photographic equipment sales and supply stores.
69. Photographic studios.
70. Picture framing shops.
71. Prescription shops.
72. Printing and publishing houses (including newspapers).
73. Public buildings.
74. Radio and television studios.
75. Railway, taxi and bus passenger stations.
76. Restaurants and tea rooms (excluding drive-ins).

77. Self-service laundries.
78. Service stations.
79. Sewing machine shops and stores.
80. Shoe repair and shoeshine shops.
81. Shoe stores.
82. Sporting and athletic goods stores.
83. Stores and shops for the conduct of retail business similar to the uses listed in this section.
84. Tailor shops.
85. Taverns.
86. Theaters.
87. Toy stores.
88. Travel bureaus.
89. Utility company offices.
90. Used car lots.
91. Variety stores.
92. Wallpaper and paint stores.
93. Watch repair shops.
94. Accessory uses customarily incidental to the above uses.
95. Implement sales and service.
96. Lumber yards.

97. The Board of Zoning Appeals may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary, to include, but not limited to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements.

- a. Light Industrial.
- b. Warehouse.
- c. Service.
- d. Retail not outlined above.
- e. Ground Floor Residential, provided, however, that no ground floor residence shall be allowed facing 2nd Street and no ground floor residence shall be allowed between within the rectangle form by the alleys North and South of 2nd Street and Mill Street on the West and Rock Street on the East.

SECTION 4. INTENSITY OF USE REGULATIONS. NO requirement except those to meet fire regulations.

SECTION 5. HEIGHT REGULATIONS. A building may be erected to any height not in conflict with other regulations.

SECTION 6. YARD REGULATIONS.

1. Front yards: No front yard is required for any building in the "C-3" Central Business District.
2. Side Yards: No side yard is required for any building in the "C-3" Central Business District.
3. Rear Yards: No rear yard is required for any building in the "C-3" Central Business District.

SECTION 7. PARKING REGULATIONS. Off-street parking not required.

SECTION 8. SIGN REGULATIONS. (See Article on Sign Regulations.)

"I-P" INDUSTRIAL PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent of the "I-P" Industrial Park District to allow certain industrial land uses in a park-like atmosphere and this type of use, setback loading and unloading to be controlled. This type of zone will be more compatible with adjoining residential and commercial land uses.

SECTION 2. DISTRICT REGULATIONS. The regulations set forth in this article, or set forth elsewhere in this regulation when referred to in this article are the regulations for "I-P" Industrial Park District. No structure or land shall be used and no structure altered, enlarged, or erected which is arranged, intended or designed for other than the uses listed in the Use Regulations.

SECTION 3. GENERAL REQUIREMENTS.

1. The tract for use as an Industrial Park District shall not be less than 10 acres in area.
2. The applicant shall prepare and submit a preliminary development plan for review and approval by the Planning Commission which shall include:
 - a. A plot plan showing:
 - (1) Contours at intervals of one foot.
 - (2) Setback lines or general building locations on the tract to conform with the yard requirements of this district.
 - (3) Points of ingress and egress.
 - (4) All streets adjoining subject property and the width of existing right-of-way.
 - (5) Designation of individual tracts or parcels if the area is to contain more than one building site.
 - (6) Landscaped buffer strips and screening walls in conformance with Section 7 of this article.
 - b. Location map showing the development and zoning of the adjacent property, including the location and the type of buildings and structures thereon.
 - c. The full legal description of the boundaries of the properties to be included in the area to be zoned "I-P" District.
 - d. A map showing the general arrangement of streets within an area of 1000 feet from the boundaries of the area to be zoned "I-P" District.
 - e. A map showing location of proposed sewers, water and utility lines.
 - f. If the applicant desires, he may submit a description or rendering or drawing of the general character of the proposed buildings.
4. Upon approval Of the preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. The final development plan and the Planning Commission recommendation shall be forwarded to the Governing Body for review and final action.

5. Any substantial deviation, as determined by the enforcement officer, from the approved I-P plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body prior to the issuance of a building or zoning permit.

SECTION 4. USE REGULATIONS.

1. Animal hospital or clinics.
2. Bottling works.
3. Building materials, storage and sales.
4. Carpenter, cabinet, plumbing and sheet metal shop, providing outdoor storage is completely enclosed with a 6-foot solid fence or wall.
5. Contractor's office and equipment storage yard providing the storage yard is completely enclosed with a 6-foot high fence or wall.
6. Dog kennels.
7. Dry cleaning and laundry plants.
8. Feed and seed stores.
9. Frozen food lockers.
10. Grain elevators.
11. Greenhouses retail and wholesale.
12. Lumber yards.
13. Machinery sales and storage lots (including farm machinery).
14. Manufacturing or fabricating establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
15. Motor vehicle sales and storage.
16. Poultry storage or slaughtering.
17. Public utility and public service uses.
18. Radiator repair shops.
19. Truck and rail terminals.
20. Upholstering shops.
21. Warehouses or storage houses.
22. Wholesale houses.

SECTION 5. INTENSITY OF USE REGULATIONS. Area occupied by building shall not exceed 35

percent of the ground area on which the building is located.

SECTION 6. HEIGHT REGULATIONS.

1. When a building or structure is within 150 feet of residential district zone, said building or structure shall not exceed 45 feet in height.

2. When a building or structure is more than 150 feet from a residential district zone, said building or structure shall not exceed 75 feet in height.

SECTION 7. YARD REGULATIONS.

1. Front Yards: The front yard shall be a minimum of 35 feet in depth measured from the front lot line except on collector streets, the minimum front yard shall be 75 feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be 85 feet measured from the centerline of the street.

2. Side Yards: A side yard of not less than 20 feet shall be required for uses permitted in this district.

3. Rear Yards: A rear yard of not less than 20 feet shall be required for uses permitted in this district.

4. Landscaping and Screening: A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a 10-foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "I-P" District.

SECTION 8. PERFORMANCE.

1. Plans and Approval Required: Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the Zoning Administrator, prior to issuing a zoning or building permit. Before approving the parking layout, the Zoning Administrator shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dust-free surface and all parking spaces shall be clearly marked.

SECTION 9. LOADING AND UNLOADING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 10. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 11. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"I-1" LIGHT INDUSTRIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "I-1" Light Industrial District is intended for the purpose of allowing certain industrial uses which do not:

1. Require intensive land coverage.
2. Generate large volumes of vehicular traffic.
3. Create obnoxious sounds, glare, dust or odor.

Height, and land coverage are controlled to insure compatibility with adjoining uses.

SECTION 2. DISTRICT REGULATIONS. In District "I-1" no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in the Use Regulations:

SECTION 3. USE REGULATIONS.

1. Animal hospitals or clinics.
2. Automobile repair and body shop.
3. Bottling works.
4. Building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke).
5. Carpenter, cabinet, plumbing or sheet metal shops, providing the storage yard is completely enclosed with a 6-foot high fence, wall or hedge.
6. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a 6-foot high solid fence, wall or hedge.
7. Dog kennels.
8. Dry cleaning and/or laundry plants.
9. Frozen food lockers.
10. Greenhouses and nurseries, retail and wholesale.
11. Light manufacturing operations - 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.
12. Machinery sales, service repairs, painting, and storage.
13. Monument sales and manufacture.
14. Motor vehicle sales, services, repairs and painting.
15. Public utility and public service uses as follows:
 - a. Substations.
 - b. Railroads.

c. Telephone exchange, micro-wave towers, radio towers, television towers, telephone transmission buildings, electric power plants.

d. Public utility storage yards when the entire storage area is enclosed by at least a 6-foot high wall or fence,

16. Restaurants (not including drive-ins).

17. Service stations.

18. Sign printing and manufacturing.

19. Truck and rail terminals.

20. Upholstery shops.

21. Warehouses.

22. Wholesale merchandise sales and storage.

SECTION 4. INTENSITY OF USE REGULATIONS. A building, structure or use, allowed in this district, may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and except as provided in Yard Regulations.

