

**Title 18**

**ZONING**

**Chapters:**

- 18.04 TITLE AND PURPOSE**
- 18.08 DEFINITIONS**
- 18.12 GENERAL PROVISIONS**
- 18.16 FLOODPLAIN MANAGEMENT**
- 18.20 A--AGRICULTURAL DISTRICT**
- 18.22 A-L--LIGHT AGRICULTURAL DISTRICT**
- 18.24 R-1--SINGLE FAMILY RESIDENTIAL DISTRICT**
- 18.28 R-2--SINGLE FAMILY RESIDENTIAL DISTRICT**
- 18.30 R-2Z SINGLE FAMILY ZERO LOT-LINE RESIDENTIAL DISTRICT**
- 18.32 R-3--TWO FAMILY RESIDENTIAL**
- 18.36 R-4--MULTIPLE FAMILY RESIDENTIAL DISTRICT**
- 18.40 RO--RESIDENCE OFFICE DISTRICT**
- 18.44 B-1--NEIGHBORHOOD BUSINESS DISTRICT**
- 18.48 B-2--GENERAL BUSINESS DISTRICT**
- 18.52 B-3--CENTRAL BUSINESS DISTRICT**
- 18.56 I-1--RESTRICTED INDUSTRIAL DISTRICT**
- 18.60 I-2--LIGHT INDUSTRIAL DISTRICT**
- 18.64 I-3--HEAVY INDUSTRIAL DISTRICT**
- 18.68 MP--MOBILE HOME PARK DISTRICT**
- 18.72 CONDITIONAL USE**
- 18.76 NONCONFORMING USES**
- 18.80 LARGE SCALE DEVELOPMENTS--COMMUNITY UNIT PLAN**
- 18.84 ADMINISTRATION AND ENFORCEMENT--BOARD OF ZONING APPEALS**

## Chapter 18.04

### TITLE AND PURPOSE

#### Sections:

**18.04.010**      **Title.**  
**18.04.020**      **Purpose.**

#### **18.04.010**      **Title.**

This title shall be known as the Arkansas City Zoning Ordinance. (Ord. 1477 Art. 1, 1964)

#### **18.04.020**      **Purpose.**

The zoning regulations and districts as established in this title have been made in accordance with a comprehensive plan, to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Arkansas City, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities by regulating the location and use of buildings, structures, and land for trade, industry, and residence, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City. (Ord. 1477 Art. 2, 1964)

## Chapter 18.08

### DEFINITIONS

#### Sections:

18.08.010	Generally.
18.08.020	Accessory building.
18.08.030	Accessory use.
18.08.040	Aggregate area or width.
18.08.050	Alley.
18.08.060	Apartment.
18.08.070	Apartment hotel.
18.08.080	Apartment house.
18.08.085	Automobile graveyard.
18.08.090	Basement.
18.08.100	Board.
18.08.110	Boardinghouse.
18.08.120	Breezeway.
18.08.130	Buildable width.
18.08.140	Building.
18.08.150	Building, completely enclosed.
18.08.160	Building, height of.
18.08.170	Building, main.
18.08.180	Child care facilities.
18.08.190	Clinic.
18.08.200	Club.
18.08.210	Commission.
18.08.220	Convalescent home.
18.08.230	Court.
18.08.240	District.
18.08.250	Dog kennel, commercial.
18.08.260	Drive-in.
18.08.270	Dwelling.
18.08.280	Dwelling, single family.
18.08.290	Dwelling, two family.
18.08.300	Dwelling, multiple family.
18.08.310	Dwelling unit.
18.08.320	Family.
18.08.330	Filling station.
18.08.340	Floor area--Commercial business, industrial or mixed uses.
18.08.350	Floor area--Residential buildings.
18.08.360	Frontage, street.
18.08.370	Frontage, lot.
18.08.375	Garage, auto body repair.
18.08.380	Garage, private.
18.08.390	Garage, public.
18.08.400	Garage, storage.
18.08.410	Grade.
18.08.420	Guest house.
18.08.430	Height of building.

18.08.435	Bed & Breakfast
18.08.440	Home occupation.
18.08.450	Hospital.
18.08.460	Hotel.
18.08.461	Junk.
18.08.462	Junkyard.
18.08.470	Loading space or loading berth.
18.08.480	Lodging house.
18.08.490	Lot.
18.08.500	Lot area.
18.08.510	Lot, corner.
18.08.520	Lot, depth of.
18.08.530	Lot, interior.
18.08.540	Lot, key.
18.08.550	Lot line.
18.08.560	Lot, through.
18.08.570	Lot width.
18.08.575	Manufactured home.
18.08.576	Mobile home.
18.08.580	Motel, motor court, motor hotel, lodge, or inn.
18.08.590	Non-conforming use.
18.08.600	Parking space, off-street.
18.08.605	Penal rehabilitation facility.
18.08.610	Poultry raising, commercial.
18.08.620	Premises.
18.08.625	Residential-designed manufactured home.
18.08.630	Roominghouse.
18.08.640	Servants' quarters.
18.08.650	Sign.
18.08.660	Sign area.
18.08.670	Sign, flashing.
18.08.680	Sign, illuminated.
18.08.685	Specialty shop.
18.08.690	Story.
18.08.700	Story, half.
18.08.710	Street.
18.08.720	Street line.
18.08.730	Structure.
18.08.740	Structural alterations.
18.08.750	Tourist court, auto court.
18.08.760	Mobile home.
18.08.770	Mobile home park.
18.08.780	Mobile home space.
18.08.790	Mobile home subdivision.
18.08.800	Transitional use.
18.08.810	Yard.
18.08.820	Yard, front.
18.08.830	Yard, rear.
18.08.840	Yard, side.

**18.08.010 Generally.**

For the purpose of this title, certain terms and words are defined in this chapter. Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. (Ord. 1477 § 3-1, 1964)

**18.08.020 Accessory building.**

An "accessory building" is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this title) located on the same lot as the main building or principal use of the land. (Ord. 1477 § 3-1(a), 1964)

**18.08.030 Accessory use.**

An "accessory use" is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this title) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use." (Ord. 1477 § 3-1.01(b), 1964)

**18.08.040 Aggregate area or width.**

"Aggregate area or width" means the sum of two (2) or more designated areas or widths to be measured, limited, or determined under the provisions of this title. (Ord. 1477 § 3-1.02, 1964)

**18.08.050 Alley.**

An "alley" is a public way which affords only a secondary means of access to property abutting thereon. (Ord. 1477 § 3-1.03, 1964)

**18.08.060 Apartment.**

"Apartment" means a part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family. (Ord. 1477 § 3-1.04, 1964)

**18.08.070 Apartment hotel.**

An "apartment hotel" is a building arranged for or containing apartments and individual guest rooms, with or without housekeeping facilities, and which furnishes services ordinarily provided by hotels, such as maid, bellboy, desk, and laundry service, and may include a dining room with internal entrance and primarily for use of tenants of the building, but shall not include public banquet halls, ballrooms, or meeting rooms. (Ord. 1477 § 3-1.05, 1964)

**18.08.080 Apartment house.**

"Apartment house" means the same as "multiple family dwelling." (Ord. 1477 § 3-1.06, 1964)

**18.08.085 Automobile graveyard.**

"Automobile graveyard" means any establishment which is maintained, used, or operated for storing, keeping, buying or selling ten (10) or more wrecked, scrapped, ruined, dismantled, or inoperative motor vehicles, but such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the division of water resources of the Kansas State Board of Agriculture. (Ord. 3598 § 1 (part), 1993)

**18.08.090 Basement.**

"Basement" means that portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade. (Ord. 1477 § 3-1.07, 1964)

**18.08.100 Board.**

"Board" means the Board of Zoning Appeals of Arkansas City. (Ord. 1477 § 3-1.08, 1964)

**18.08.110 Boardinghouse.**

"Boardinghouse" means a building other than a hotel or apartment hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for three or more persons but not exceeding twenty (20) persons. (Ord. 1477 § 3-1.09, 1964)

**18.08.120 Breezeway.**

"Breezeway" means a structure entirely open except for roof and supporting columns which connect a residence and an accessory building on the same lot. (Ord. 1477 § 3-1.10, 1964)

**18.08.130 Buildable width.**

"Buildable width" means the width of that part of a lot not included within the open spaces required in this chapter. (Ord. 1477 § 3-1.11, 1964)

**18.08.140 Building.**

A "building" is any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind. (Ord. 1477 § 3-1.12, 1964)

**18.08.150 Building, completely enclosed.**

A "completely enclosed building" is any building having no outside openings other than ordinary doors, windows, and ventilators. (Ord. 1477 § 3-1.13, 1964)