SECTION 5. HEIGHT REGULATIONS.

1. When a building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 45 feet in height.

2. When a building or structure is more than 150 feet from a residential district zone, said building or structure shall not exceed 75 feet in height.

SECTION 6. YARD REGULATIONS.

1. Front yards:

a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than 25 feet measured from the front property line except if located on a collector street, the front yard shall be 65 feet measured from the centerline of the street and if located on an arterial street, the front yard shall be 75 feet measured from the centerline of the street.

b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than 28 feet except where necessary to provide a yard on the side street not less than 5 feet in width.

d. No accessory building shall project beyond the front yard line on either street.

2. Side Yards: There shall be a side yard on each side of a building and said side yard shall not be less than 5 feet.

3. Rear Yards: There shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is the smaller.

4. Landscaping and Screening: A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a 10-foot landscape buffer which shall consist of trees, shrubs or evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "I-1" District.

SECTION 7. LOADING AND UNLOADING REGULATIONS: (See the Article on Parking and Loading Regulations.)

SECTION 8. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 9. SIGN REGULATIONS. (See the Article on Sign Regulations.)

"I-2" HEAVY INDUSTRIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. The "I-2" Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

SECTION 2. DISTRICT REGULATIONS. In District "I-2", no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended, or designed for other than one of the uses listed in Use Regulations below:

SECTION 3. USE REGULATIONS.

1. Animal hospital or clinics.
2. Bottling works.
3. Blacksmith Shop.
4. Building materials, storage and sales.
5. Carpenter, cabinet, plumbing and sheet metal shop.
6. Contractor's office and equipment storage yard.
7. Dog kennels.
8. Dry cleaning and laundry plants.
9. Feed and seed stores.
10. Frozen food lockers.
11. Grain elevators.
12. Greenhouse and nurseries, retail and wholesale.
13. Lumber yards.
14. Machinery sales and storage lots.
15. Any enterprise similar to the listed uses and any manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
16. Motor vehicle sales and storage.
17. Poultry storage or slaughtering.
18. Public utility and public service uses.
19. Radiator repair shops.
20. Restaurants.
21. Sanitary land fill (governmental).

22. Truck and rail terminals.

23. Upholstering shops.

24. Warehouses or storage houses.

25. Wholesale houses.

26. The Board of Zoning Appeals may, by special use permit, authorize the following exceptions subject to such conditions as the Board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:

a. Auto wrecking yards, junk yards, salvage yards and scrap processing yards subject, however, to the following:

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

(2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least 8 feet high. The fence or wall shall be of uniform height, uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of 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.

(3) No junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

(4) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done only during daylight hours.

(5) No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.

(6) Said use shall not be located on or visible from an arterial or major street or highway.

b. Petroleum refining and fuel storage.

c. Stockyard and slaughter houses.

d. Ready-mix concrete and asphalt-mix plants.

e. Manufacturing or storage of bulk oil, gas and explosives.

f. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

SECTION 4. INTENSITY OF USE REGULATIONS.

1. A building, structure or use, allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and as otherwise required in Supplementary District Regulations and Yard Regulations.

2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as otherwise

required in Yard Regulations.

SECTION 5. HEIGHT REGULATIONS.

1. When a building or structure is within 150 feet of a dwelling district zone, said building or structure shall not exceed 45 feet in height.

2. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed 150 feet in height.

SECTION 6. YARD REGULATIONS.

1. Front Yards:

a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than 25 feet measured from the front property line except if located on a collector street, the front yard shall be 65 feet measured from the centerline of the street and if located on an arterial, the front yard shall be 75 feet measured from the centerline of the street.

b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

c. Where a lot is located at the intersection of 2 or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than 28 feet except where necessary to provide a yard on the side street not less than 5 feet in width.

d. No accessory building shall project beyond the front yard line on either street.

2. Side Yards: There shall be a side yard on each side of a building and said side yard shall not be less than 5 feet.

3. Rear Yards: There shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than 25 feet or 20 percent of the depth of the lot, whichever is the smaller.

4. Landscaping and Screening: A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a 10-foot landscaped buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "I-2" District.

SECTION 7. LOADING AND UNLOADING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 8. PARKING REGULATIONS. (See the Article on Parking and Loading Regulations.)

SECTION 9. SIGN REGULATIONS. (See Article on Sign Regulations.)

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION I. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICTS. The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Regulation.

1. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the Schedule of District Regulations.

2. No accessory building shall be erected in any required yard and no detached accessory building shall be erected closer than 5 feet to any other building.

3. Accessory buildings will be allowed on empty lots, regardless of where the property owners' primary residence is located. Construction of an accessory building will occur a minimum ten (10') feet behind the frontline of the furthest setback residential building on the block or an additional ten (10') feet behind the property setbacks if no residential building exists. Accessory building must be set onto a concrete slab. Accessory building must be enclosed on all sides and clad in metal, wood, or concrete. Accessory building must be a minimum of five hundred (500) square feet.

(a) Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or on property where the primary use of which is residential. All containers currently in use as of the passage of this ordinance will be grandfathered. Shipping containers are permitted within the Commercial, Industrial and Agricultural zones if they are located five feet from the property lines and if abutting a residential zone, a fence will be constructed to shield the view of the container. By request, short-term shipping container storage solutions may be granted by the City Administrator in residential zones, not to exceed sixty (60) days, with one thirty (30) extension available.

4. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Zoning Administrator for a distance of not more than 3 1/2 feet and where the same are so placed as not to obstruct light and ventilation.

5. Where a lot or tract is used for other than a single-family or two-family dwellings, more than one principal use may be located upon the lot or tract but only when the building Or buildings conform to all requirements for the district in which the lot or tract is located.

6. No side yards are required where dwelling units are erected above commercial and industrial structures.

7. Whenever the number of employees is restricted in connection with any use in the neighborhood shopping or commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials products on the premises and not to employees engaged in delivery or similar activities.

8. No communication towers shall be permitted in any district other than those recognized as being zoned industrial or agriculture and having a special use permit providing the height of said tower does not conflict with any airport approach or landing zone or with any other regulations.

9. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 1/2 and 10 feet above the grades of the bottom of the curb of the intersecting streets, from the point of intersection 90 feet in each direction measured along the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall be increased to 120 feet.

10. Major recreational equipment such as boats, boat trailers travel trailers, pick-up campers or

coaches, camping buses or converted trucks, and tent trailers shall not be stored in a residential district except within an enclosed building or behind the principal structure and further no such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use. Property owners remodeling a home may stay in recreational equipment for not more than ninety (90) days with the prior approval of the Mayor and two (2) council members.

10. (a). Violation of this section may result in a fine of twenty-five dollars (\$25.00) for each and every day a vehicle is not in compliance. First time offenders will have their case dismissed if the vehicle is in compliance within 48 hours of the ticket being issued.

11. No land which is located in a residence district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.

12. The building setback lines shall be determined by measuring the horizontal distance from the

property line to the furthest architectural projection of the existing or proposed structure.

13. Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the building is completed.

14. In all districts permitting residents, the renting of not to exceed 2 sleeping rooms with a total occupancy of not to exceed 3 persons for whom board may be furnished, but with the prohibition of separate culinary accommodations for such tenants shall be permitted for each dwelling unit except that the floor area of the rented space shall not exceed 25% of the total floor area of the dwelling.

15. Mobile Homes shall be located only in the M-H District, except when there are no vacant available spaces in a M-H District, then the requirements of the City's Mobile Home Ordinance shall apply.