**18.08.160 Building, height of.**

See "height of building," Section 18.08.430. (Ord. 1477 § 3-1.14, 1964)

**18.08.170 Building, main.**

A "main building" is any building which is not an accessory building. (Ord. 1477 § 3-1.15, 1964)

**18.08.180 Child care facilities.**

The following categories are defined as follows:

- A. "Licensed day care home" means a home that is licensed under the laws of the State of Kansas, in which care is provided for a maximum of ten (10) children under fourteen (14) years of age, not more than six (6) of whom are under kindergarten age. This total includes children under fourteen (14) years of age related to the provider. May be considered as a home occupation.
- B. "Group day care home" means a home that is licensed under the laws of the State of Kansas, in which care is provided for a maximum of twelve (12) children under fourteen (14) years of age. This total

includes children under fourteen (14) years of age related to the provider. May be considered as a home occupation.

- C. "Registered family day care home" means the family's own residence that is registered under the laws of the State of Kansas, in which care is provided by the applicant for not more than six (6) children from birth to sixteen (16) years of age with not more than three children under eighteen (18) months of age. All children under sixteen (16) years of age related to the provider are included in the total. May be considered as a home occupation.
- D. "Child care centers" means a facility licensed under the laws of the State of Kansas, in which care and educational activities are provided for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) hours and less than twenty-four (24) hours per day including daytime, evening and nighttime care, or which provides before and after school care for school-age children.
- E. "Preschool" means a facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in Kansas Statutes Annotated 72-1107 and any amendments thereto, and who are thirty (30) months of age or older, which conducts sessions not exceeding three (3) hours per session; which does not enroll any child in more than one (1) session per day; and which does not serve a meal. The term preschool shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools and cooperatives.

(Ord. 3569 § 1 (part), 1992; Ord. 1477 § 3-1.16, 1964)

**18.08.190 Clinic.**

A "clinic" is an office building or a group of offices for one or more physicians, surgeons, or dentists, engaged in treating the sick or injured, but not including rooms for abiding patients. (Ord. 1477 § 3-1.17, 1964)

**18.08.200 Club.**

"Club" means buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which insures to any individual and not primarily to render a service which is customarily carried on as a business. (Ord. 1477 § 3-1.18, 1964)

**18.08.210 Commission.**

"Commission" means the Planning Commission of the City. (Ord. 1477 § 3-1.19, 1964)

**18.08.220 Convalescent home.**

A "convalescent home" is a building where regular nursing care is provided for more than one (1) person not a member of the family which resides on the premises. (Ord. 1477 § 3-1.20, 1964)

**18.08.230 Court.**

"Court" means an open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings. (Ord. 1477 § 3-1.21, 1964)

**18.08.240 District.**

A "district" is any section of the City within which the zoning regulations are uniform. (Ord. 1477 § 3-1.22, 1964)

**18.08.250 Dog kennel, commercial.**

A "commercial dog kennel" is any place where more than three (3) dogs, cats or other small animals over ten (10) weeks old are kept for any purpose. (Ord. 1690, 1971; Ord. 1477 § 3-1.23, 1964)

**18.08.260 Drive-in.**

"Drive-in" is a term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space. (Ord. 1477 § 3-1.24, 1964)

**18.08.270 Dwelling.**

A "dwelling" is any building or portion thereof, designed or used for residential occupancy, but not including trailers, mobile homes, hotels, motels, boardinghouses, fraternities, sororities, or tourist homes. (Ord. 1477 § 3-1.25, 1964)

**18.08.280 Dwelling, single family.**

A "single family dwelling" is a building designed for use, or occupied exclusively by one (1) family. (Ord. 1477 § 3-1.26, 1964)

**18.08.290 Dwelling, two family.**

A "two family dwelling" is a building designed for or occupied exclusively by two (2) families living independently of each other. (Ord. 1477 § 3-1.27, 1964)

**18.08.300 Dwelling, multiple family.**

A "multiple family dwelling" is a building designed for or occupied exclusively by three (3) or more families living independently of each other. (Ord. 1477 § 3-1.28, 1964)

**18.08.310 Dwelling unit.**

"Dwelling unit" means a room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone. (Ord. 1477 § 3-1.29, 1964)

**18.08.320 Family.**

"Family" means a person or persons occupying a dwelling, living together and maintaining a common household with not more than two (2) boarders or roomers. (Ord. 1477 § 3-1.30, 1964)

**18.08.330 Filling station.**

A "filling station" is any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting. (Ord. 1477 § 3-1.31, 1964)



**18.08.340 Floor area--Commercial business, industrial or mixed uses.**

For commercial business and industrial buildings or buildings containing mixed uses "floor area" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basement space not used for retailing;
- C. Uncovered steps or fire escapes;
- D. Accessory water towers or cooling towers;
- E. Accessory off-street parking spaces; and
- F. Accessory off-street loading berths.