SECTION 2. FRONT YARDS. The front yards heretofore established shall be adjusted in the following cases:

1. Where 40 percent or more of the frontage on one side of a street between 2 intersecting streets is developed with buildings that have observed (with a variation of 5 feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

2. Where 40 percent or more of the frontage on one side of a street between 2 intersecting streets is developed with buildings that have not observed a front yard as described above, then:

a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the 2 closest front corners of the adjacent buildings on the 2 sides, or

b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

3. Where a building cannot be erected as close to the street as is allowed by the district regulations because of the provisions of paragraphs 1 and 2 above, the Governing Body, upon petition signed by at least one property owner in the block affected and after report upon the same by the Planning Commission, may establish a front yard line for the block affected as close to the street as allowed by the district regulations for that block.

SECTION 3. FENCES. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences.

1. No fence shall be constructed which will constitute a traffic hazard.

2. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

3. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare.

4. No fence except fences erected upon public or parochial school grounds or in public parks and in public playgrounds shall be constructed of a height greater than 8 feet; provided, however, that the Board of Zoning Appeals may, by special use permit, authorize the construction of a fence higher than 8 feet if the Board finds the public welfare is preserved.

5. All fences shall conform to the construction standards of the building code, if any.

SECTION 4. INOPERABLE OR UNLICENSED MOTOR VEHICLE STORAGE.

1. It is the intent of this regulation to prevent the repair remodel, assembly, disassembly or storage or standing of any inoperable vehicle other than in an enclosed garage other than in a district permitting and regulating such occurrence.

2. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate, but is disassembled or wrecked in part or whole and is unable to move under its own power.

3. Inoperable vehicles may be stored or may stand only in a legally conforming auto wrecking yard or in a fully enclosed storage structure in any district of these regulations.

PARKING AND LOADING REGULATIONS

SECTION 1. INTENT AND PURPOSE. It is the intent and purpose of this Article to establish minimum requirements as to number of spaces, design and construction for off-street parking and loading areas.

SECTION 2. GENERAL PROVISIONS.

1. Spaces shall be provided in other than the front yard in all residential districts except that in the event an attached garage is converted to a livable room of the dwelling, the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard. Parking also shall not be permitted closer to any side property line than 1/2 the distance of the required side yard.

2. Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this article relating to off-street parking exceptions.

3. Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.

4. Area: A required off-street parking space shall be at least 8 feet 6 inches in width and at least 19 feet in length, exclusive of access drives or aisles ramps, columns, office or work areas. (This does not apply in Block 3, Stull's Addition.)

5. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

6. Design: Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Governing Body.

7. Surfacing: All open off-street parking and loading areas shall be graded and paved or otherwise improved with an all-weather, dustless material such as asphalt, concrete, asphaltic concrete or other similar material.

8. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

9. Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities

10. Computation: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 1/2 or less may be disregarded, and a fraction in excess of 1/2 shall be counted as one parking space.

11. Off-street parking and loading space, as required in this article shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures or additions to existing buildings, structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article.

12. In no instance shall off-street parking required by this article be located more than 300 feet (as measured along lines of public access) from the use which it serves.

13. Plans and Approval Required: Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the Zoning Administrator prior to issuance of a zoning or building permit. Before approving any parking layout, the Zoning Administrator shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off_street parking spaces shall be clearly marked.

SECTION 3. REQUIRED SPACES. Off-street parking spaces shall be provided as follows:

1. Dwelling and Lodging Uses:

- a. Boarding or Lodging Houses: One parking space per each three sleeping rooms.
- b. Dormitories, fraternities, sororities: Two parking spaces for each 3 occupants based on the design maximum capacity of the building.
- c. Hotels and Motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms and other affiliated facilities provided.
- d. Mobile Home Parks: One parking space per each mobile home plus one additional space for each two mobile homes.
- e. Nursing Homes, Rest Homes, etc.: One parking space per each 5 beds based on the designed maximum capacity of the building plus one parking space for each employee.
- f. Single-Family: One space per dwelling unit.
- g. Two-Family and Multiple-Family: 1 1/2 spaces per dwelling unit, except 1/2 space per dwelling unit in Block 3 Stull's Addition and 1 space per dwelling unit in Part of the NW 1/4 of SE 1/4 1-11-4 (North of the Clinic).

2. Business, Commercial and Industrial Uses:

- a. Automobile, truck, trailer and mobile home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles plus one parking space for each service bay and employee.
- b. Automobile wrecking yards: One parking space for each employee plus one parking space for each, 10,000 square feet of storage area.
- c. Banks, post office and business and professional office: One parking space for each 300 square feet of gross floor area.
- d. Bowling alleys: Five parking spaces for each alley,
- e. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each 2 employees in the largest working shift in a 24-hour period plus one parking spaces for each vehicle maintained on the premises.
- f. Car wash: Three holding spaces for each car washing stall plus 2 drying spaces for each car washing stall.
- g. Funeral homes and mortuaries: One parking space for each 4 seats based upon the designed maximum capacity of the parlor plus one additional parking space for each employee and each vehicle maintained on the premises.

h. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.

i. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One per 3 employees based upon the largest working shift in any 24 hour time period.

j. Medical and dental clinics or offices: One parking space for each 100 square feet of gross floor area.

k. Restaurants, night clubs, taverns and lounges: One parking space for each 2.5 seats based on the maximum designed seating capacity provided, however, that drive-in restaurants shall have a minimum of at least 10 parking spaces.

l. Retail stores and shops: One space per 200 square feet of floor area.

m. Service stations: One parking space for each employee plus 2 spaces for each service bay.

n. Theaters, auditoriums and places of assembly with fixed seats: One space for each 3.5 seats.

o. Theaters, auditoriums and places of assembly without fixed seats: One parking space for each 3 people based upon the designed maximum capacity of the building.

p. Warehouse, storage and wholesale establishments: One parking space for each 2 employees based upon the largest working shift in any 24 hour period.

q. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

3. Other Uses:

a. Churches: One parking space for each 4 seats based upon the maximum designed seating capacity including choir lofts.

b. Elementary, junior high and equivalent parochial and private schools: Two for each classroom.

c. High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each 2 employees.

d. Hospitals: One parking space for each 2 beds plus one parking space for each resident or staff doctor plus one space for each 2 employees based on the largest working shift in any 24 hour period.

e. Laundromats: One space for each two washing machines.

f. Nursery schools and day care centers, public or private: One parking space for each employee.

g. Private clubs, lodges and union headquarters: One parking space for each 3 seats based upon the design maximum seating capacity.

h. Swimming pools and clubs: One parking space for each 38 square feet of water area.

i. Trade and commercial schools: One parking space for each 3 students and employees.

SECTION 4. EXCEPTION, SPECIAL PERMIT.

1. In order to provide off-street parking areas, the Board of Zoning Appeals may, after public notice and hearing, grant as an exception a special permit for the establishment of parking areas in any zoning district under the provisions further set forth in this section.

2. Location: Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.

3. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

4. Improvements:

a. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board Of Zoning Appeals shall be maintained in good condition and free of all weeds, dust, trash and other debris.

b. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.

c. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling or dwelling district.

d. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) not less than 6 feet high, shall be erected along any property line adjacent to or adjoining any dwelling district to eliminate the passage of light from vehicles and to prevent the blowing of debris. Whenever a fence shall be required along a front yard, such fence shall not be higher than 4 feet and such fence shall be located within one foot of the yard setback line. Fences along said yards shall not extend nearer to the street than the front yard setback line.

e. When located in a dwelling district, parking shall not be located within a front yard and the front yard shall remain unpaved and shall be landscaped.

f. The Board of Zoning Appeals shall determine the necessary improvements in order to protect adjacent property owners and the public interest. Such improvements shall include, but not be restricted to proper setbacks, screening wall, grass, shrubs, trees and maintenance.

5. Application: The application for the special use permit shall be accompanied by:

a. An attorney's opinion or other suitable evidence certifying as to the ownership of the property or the existence of a valid lease, by the applicant.

b. A plot plan showing the proposed plan of the improvements and any other information showing the applicant's intention to comply with the provisions of this section.