(Ord. 1477 § 3-1.32(a), 1964)

**18.08.350 Floor area--Residential buildings.**

For residential buildings "floor area" means the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls. (Ord. 1477 § 3-1.32(b), 1964)

**18.08.355 Food Serving Tea Houses.**

"Food serving tea house" means:

- A. A business, not to exceed One Thousand 1,000 square feet and inhabited by the proprietor as a his/her residence, utilized for the sale of unique, one-of-a-kind items that cannot be found in conventional retail outlets, including but not necessarily limited to:
  - Sale of hand-crafted jewelry;
  - Homemade craft items; and
  - Light breakfasts or lunchesbut specifically excluding restaurants as defined by Kansas law and regulated by the Kansas Department of Health and/or Tattoo parlors; and
- B. Conducted within a building upon the premises; and
- C. Providing accessory off-street parking spaces on subject property apportioned one (1) space for each four (4) seating/eating/serving places.

(Ord. 3729 § 1, 1996)

**18.08.360 Frontage, street.**

"Street frontage" means all of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street. (Ord. 1477 § 3-1.33(a), 1964)

**18.08.370 Frontage, lot.**

"Lot frontage" means the distance for which the front boundary line of the lot and the street line are coincident. (Ord. 1477 § 3-1.33(b), 1964)

**18.08.375 Garage, auto body repair.**

An "auto body repair garage" is a building or portion thereof designed or used for automobile body repair work, including sanding and painting, and/or automobile body and frame repair. (Ord. 3098 § 2, 1979)

**18.08.380 Garage, private.**

"Private garage" means an accessory building not exceeding nine hundred (900) square feet in area, designed or used for the storage of not more than four (4) motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle and that one (1) of not more than two (2) tons capacity. (Ord. 1477 § 3-1.34, 1964)

**18.08.390 Garage, public.**

A "public garage" is a building or portion thereof, other than a private or storage garage, or auto body repair garage as defined in this chapter, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles. (Ord. 3098 § 1, 1979; Ord. 1477 § 3-1.35, 1964)

**18.08.400 Garage, storage.**

A "storage garage" is a building or portion thereof, designed or used exclusively for storage of motor driven vehicles and at which motor fuels and oils may be sold without exterior advertising and where motor driven vehicles are not equipped, repaired, hired or sold. (Ord. 1477 § 3-1.36, 1964)

**18.08.410 Grade.**

The term "grade" shall have the following meanings:

- A. For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
- B. For buildings having a wall or walls adjoining more than one (1) Street, the average elevation of the sidewalk at the centers of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to or within ten (10) degrees of being parallel to, and not more than fifteen (15) feet from a street line, is to be considered as adjoining the street. Sidewalk grades shall be as established by the City Engineer. (Ord. 1477 § 3-1.37, 1964)