6. Permit Revocable: The Zoning Administrator shall be responsible for the enforcement of the conditions and requirements made by the Board of Zoning Appeals in the approval of any off-street parking special permit. The Zoning Administrator upon discovery of any violation of this regulation or the conditions and requirements established by the Board, shall notify the Board through its secretary as to such violations. The Board of Zoning Appeals is hereby authorized to revoke the special permit after public hearing for any of the following reasons:

a. Abandonment of the area for parking purposes for 6 months.

b. Failure to comply with the requirements contained in this section, or imposed by the Board.

SECTION 5. LOADING AND UNLOADING REGULATIONS. Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, or other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways. Such space shall include a 10 foot by 50 foot loading space with a minimum of 14 feet of height clearance. Number of spaces shall be provided as follows:

Number of Spaces	Gross Floor Area in
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000

SIGN REGULATIONS

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this regulation

SECTION 2. USE REGULATIONS. Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in sign Use Regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed, however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this regulation, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in compliance with the building codes and shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Administrator in application for a sign permit for all signs.

SECTION 3. CLASSIFICATION OF SIGNS.

1. Functional Types:

a. Advertising: A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.

b. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message

c. Business Sign: A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

d. Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.

e. Identification Sign: A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

f. Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.

g. Real Estate Sign: A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.

h. Temporary Sign: A sign which directs the public to any goods or merchandise which is to be sold such as; garage sales or fireworks sales. Signs may be placed on the property where sales is to be conducted or on property elsewhere than the premises where goods will be sold as long as permission is granted by the property owner. The maximum time the temporary sign can be posted is 72 hours.

2. Structural Types:

a. Awning, Canopy or Marquee Sign: A sign that is mounted or painted on, or attached, to an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.

b. Ground Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property, where the bottom edge of the sign is under 6 feet.

c. Pole Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property where the bottom edge of the sign is 6 feet or more above the ground level.

d. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

e. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.

f. Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

SECTION 4. GENERAL STANDARDS.

1. Gross Area of Sign: The entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign then it shall also be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this regulation.

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

2. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.

3. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.

a. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M.

b. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.

4. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any revolving rotating, moving, animated, signs with moving lights Or signs which create the illusion of movement shall be considered as _ flashing sign.

a. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.

b. A sign whereon the current time and/or temperature is indicated intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every is seconds.

5. Accessway or Window: No sign shall block any required accessway or window.

6. Signs on Trees or Utility Poles: No sign shall be attached to a tree or utility pole whether on public or private property.

7. Metal Signs: Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of 9 feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of 9 feet to grade.

No metal ground sign shall be located within 8 feet vertically and 4 feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.

8. Traffic Safety:

a. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

b. Any sign located within 3 feet of a driveway or within a parking area shall have its lowest elevation at least 10 feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way.

c. Under no circumstances shall any sign be placed in the site triangle as defined by this regulation.

9. Setbacks.: No advertising sign shall project beyond the front, side or rear building setback lines for the district set forth in this zoning regulation.

10. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:

a. For those tracts or parcels located on major streets as designated in the Circulation Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the major street.

b. For those tracts or parcels not located on a major street, the lineal street frontage shall be one/half the sum of all the street frontages.

SECTION 5. EXEMPTIONS.

1. The following signs shall be exempt from the requirements of this Article:

a. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization display on private property.

b. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

c. Memorial signs and tablets displayed on private property.

d. Small signs, not exceeding 3 square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, and other similar signs.

e. Score boards in athletic stadiums.

f. Bulletin board signs located in zones C-2 and C-3 for special events and of a temporary nature not exceeding 45 days in duration.

2. The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article:

a. Name plate signs not exceeding 2 square feet in gross area accessory to a single-family or two-family dwelling.

b. Bulletin board signs not exceeding 15 square feet in gross area accessory to a church, school or public or non-profit institution.

SECTION 6. DISTRICT REGULATIONS.

1. "A-L" Agricultural District:

a. Functional Types Permitted:

(1) Bulletin board signs.

(2) Business signs, pertaining only to the sale of agricultural products produced on the premises and home occupations.

(3) Construction signs.

(4) Identification signs.

(5) Name plate signs.

(6) Real estate signs.

b. Structural Types Permitted:

(1) Ground signs.

(2) Wall signs.

c. Number of Signs Permitted: One sign per zoning lot.

d. Maximum Gross Area:

(1) Bulletin board and identification signs: 24 square feet.

(2) Business signs - home occupations: 2 square feet; Agricultural: 20 square feet.

(3) Construction signs: 20 square feet.

(4) Name plate signs: 2 square feet.

(5) Real estate signs: 12 square feet.

e. Maximum Height: 15 feet.

f. Required Setbacks: None.

g. Illumination: Bulletin board and identification signs that do not exceed 12 square feet on one face for churches, hospitals, police stations, fire stations and other similar public facilities.

2. "R-S" Residential Suburban District, "R-1", "R-2", "R-3" Single-Family Dwelling Districts, "R-4" Two-Family Dwelling District, "R-5" Multiple-Family Dwelling District and "R-P" Community Unit Plan District:

a. Functional Types Permitted:

(1) Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this regulation.

(2) Bulletin board sign.

(3) Construction signs.

(4) Identification signs.

(5) Name plate signs.

(6) Real estate signs.

(7) Temporary sign.

b. Structural Types Permitted:

(1) Ground signs.

(2) Wall signs.

c. Numbers of Signs Permitted: One sign per zoning lot.

d. Maximum Gross Area:

(1) Business Signs - Home occupations: 2 square feet.

(2) Bulletin board and identification signs: 24 square feet.

(3) Construction signs: 20 square feet.

(4) Name plate signs: 2 square feet.

(5) Real estate signs: 6 square feet, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of 3 years or when 75% of the lots have been sold, whichever occurs sooner.

(6) Temporary Sign: 16 square feet.

e. Maximum Height: 15 feet.

f. Required Setback: No sign shall be placed closer to the front property line than 1/2 the distance of the front yard.

g. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.

3. "M-P" Mobile Home Park District:

a. Functional Types Permitted:

(1) Construction sign.

(2) Identification signs.

(3) Real estate signs.

b. Structural Types Permitted:

(1) Ground signs.

(2) Wall signs.

c. Number of Signs Permitted: One per zoning lot.

d. Maximum Gross Area: 20 square feet on one face or not more than 40 square feet total.

e. Maximum Height: 20 feet.

f. Required Setback: No sign shall be placed closer to the front property line than 1/2 the distance of the front yard.

g. Illumination: Signs may be illuminated indirectly with incandescent or fluorescent lighting.

4. "C-O" Office and Institution District:

a. Functional Types Permitted:

(1) Bulletin board signs.

(2) Business signs.

(3) Construction signs.

(4) Identification signs.

(5) Name plate signs.

(6) Real estate signs.

b. Structural Types Permitted:

(1) Awning, canopy or marquee signs.

(2) Ground signs.

(3) Pole signs.

(4) Wall signs.

c. Number of signs Permitted:

(1) Ground and pole signs: One per zoning lot.

(2) Wall signs: No limitations.

(3) Awning, canopy or marquee signs: One per zoning lot.

d. Maximum Gross Area: Not more than 30 square feet on one facade of any sign or more than a total aggregate of 75 square feet for one zoning lot.

e. Maximum Height: 20 feet.

f. Required Setback: 10 feet.

g. Illumination: Illuminated signs shall be permitted provided they are not in conflict with any other section of this regulation.

5. "C-P" Planned Neighborhood Shopping District:

a. Functional Types Permitted:

(1) Bulletin board signs.

(2) Business signs.

(3) Construction signs.

(4) Identification signs.

(5) Name plate signs.

(6) Real estate signs.

b. Structural Types Permitted:

(1) Awning, canopy or marquee signs.

(2) Ground signs.

(3) Pole signs.

(4) Wall signs.

c. Number of Signs Permitted:

(1) Awning, canopy or marquee signs: No limitation.

(2) Ground and pole signs: One per zoning lot.

(3) Wall signs: NO limitation.

d. Maximum Gross Area: One square foot of sign area for each one foot of lineal street frontage.

e. Maximum Height: 30 feet, provided no sign shall protrude above the roof or eave line of the principal structure.

f. Required Setback: 10 feet.

g. Illumination: Illuminated signs shall be permitted.

6. "C-S" Highway Service District:

a. Functional Types Permitted:

(1) Advertising signs.

(2) Bulletin board signs.

(3) Business signs.

(4) Construction signs.

(5) Identification signs.

(6) Name plate signs.

(7) Real estate signs.

b. Structural Types Permitted:

(1) Awning, canopy or marquee signs.

(2) Ground signs.

(3) Pole signs.

(4) Projecting signs.

(5) Roof signs.

(6) Wall signs.

c. Number of Signs Permitted:

(1) Awning, canopy or marquee signs and wall signs: No limitations.

(2) Ground signs and pole signs: 2 per zoning lot.

(3) Projecting signs: One per zoning lot.

(4) Roof signs: One per zoning lot.

d. Maximum Gross Surface Area: 2 square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.

e. Maximum Height: 30 feet.

f. Required Setback: None except that advertising sign shall maintain the same setback that is required for principal structures.

g. Illumination: Illuminated signs shall be permitted.

7. "C-1" Neighborhood Shopping District:

a. Functional Types Permitted:

(1) Bulletin board signs.

(2) Business signs.

(3) Construction signs.

(4) Identification signs.

(5) Name plate signs.

(6) Real estate signs.

b. Structural Types Permitted:

(1) Awning, canopy or marquee signs.

(2) Ground signs.

(3) Pole signs.

(4) Wall signs.

c. Number of Signs Permitted:

(1) Awning, canopy or marquee signs: No limitation.

(2) Ground and pole signs: One per zoning lot.

(3) Wall Signs: No limitations.

d. Maximum Gross Area: One Square foot of sign area for each one foot of lineal street frontage.

e. Maximum Height: 30 feet.

f. Required Setback: 10 feet.

g. Illumination: Illuminated signs shall be permitted.

8. "C-2" General Commercial District:

a. Functional:

- (1) Advertising signs.
- (2) Bulletin board signs.
- (3) Business signs.
- (4) Construction signs.
- (5) Identification signs.
- (6) Name plate signs.
- (7) Real estate signs.

b. Structural Types Permitted:

- (1) Awning, canopy or marquee signs.
- (2) Ground signs.
- (3) Pole signs.
- (4) Projecting signs.
- (5) Wall signs.
- (6) Roof signs.

c. Number of Signs Permitted:

- (1) Awning, canopy, marquee or wall signs: No limitations.
- (2) Ground and pole signs: 2 per zoning lot.
- (3) Projecting signs: One per zoning lot.
- (4) Roof signs: One per zoning lot.

d. Maximum Gross Surface Area: 2 square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.

e. Maximum Height: 30 feet.

f. Required Setback: None, except that advertising signs and any other sign that exceeds 200 square feet in gross surface area shall maintain the same setback that is required for principal structures.

g. Illumination: Illuminated signs shall be permitted.

9. "C-3" Central Business District:

a. Functional Types Permitted:

- (1) Bulletin board signs.

- (2) Business signs.
- (3) Construction signs.
- (4) Identification signs.
- (5) Name plate signs.
- (6) Real estate signs.

b. Structural Types Permitted:

- (1) Awning, canopy or marquee signs.
- (2) Ground signs.
- (3) Pole signs.
- (4) Projecting signs.
- (5) Wall signs.
- (6) Roof signs.

c. Number of Signs Permitted: No limitations.

d. Maximum Gross Surface Area: No limitations.

e. Maximum Height: No sign shall project more than 30 feet above the highest point of the roof of the structure on which it is located.

f. Required Setback: None

g. Illumination: Illuminated signs shall be permitted.

10. "I-P" Industrial Park District:

a. Functional Types Permitted:

- (1) Bulletin board signs.
- (2) Business signs.
- (3) Construction signs.
- (4) Identification signs.
- (5) Real estate signs.

b. Structural Types Permitted:

- (1) Awning, canopy or marquee signs.
- (2) Ground signs.

(3) Pole signs.

(4) Wall signs.

c. Number of Signs Permitted: Two per zoning lot.

d. Maximum Gross Surface Area: One square foot for each one foot of lineal street frontage, provided no single sign shall exceed a gross surface area of 250 square feet.

e. Maximum Height: 30 feet.

f. Required Setback: 10 feet.

g. Illumination: Illuminated signs shall be permitted.

11. "I-1" Light Industrial and "I-2" Heavy Industrial Districts:

a. Functional Types Permitted:

(1) Advertising signs.

(2) Bulletin board signs.

(3) Business signs.

(4) Construction signs.

(5) Identification signs.

(6) Name plate signs.

(7) Real estate signs.

b. Structural Types Permitted:

(1) Awning, canopy or marquee signs.

(2) Ground signs.

(3) Pole signs.

(4) Projecting signs.

(5) Wall signs.

(6) Roof signs.

c. Number of Signs Permitted: 2 per zoning lot.

d. Maximum Gross Surface Area: 2 square feet per lineal foot of street frontage, provided no single sign exceeds a gross surface area Of 400 square feet.

e. Maximum Height:

(1) Roof and wall signs: 30 feet above the highest point of the structure on which

the sign is located.

(2) All other signs: 30 feet.

f. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures.

g. Illumination: Illuminated signs shall be permitted.

12. "F-P" Flood Plain District:

a. Functional Types Permitted:

(1) Business signs.

(2) Construction signs.

(3) Real estate signs.

b. Structural Types Permitted:

(1) Ground signs.

(2) Wall signs.

c. Number of Signs Permitted:

(1) Ground sign: One per zoning lot.

(2) Wall sign: One per zoning lot.

d. Maximum Gross Surface Area:

(1) Business signs: Not more than 30 square feet on one facade of any sign or more than a total aggregate of 75 square feet for one zoning lot.

(2) Construction signs: 20 square feet.

(3) Real estate signs: 20 square feet.

e. Maximum Height: 30 feet.

f. Required Setback: 15 feet.

g. Illumination: Illuminated signs shall be permitted.

NONCONFORMING USES

SECTION 1. MAY BE CONTINUED. The following lawful uses of land may be continued:

1. A use of land which existed prior to the effective date of the original zoning regulation dated _____.
2. A use of land existing at the time of the annexation of such land to a City.
3. A use of land existing at the time an amendment is made to the zoning regulations which changes such land to a more restricted district,

although any such use does not conform to the provisions of this Regulation. However, if such nonconforming use, or another nonconforming use to which the land may be changed, is discontinued for a period of one year or more, then any future use of said premises shall be only in accordance with the provisions of the applicable zoning regulations.

The lawful use of building located upon any land except as provided in Section 2 below, may be continued although such regulations and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or regulation. If no structural alterations are made in such building, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any use of buildings which may be made nonconforming by any subsequent amendment or change of the zoning regulations.

SECTION 2. MAY NOT BE CONTINUED. Nonconforming use which may not be continued:

1. Whenever a nonconforming use of a building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
2. A building which has been damaged to the extent of more than 60 percent of its structural value by fire, explosion, act of God or public enemy shall not be restored, except in accordance with all applicable zoning regulations. In the event of a question as to the structural value of such a building, the same shall be determined by 3 appraisers; one of whom shall be selected by the Mayor, one of whom shall be selected by the owner of the building and the third appraiser to be selected by the two first so selected. If the first 2 appraisers so selected cannot agree on the selection of the third such appraiser, the Judge of the District Court shall be requested to appoint such third appraiser. The decision of the appraisers of a majority of them, shall be final and conclusive and shall be binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.
3. 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, wrecked automobiles or other vehicles, or other types of open storage, and which is located in other than "I-2" Heavy Industrial District, shall be discontinued within 5 years from the effective date of this regulation, and the buildings or premises thereafter devoted to a use permitted in the district in which such buildings or premises are located.
4. Signs which exist at the time of passage of this zoning regulation, but which are not in conformance with the use regulations shall be discontinued and the sign shall be removed within 5 years after the effective date of the zoning regulation.
5. The storage of inoperable vehicles as set out in the supplementary district regulations of this regulation shall be discontinued and said inoperable vehicles shall be removed within 12 months after the effective date of the zoning regulation.