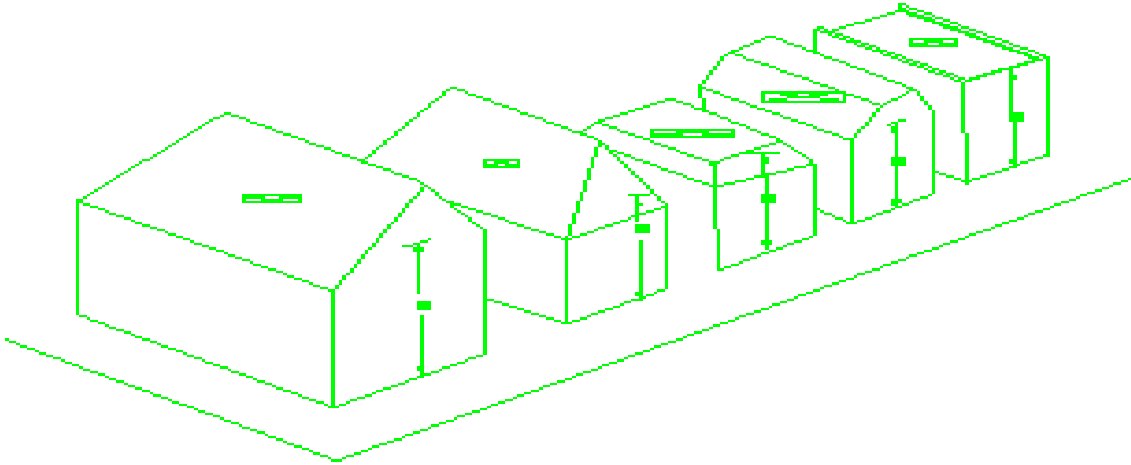
**18.08.420 Guest house.**

"Guest house" means the living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling. (Ord. 1477 § 3-1.38, 1964)

**18.08.430 Height of building.**

The "building height" is the vertical distance from the grade to:

- A. The highest point of the coping of a flat roof;
- B. The deck line of a mansard roof; or
- C. To the mean height level between eaves or ridge for gable, hip, and gambrel roofs.



(Ord. 1477 § 3-1.39, 1964)

**18.08.435 Bed & Breakfast.**

“Bed & Breakfast” means:

1. This facility must be established in a residential building, or a building that can be successfully readapted to a residential use. The building must remain in a style that does not conflict with predominant neighborhood designs.
2. No more than five (5) rooms may be rented to guests.
3. One (1) full bathroom facility must be provided for each four (4) rooms, or portion thereof, for rent.
4. Smoke detection devices must be installed in accordance with Municipal Code requirements.
5. Emergency escape requirements for dwellings shall conform to Municipal Code requirements.
6. Adequate parking, one space for each room rented, as shown on the Site Plan, must be screened or fenced, when necessary.
7. Local crafts or items of interest may be sold in conjunction with, and inside the Bed & Breakfast facility, provided that the selling area is clearly incidental to the principal use.
8. An owner of record, or paid manager, must reside on the property, and it must be clearly established that this is the principal residence of the owner/manager. An exception may be granted when the Bed & Breakfast facility is a restored building which is part of a Planned District (PURD, PUD), or owned by a non-profit corporation.
9. Variances for size and other physical considerations may be granted by the Board of Zoning Appeals using the normal rules contained in this ordinance if it can be clearly demonstrated that a profitable use cannot be made from the property without expansion.
10. A maximum of two (2) signs may be proposed and must be located on the Site Plan. One (1) may be affixed to the building (2 feet by 3 feet maximum) and the other (a monument type), no greater than sixteen (16) square feet.

(Ord. 3745, §1 1997)

**18.08.440 Home occupation.**

"Home occupation" means any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than two (2) square feet in area, fixed flat to a wall of the building, and no other display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation

from the residential character of the building; and in connection with which no more than one person outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare. When within the above requirements, a home occupation includes, but is not limited to the following:

- A. Art studio;
- B. Dressmaking;
- C. Professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation;
- D. Teaching, with musical instruction limited to one (1) or two (2) pupils at a time;
- E. Beauty shop, and barbershops; however, a home occupation shall not be interpreted to include restaurants;
- F. Child care facilities when licensed or registered under the laws of the State of Kansas except child care centers and preschools as defined in Section 18.08.180 of the City Code.

(Ord. 3745 § 1, 1997; Ord. 3569 § 1 (part), 1992; Ord. 1845, 1974; Ord. 1841, 1974; Ord. 1477 § 3-1.40, 1964)

#### **18.08.450 Hospital.**

"Hospital" means a building or group of buildings, having room facilities for one (1) or more abiding patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, outpatient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation. (Ord. 1477 § 3-1.41, 1964)

#### **18.08.460 Hotel.**

"Hotel" means a building in which lodging or boarding and lodging are provided for more than twenty (20) persons, primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse, a lodging house, or an apartment which are separately defined in this chapter. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms. (Ord. 1477 § 3-1.42, 1964)

#### **18.08.461 Junk.**

"Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap building materials, ferrous or nonferrous materials. (Ord. 3598 § 1 (part), 1993)

#### **18.08.462 Junkyard.**

"Junkyard" means any establishment which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps. (Ord. 3598 § 1 (part), 1993)