BOARD OF ZONING APPEALS

SECTION 1. FORMATION. A Board of Zoning Appeals is hereby created in accordance with State Statutes governing such creation. The word "Board" when used in this Article shall mean Board of Zoning Appeals. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, ordinances or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

SECTION 2. POWERS AND JURISDICTION. The Board shall have the following powers and jurisdictions:

1. Appeals: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations.

a. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or Bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary or the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from is taken.

b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator 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, or by a court of record on application or notice to the Zoning Administrator on good cause shown.

2. Variances: To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

a. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of his property in the manner similar to that of other property in the zoning district where it is located.

b. Variances shall include intensity of use, yard and height regulations only and are limited to the following:

(1) A yard regulation variance shall not encroach upon the required setback for adjacent buildings.

(2) One story in height may be allowed for each one foot of additional building setback provided in addition to that required by the district regulation in which the property is located.

c. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition and the finding shall be entered in the record.

(1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.

(2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

(3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

(4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

(5) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

3. Exceptions: To grant exceptions to the provisions of the zoning regulations but only in those instances where the Board is specifically authorized to grant such exceptions in these zoning regulations. In no event shall exceptions to the provisions of the zoning regulations be granted where the use of exception contemplated is not specifically listed as an exception in the zoning regulations. Further, under no conditions shall the Board have the power to grant an exception when the conditions of this exception, as established by these regulations, are not found to be present.

a. In considering any application for a special use permit hereunder, the Board shall give consideration to the Comprehensive Zoning Plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community including, but not limited to, the following factors:

(1) The stability and integrity of the various zoning districts.

(2) Conservation of property values.

(3) Protection against fire and casualties.

(4) Observation of general police regulations.

(5) Prevention of traffic congestion.

(6) Promotion of traffic safety and the orderly parking of motor vehicles.

(7) Promotion of the safety of individuals and property.

(8) Provision for adequate light and air.

(9) Prevention of over-crowding and excessive intensity of land uses.

(10) Provision for public utilities and schools.

(11) Invasion by inappropriate uses.

(12) Value, type and character of existing or authorized improvements and land uses.

(13) Encouragement of improvements and land uses in keeping with over-all planning.

(14) Provision for orderly and proper urban renewal, development and growth.

4. Conditions of Determination: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and too that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

A majority of the Board shall constitute a quorum for the transaction of business and a concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such Regulation, or the affect any variation in such Regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

SECTION 3 APPLICATIONS.

1. The procedure for requesting a hearing before the Board shall be as follows:

a. All applications to the Board shall be in writing on forms provided by the Board.

b. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the governing body) at least 20 days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest and to the planning commission.

c. At least 20 days prior to the date fixed for the public hearing, the applicant shall place in a conspicuous area on or near the property in question not less than one sign of a minimum of two (2) square feet in area containing notice of the time, place and subject of such hearing.

d. An application shall be accompanied by a filing fee of one hundred fifty dollars (\$150.00). A separate filing fee of \$150.00 shall be required for each request.

2. In addition to the above requirements, certain applications require additional information as follows:

a. Appeals:

(1) An application for an appeal shall be filed within 60 days after a ruling has been made by the zoning administrator.

(2) A copy of the order, requirement, decision or determination of the Zoning Administrator which the appellant believes to be in error.

(3) A clear and accurate, written description of the proposed used, work or action in which the appeal is involved and a statement justifying the appellant's position.

(4) Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

b. Variances:

(1) The appellant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 2, 2., c. of this Article.

(2) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board in consideration of the application.

c. Exception:

(1) The applicant shall submit a statement in writing justifying the special use permit applied for, and indicating under which Article and Section of the Zoning Regulations the Board of Zoning Appeals is believed to have jurisdiction.

(2) The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plot plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the Board in consideration of the application.

SECTION 4. PERFORMANCE. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping and other appropriate safeguards to protect adjoining property owners. A performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforced by or payable to the Governing Body in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

SECTION 5. WHO MAY APPEAL FROM THE BOARD DECISION. Any person, persons, department or departments of the government jointly or separately aggrieved by any decision of the Board may present to the District Court having jurisdiction, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board.

AMENDMENTS

SECTION 1. PROCEDURES. The Governing Body may from time to time supplement, change or generally revise the boundaries or regulations contained in these zoning regulations by the amending procedure set out in the State Statute.

SECTION 2. FEES. For the purpose of wholly or partially defraying the costs of the amendments proceedings, including publication costs, a fee in the amount of one hundred fifty dollars (\$150.00) shall be paid upon the filing of each application for a change of district boundaries or classification.

ENFORCEMENT, VIOLATION AND PENALTY

SECTION 1. ENFORCEMENT. A Zoning Administrator shall be appointed by the Governing Body and it shall be the duty of said zoning administrator to enforce this regulation. Appeal from the decision of the Zoning Administrator may be to the Board of Zoning Appeals.

SECTION 2. ZONING PERMIT. Prior to the erection of any structure, including structures for agricultural uses, an application for a zoning permit shall be prepared on forms provided and shall be submitted to the Zoning Administrator accompanied by a plot plan in duplicated, drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, required setbacks, points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces, service areas, and such other information as may be necessary to provide for the enforcement of this regulation. A record of the applications, plans and permits shall be kept in the office of the Zoning Administrator.

SECTION 3. VIOLATION AND PENALTY. The owner or agent of a building or premises in upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed \$200.00 for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building structure or land.

VALIDITY

SECTION 1. If any section, subsection, sentence, clause or phrase of this regulation is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this regulation.

APPROVAL AND EFFECTIVE DATE

SECTION 1. The basic Zoning Ordinance and all amendments thereto commonly known as the Zoning Ordinance are hereby repealed.

SECTION 2. This is to certify that the Comprehensive Zoning Ordinance and District Zoning Map referred to in this zoning ordinance were duly approved by the Planning Commission on this _____ day of _____, 20____.

_____ Secretary Chairman _____

SECTION 3. This ordinance shall become effective upon its publication once in the official area newspaper.

PASSED this _____ day of _____, 20____.

ATTEST: _____ City Clerk _____ Mayor

Published: _____

**SUBDIVISION
REGULATIONS**

ARTICLE I

GENERAL PROVISIONS

SECTION 1. JURISDICTION. The city has the exclusive jurisdiction of the area within the City Limits of the city for regulation of subdivision matters. The city may adopt subdivision regulations applicable in the County area up to 3 miles outside the City Limits in the absence of County Subdivision Regulations and with the official concurrence of the County. (See KSA 1967, 12-705 and 706 for specific statutory authority.)

The County has the exclusive jurisdiction of the unincorporated area except within 3 miles of the City Limits of an incorporated city, for Subdivision Regulations. The County may, in the absence of City Subdivision Regulations in said 3 mile area, adopt and apply Subdivision Regulations. The County may, at the official request of a certain city, adopt and apply Subdivision Regulations in an incorporated city. (See KSA 1967, 19-2918.)

SECTION 2. PURPOSE AND INTENT. The purpose and intent of these regulations is to provide for the harmonious development of the community; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewers, drainage, and other physical improvements shall be installed; and to provide for and secure to the proper governing body, the actual construction of such physical improvements.

SECTION 3. APPLICABILITY. The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations.