#### **18.08.470 Loading space or loading berth.**

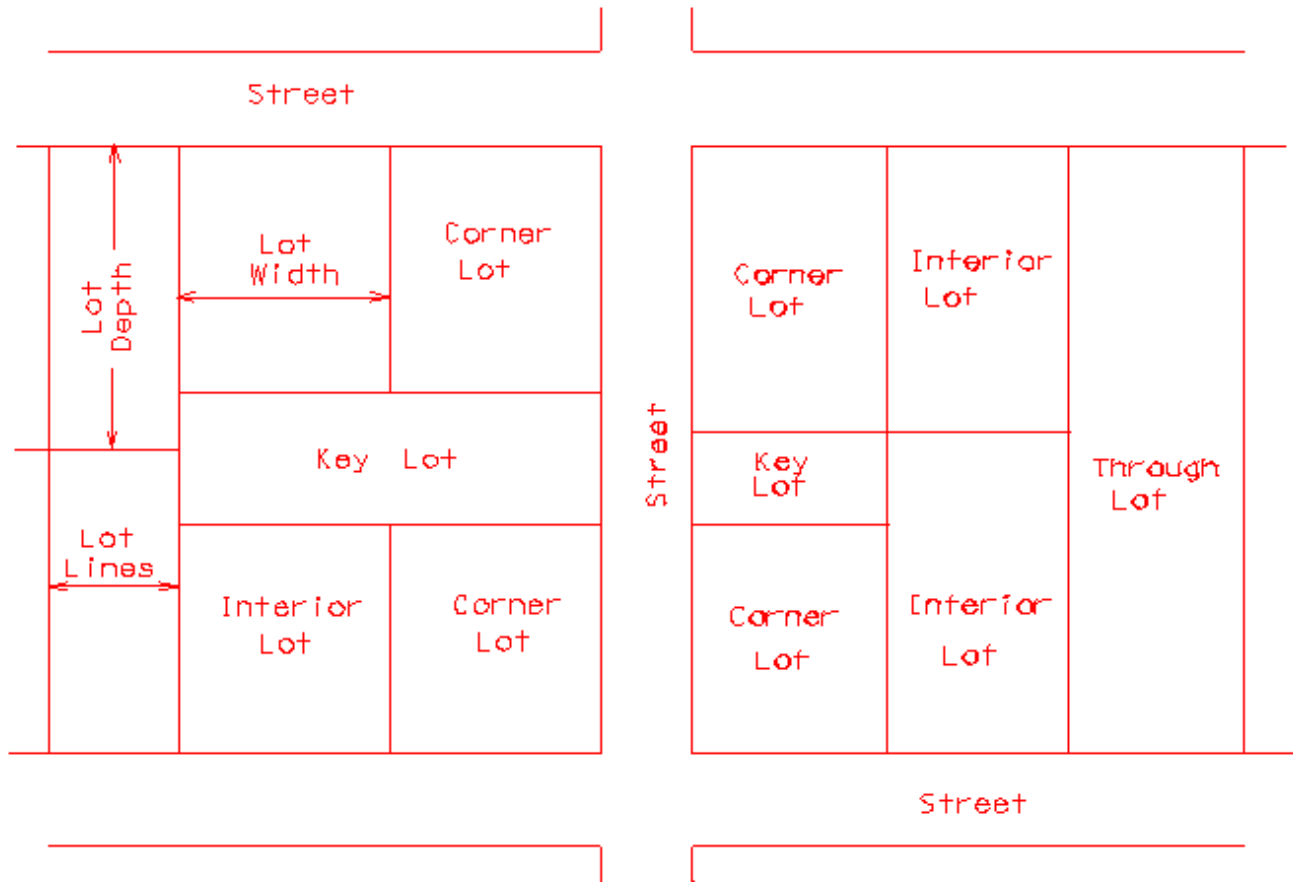
Loading space or berth mean a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet. (Ord. 1477 § 3-1.43, 1964)

#### **18.08.480 Lodging house.**

Lodging house means the same as boarding-house, as defined in Section 18.08.110. (Ord 1477 § 3-1.44, 1964)

**18.08.490 Lot.**

A lot is a parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this title, including one (1) main building together with its accessory buildings, the yard areas and parking spaces required by this title and having its principal frontage upon a street or upon an officially approved place. (Ord. 1477, § 3-1.45, 1964)



**18.08.500 Lot area.**

"Lot area" means the total horizontal area within the lot lines of the lot. (Ord. 1477 § 3-1.46, 1964)

**18.08.510 Lot, corner.**

A "corner lot" is a lot abutting upon two (2) or more streets at their intersection. (Ord. 1477 § 3-1.47, 1964)