SECTION 4. EXEMPTIONS. These regulations shall not apply in the following instances:

1. The division of land for agricultural purposes into parcels or tracts of 5 acres or more, and not involving any new streets or easements of access.
2. A change in the boundary between adjoining lands which does no create an additional lot;
3. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved;
4. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to the adoption of these regulations;
5. Any transfer by operation of law.

SECTION 5. DEED RESTRICTIONS. The Planning Commission shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.

SECTION 6. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS. All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto,

shall be submitted to the Planning Commission for its consideration and its recommendation shall be submitted to the Governing Body for their official consideration and action.

SECTION 7. DEFINITIONS. Definitions for the interpretation of these rules and regulations as follows:

1. Alley: A public or private right-of-way which affords only a secondary means of access to abutting property.
2. Block: A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way of parks, etc. or a combination thereof.
3. Collector Street: Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.
4. Cul-de-sac: A street having one end open to traffic and being permanently terminated by a vehicular turn-around.
5. Design: The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
6. Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
7. Engineer: Shall mean either the City or County Engineer depending upon the area of government jurisdiction.
8. Final Plat: A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the County in which any part of the subdivision is located.
9. Governing Body: The elected governing body having jurisdiction.
10. Improvements: Street work and utilities that are to be installed, or agreed to be installed by the sub divider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.
11. Lot: A portion of land in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.
12. Major Thoroughfare: A street, highway or roadway designated as such on the official Major Street Plan.
13. Marginal Access Streets or Frontage Roads: A minor street which is generally parallel to or adjacent to a major traffic thoroughfare, highway or railroad right-of-way and provides access to abutting properties.
14. Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
15. Planning Area: That area on a map prepared and maintained for or by the Planning Commission describing the planning area limits.
16. Planning commission: Shall mean that Planning Commission having jurisdiction.

17. Preliminary Plat: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it, this map need not be based on accurate or detailed final survey of the property.

18. Secretary: Secretary of the Planning commission.

19. Setback Line or Building Line: A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the Zoning Regulations.

20. Street: A right-of-way, dedicated to the public use, or a private right-of-way serving more than 1 ownership, which provides principal vehicular and pedestrian access to adjacent properties.

21. Subdivider: A person, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or for others.

22. Subdivision: The division of a tract of land into 2 or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision" as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.

SECTION 8. MINIMUM DESIGN STANDARDS.

1. Water and Sewer:

a. The area of the lots shall be determined by the availability of public sewer and a public water supply. Prior to the submission of a preliminary plat, the subdivider shall obtain a determination from the Engineer having jurisdiction as to whether adequate public sewer and water supply are available.

b. If the proposed subdivision is serviced by a public water supply and a public sewer system, the minimum lot area requirements shall be subject to those set forth herein in the Zoning Regulations.

c. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, or is serviced with a public sewer system, but not a public water supply, the preliminary plat shall be prepared on the basis of minimum ½ acre lots provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

d. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivider shall submit his Preliminary Plat on the basis of minimum 2-acre lots provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

2. Blocks:

a. Length: Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet. Blocks for business use should normally not exceed 600 feet in length.

b. Width: In residential development, the block width shall normally be sufficient to allow

2 tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

3. Streets, Alleys and Public Ways:

a. Relations to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required, and street arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.

b. Street Names: Streets that are obviously in alignment with other already existing and named shall bear the names of the existing streets.

c. Major Streets: Major streets through subdivisions shall conform to the major street plan as adopted by the Planning Commission and the Governing Body.

d. Minor Streets: Minor streets shall be so designed to discourage through or non-local traffic.

e. Cul-de-sacs: Cul-de-sacs shall normally be no longer than 500 feet, including an adequate turn-around of not less than a 100-foot diameter right-of-way which shall be provided at the closed end.

f. Right Angle Intersections: Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be 60 degrees.

g. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, Principal Highway: Where lots front or side, but do not back on railroad right-of-way, limited access freeways or principal highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration, to minimum distance required for approach connections to future grade separation.

h. Half Streets: Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the major Street Plan and other requirements of these regulations.

i. Alleys: Alleys may be required in commercial and industrial districts. Dead-end alleys shall be avoided, wherever possible. alleys may be required in certain residential areas.

j. Minimum Requirements: All streets, alleys and public way, included in any subdivision, hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:

	Major Streets
Arterials	100 Feet
Collectors	80 Feet
Local Streets	60 Feet
Cul-de-sacs	50 Feet Radius on Turn Around

k. Marginal Access Streets or Frontage Roads:

Two-Way	50 Feet
One-Way	50 Feet
Alleys	20 Feet
Pedestrian Ways	10 Feet

l. Additional Requirements: When existing or anticipated traffic on Arterial and Collector thoroughfares warrants greater widths of right-of-way, the additional width shall be provided.

m. Drainage Easements: Drainage easements may be required, in addition to street rights-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on where said drainage areas exist. The width of such drainage easement shall be determined by the Engineer having jurisdiction who shall notify the Planning Commission of his recommendation in writing.

n. Street Grades: The grades of streets, alleys and other public ways included in any subdivision shall no be greater than is necessary for the topographical conditions.

o. Street Alignment: Minimum, horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

- (1) Horizontal-Radii at the Centerline:
 - Major Streets----- 300 Feet
 - Local Streets ----- 100 Feet

A tangent shall e provided between all reversed curves as recommended by the Engineer to provide for a smooth flow of traffic.

(2) Vertical: all changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance and shall be subject to the approval of the Engineer.

3. Lots:

a. Minimum width shall be 60 feet. (Said width shall be measured at the building setback line.)

b. Minimum depth shall be 100 feet. (Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.)

c. Minimum lot area shall be subject to the Zoning Regulations of the district in which the subdivision is located.

d. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations set out in this section under water and sewer.

e. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations as set out in this section under water and sewer.

f. All side lot lines shall bear 60 to 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.

g. Corner lots, in residential subdivisions, shall observe the same setback on both streets.

h. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.

i. Every lot shall abut on a street other than an alley.

j. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the Zoning Regulations.

k. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the Zoning Regulations.

4. Easements:

a. Where alleys are not provided, permanent easements of not less than 7½ feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, water and hear mains and other public utilities. These easements shall provide for a continuous right-of-way of at least 15 feet in width.

b. A 12 foot temporary construction easement shall be provided for initial construction of water, sewer and other utility lines.

5. Dedication or Reservation of Public Sites and Open Spaces:

In subdividing land or resubdividing an existing plat, due consideration should be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. all areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education shall be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

SECTION 9. PRE-APPLICATION: Prior to the filing of the Preliminary Plat, the subdivider shall contact the Engineer having jurisdiction, the official authorized in administering the Zoning Regulations and other Administrative personnel to determine:

1. Procedure for filing plats.
2. Availability of public sewers and water.
3. Master plan requirements for major streets, land use, parks, schools and public open spaces.
4. Zoning requirements for the property in question and adjacent properties.

SECTION 10. PRELIMINARY PLATS: After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a Preliminary Plat together with any supplementary information necessary.

1. Submission of a Preliminary Plat:

a. Filing Fee: A filing fee of \$50.00 shall accompany the filing of each preliminary plat, plus \$1.00 for each lot.

b. Number of Copies: The subdivide shall submit 10 copies of the preliminary plat and 10 copies of a vicinity map (if not on the preliminary plat) showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the official authorized to administer the Subdivision Regulations at least 15 days prior to a regular Planning Commission meeting at which the preliminary plat is to be considered.

c. Required Contents for Preliminary Plats Shall Contain:

- (1) The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of any existing subdivision.)
- (2) The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
- (3) The names and addresses of the developer, surveyor, landscape architect, architect, or engineer who prepared the plat.
- (4) Scale of the plat, 1" = 100' or larger.
- (5) Date of preparation and north point.
- (6) Existing conditions:
 - (a) Location, width and name of platted streets or other public ways, railroads and utility right-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - (b) All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision or adjacent thereto, with pipe size and manholes, grades and location shall be shown.
 - (c) Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.
 - (d) Topography (unless specifically waived) with contour intervals of not more than 1 foot, referred to Municipality or U.S.G.S. datum shall be shown, also location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision shall be shown.
- (7) The general arrangements of lots and their approximate size.
- (8) Location and width of proposed streets, alleys pedestrian ways and easements.
- (9) The general plan of sewage disposal, water supply and utilities, in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- (10) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation for public use.

2. Approval or Disapproval of the Preliminary Plat: Action by the Planning Commission shall be conveyed to the subdivider in writing within 10 days after the official Planning Commission meeting, at which time the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

The approval of the Preliminary Plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the Final Plat. The approval of the Preliminary Plat shall only be effective for a period of 6 months, unless an extension is granted by the Planning Commission. If the final plat has not been submitted for approval, within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

SECTION 11. FINAL PLAT.

1. Submission:

a. After approval of the Preliminary Plat, the subdivider shall submit for approval of the Planning Commission a Final Plat (see attached sample plat).

b. The original (on mylar, tracing cloth or similar material) and 10 prints thereof shall be submitted to the official authorized to administer the Subdivision Regulations at least 15 days prior to the Planning commission public hearing.

c. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.

d. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1" = 100' or larger. The size of the sheet on which such final plat is prepared shall be 20 inches by 36 inches.

e. Final Filing Fee: A filing fee of \$10.00 shall accompany the Final Plat, plus a fee of fifty cents per lot. The maximum fee shall not exceed \$100.00.

2. Information: The final plat shall show and contain the following information:

a. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).

b. Location of section, township, range, county and state, including the descriptive boundaries of the subdivisions based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be 1 foot in 5,000.

c. The location of monuments or bench marks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.

d. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.

e. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.

f. The exact locations, widths and names of all streets and alleys to be dedicated.

g. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.

h. Building setback lines on the front and side streets with dimensions.

i. Name, signature and seal, if any, of the surveyor or the licensed engineer making the plat.

j. scale of the plat (scale to be shown graphically and in feet per inch), date of preparation and north point.

k. Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.

l. The following certificates, which may be combined where appropriate:

(1) A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.

(2) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.

(3) A certificate signed by the licensed professional engineer or surveyor responsible for the survey and final map. The signature of the said engineer shall be accompanied by his seal.

(4) The acknowledgement of a notary in the following form:

State of _____, County of _____, ss:

Be it remembered that on this ____ day of _____, 1992, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(Seal)

Notary Public

My commission Expires: _____

(5) the certificate of the Planning Commission in the following form:

This plat of _____ Addition has been submitted to and approved by the Planning Commission this ____ day of _____.

(Seal)

Chairman

Secretary

(6) The acceptance of dedications by the municipal governing body, when required, in the following form:

The dedications shown on this plat accepted by the _____ (Name of governing body) of the City of _____, _____, this ____ day of _____, 1992.

(Seal)

Mayor

ATTEST: _____

City Clerk

(7) The acceptance of dedications by the Board of County Commissioners, when required, in the following form:

The dedications shown on this plat accepted by the Board of County Commissioners of _____ County, _____(State), this ____ day of _____, 1992.

ATTEST:

Chairman

County Clerk

Commissioner

(Seal)

Commissioner

(8) A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this ____ day of _____, 1992.

County Clerk

(9) The certificate of the Register of Deeds in the following form:

State of _____, County of _____, ss.

This is to certify that his instrument was filed for record in the Register of Deeds Office on the ____ day of _____, 1992, in Book _____, Page _____.

Register of Deeds

Deputy

m. Supplemental Information to be Submitted with Final Plat: The following additional data shall be submitted with the final plat:

(1) A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the mane of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.

(2) A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit

with such officials or governing bodies to meet this requirement.

(3) A copy of any deed restrictions applicable to the subdivision.

3. Extent and Manner of Physical Improvements: As a condition to the approval of a Final Plat, the subdivider shall agree to install the following improvements:

a. Streets: Streets shall be surfaced with concrete, asphaltic concrete or materials approved by the Engineer and shall include curb. County streets and roadways shall be improved in accordance with the requirements and specifications of the County Engineer and shall include drainage ways.

b. Water: Where a public water supply is proposed to serve the subdivision, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of a size as approved by the Engineer.

c. Sewers: If the subdivision is serviced with a public water supply and a city or community sewage treatment plant, the sewer system shall be constructed which will provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into a main sewer or a community disposal system approved by the Engineer and an approval, in writing, of the plans and specifications for the sewer system shall be made by the Engineer.

d. Street Signs: Street signs will be supplied and erected by the appropriate governing authority.

e. Sidewalks: Sidewalks shall be a minimum of 4 feet in width where required by the Planning Commission.

f. Other Improvements: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the Engineer having jurisdiction.

g. All lot corners shall be set with ½ inch iron bars, 2 feet long, and all block corners shall be set with ¾ inch iron bars, 3 feet long.

h. All block markers must be permanently set and all Points of Intersection (PI) in street alignments set prior to acceptance of plat by city, and prior to any lot being sold, the total block must be staked and corners set for all lots. Block corners shall be set 1 foot below grade.

i. A minimum of 2 benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, 1 benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved by the Engineer. The elevation of the Monuments shall be identified on each.

j. Bond for Construction: In lieu of the actual construction of the physical improvements required, the Planning Commission and Governing bodies may accept one of the following:

(1) A bond guaranteeing construction of the required improvements within a period of time to be specified and approved by the Governing Body.

(2) A petition, presented and approved by the Governing Body having jurisdiction, properly executed by the property owners, as provided by law, for the construction by the Governing Body of the improvements, to be assessed against the subdivided property.

4. Consideration by Planning Commission: If the Planning Commission rejects or withholds approval

of the final plat, the subdivider may request that said plat be submitted to the Governing Body. The secretary of the Planning Commission shall forward the proposed plat together with the report of the Planning Commission, stating the reason for its action. The Governing Body may make such findings and determinations as they deem proper.

SECTION 12. VARIANCES AND EXCEPTIONS. Whenever it is found that the land included in a subdivision plat, presented for approval, is of such size, or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the Governing Body, by letter of transmittal, that said Governing Body authorize variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 13. MISCELLANEOUS.

1. Building Permits: After the date of the adoption of these rules and regulations by the Planning Commission and Governing Body, no building permit or zoning permit shall be issued for any structure that is located upon a lot in a subdivision that has not been subdivided, unless approved in the manner as provided for in these Subdivision Regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of these Subdivision Regulations. No such plat or replat or dedication or deed of a street or public way shall be filed with the Register of Deeds, as provided by law, until such plat or replat or dedication or deed shall have endorsed upon it the fact that it has been submitted and approved by the Planning Commission and by the Governing Bodies as required by law.

2. Submission to the Governing Bodies: After the review of the Final Plat by the Planning Commission, such Final Plat together with the recommendations of the Planning Commission shall be transmitted to the Governing Bodies as required by law for their review and action.

3. Recorded Plats: Seven copies of the recorded plat shall be provided by the subdivider and shall be submitted to the Secretary of the Planning Commission for distribution to various public and quasi-public departments, offices or agencies.

SECTION 14. SEVERABILITY. If any section of this regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these regulations, said section to be completely severable from the remaining provisions of these regulations and the remaining provisions of these regulations shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE. These regulations shall take effect and be in force from and after its passage, approval and adoption.

Approved by the Planning Commission this ____ day of _____, 2002.

(SEAL)

Secretary

Chairman

Approved by the City Commissioners this ____ day of _____, 2002.

ATTEST:

City Clerk

Mayor

(SEAL)

Approved by the Board of County Commissioners this ____ day of _____, 2002.

ATTEST:

Chairman

County Clerk

(SEAL)

Commissioner

Commissioner