**18.08.520 Lot, depth of.**

The "depth of the lot" means the distance from the front street line to the rear lot line measured in the mean direction of the side lot lines. (Ord. 1477 § 3-1.48, 1964)

**18.08.530 Lot, interior.**

An "interior lot" is a lot whose side line or lines do not abut upon any street. (Ord. 1477 § 3-1.49, 1964)

**18.08.540 Lot, key.**

A "key lot" is a lot having its side lot lines coincident on one or both sides with the rear lot lines of adjacent lots. (Ord. 1477 § 3-1.50, 1964)

**18.08.550 Lot line.**

The "lot line" is the boundary line of a lot. (Ord. 1477 § 3-1.51, 1964)

**18.08.560 Lot, through.**

"Through lot" means an interior lot having frontages on two (2) streets. (Ord. 1477 § 3-1.52, 1964)

**18.08.570 Lot width.**

"Lot width" is the distance between the side lot lines measured at the required front yard line. (Ord. 1477 § 3-1.53, 1964)

**18.08.575 Manufactured home.**

"Manufactured home" means a factory-assembled structure, including single-wide, double-wide and multi-wide units, equipped with the necessary utility service connections and readily movable on its own running gear and designed to be used as a single-family residential dwelling meeting the Federal Manufactured Home Construction and Safety Standards and Seal established by 42 U.S.C. Section 5403 (HUD Guidelines of June 15, 1976). This definition shall not be construed to include mobile homes. (Ord. 3561 § 1 (part), 1992)

**18.08.576 Mobile home.**

"Mobile home" means a structure, transportable in one or more sections, which has a body width of eight (8) feet or more and a body length of thirty-six (36) feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein, but does not include any structure which is subject to the Federal Mobile Home Construction and Safety Standards pursuant to 42 U.S.C. Section 5403. (Ord. 3561 § 1 (part), 1992)

**18.08.580 Motel, motor court, motor hotel, lodge, or inn.**

The terms "motel," "motor court," "motor hotel," "lodge" or "inn" mean the same as "hotel," as defined in Section 18.08.460 except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office. (Ord. 1477 § 3-1.54, 1964)

**18.08.590 Non-conforming use.**

A "non-conforming use" is any building or land lawfully occupied by a use at the time of passage of the ordinance codified in this title or amendment thereto which does not conform after the passage of the ordinance codified in this title or amendment thereto with the use regulations of the district in which it is located. (Ord. 1477 § 3-1.55, 1964)

**18.08.600 Parking space, off-street.**

"Off-street parking space" means an all-weather surfaced area not in a street or alley and having an area of not less than one hundred seventy (170) square feet, exclusive of driveways, permanently reserved for the temporary storage

of one (1) automobile and connected with a street or alley by an all weather surfaced driveway which affords satisfactory ingress and egress for automobiles. (Ord. 1477 § 3-1.56, 1964)

**18.08.605 Penal rehabilitation facility.**

"Penal rehabilitation facility," sometimes known as a "half-way house" or a "community-based correctional service facility" or a "non-medical resident care facility," means a facility approved for conditional use in a multiple-family residential district (R-4) or other less restrictive zone(s), wherein a person convicted of a crime is accepted for supervision, or residential living, or detention, or care, or treatment after having been released, granted probation, or paroled by appropriate authority. (Ord. 3619 § 1, 1994)

**18.08.610 Poultry raising, commercial.**

"Commercial poultry raising" means any place where domesticated birds such as chickens, ducks, geese, or turkeys are hatched or raised for sale or kept for sale of eggs or any place where more than twenty (20) such birds, over the age of three (3) months, are kept for any purpose. (Ord. 4135 § 1, 2007; Ord. 1477 § 3-1.57, 1964)

**18.08.620 Premises.**

"Premises" means a lot, together with all buildings and structures thereon. (Ord. 1477 § 3-1.58, 1964)

**18.08.625 Residential-designed manufactured home.**

"Residential-designed manufactured home" means a structure meeting the HUD Guidelines and Seal of 1976 for manufactured homes, including single-wide, double-wide and multi-wide units, affixed to a permanent foundation, with a width of at least twenty-two (22) feet and a pitched roof that meets Section 32 of the Uniform Building Code, utilizing the same siding and roofing materials as required in the Uniform Building Codes adopted by the City. This definition shall not be construed to include mobile homes. (Ord. 3561 § 1 (part), 1992)

**18.08.630 Roominghouse.**

"Roominghouse" means the same as "boardinghouse," as defined in Section 18.08.110. (Ord. 1477 § 3-1.59, 1964)

**18.08.640 Servants' quarters.**

"Servants' quarters" means an accessory building or portion of the main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile and containing no kitchen facilities or separate utility meters. (Ord. 1477 § 3-1.60, 1964)

**18.08.650 Sign.**

A "sign" is any structure or part thereof, or any device attached to, painted on, or represented on a building, fence, or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention directing device. A sign shall not include a similar structure or device located within a building except illuminated signs within show windows. A sign includes any billboard, but does not include the flag or pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, or like campaign, drive, movement or event. (Ord. 1477 § 3-1.61, 1964)

**18.08.660 Sign area.**

The "sign area" is that area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included in the sign area. (Ord. 1477 § 3-1.62, 1964)

**18.08.670 Sign, flashing.**

A "flashing sign" is any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign. (Ord. 1477 § 3-1.63, 1964)

**18.08.680 Sign, illuminated.**

An "illuminated sign" is any sign designed to give forth artificial light or designed to reflect light from one (1) or more sources of artificial light erected to provide light for the sign. (Ord. 1477 § 3-1.64, 1964)

**18.08.685 Specialty shop.**

"Specialty shop" means:

- A. A business used for the sale of unique, one-of-a-kind items that cannot be found in conventional retail outlets, including but not necessarily limited to sale of hand crafted jewelry, homemade items, magic tricks, candles not made on the premises, but specifically excluding restaurants or tattoo parlors;
- B. Conducted within a building upon the premises; and
- C. Accessory off-street parking spaces shall be provided on subject property apportioned one space for each two hundred (200) square feet of display area, not exceeding one thousand (1,000) square feet.

(Ord. 3644 § 1(A), 1994)

**18.08.690 Story.**

A "story" is 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 such floor and the ceiling next above it. (Ord. 1477 § 3-1.65, 1964)

**18.08.700 Story, half.**

"Half story" means a space under a sloping roof at the top of the building, the floor of which is not more than two (2) feet below the plate, shall be counted as a half story when not more than sixty (60) percent of the floor area is used for rooms, baths, or toilets. A half story containing an independent apartment or living quarters shall be counted as a full story. (Ord. 1477 § 3-1.66, 1964)

**18.08.710 Street.**

"Street" means a public thoroughfare which affords the principal means of access to abutting property. (Ord. 1477 § 3-1.67, 1964)

**18.08.720 Street line.**

A "street line" is a dividing line between a lot, tract, or parcel of land and a contiguous street. (Ord. 1477 § 3-1.68, 1964)



**18.08.730 Structure.**

"Structure" means anything, other than a fence, constructed or erected, which required location on the ground or attached to something having a location on the ground, including but not limited to advertising signs, billboards, and posterboards. (Ord. 1477 § 3-1.69, 1964)

**18.08.740 Structural alterations.**

Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls. (Ord. 1477 § 3-1.70, 1964)

**18.08.750 Tourist court, auto court.**

The terms "tourist court" and "auto court" shall mean the same as "motel" as defined in Section 18.08.580. (Ord. 1477 § 3-1.71, 1964)

**18.08.760 Mobile home.**

A "mobile home" is any prefabricated structure composed of one (1) or more parts; designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or a shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; shipped or moved in essentially a complete condition ready for occupancy except for minor and incidental unpacking and assembly operations and mounted on wheels, skids, or rollers, jacks, blocks, horses, skirting, or a temporary or permanent 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. Mobile homes are considered to be structures for the purpose of this title when they are parked in conformity with the provisions of this title. (Ord. 1898 § 1 (part), 1974; Ord. 1477 § 3-1.72, 1964)

**18.08.770 Mobile home park.**

A "mobile home park" is any area, place, parcel, tract, or plot of ground, equipped as required for support of mobile homes and used, or intended to be used, by one or more occupied mobile homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale. (Ord. 1898 § 1 (part), 1974; Ord. 1477 § 3-1.72, 1964)

**18.08.780 Mobile home space.**

A "mobile home space" is a plot of ground within a mobile home park which can accommodate one (1) mobile home and which provides the necessary utilities. (Ord. 1898 § 1 (part), 1974; Ord. 1477 § 3-1.73(a))

**18.08.790 Mobile home subdivision.**

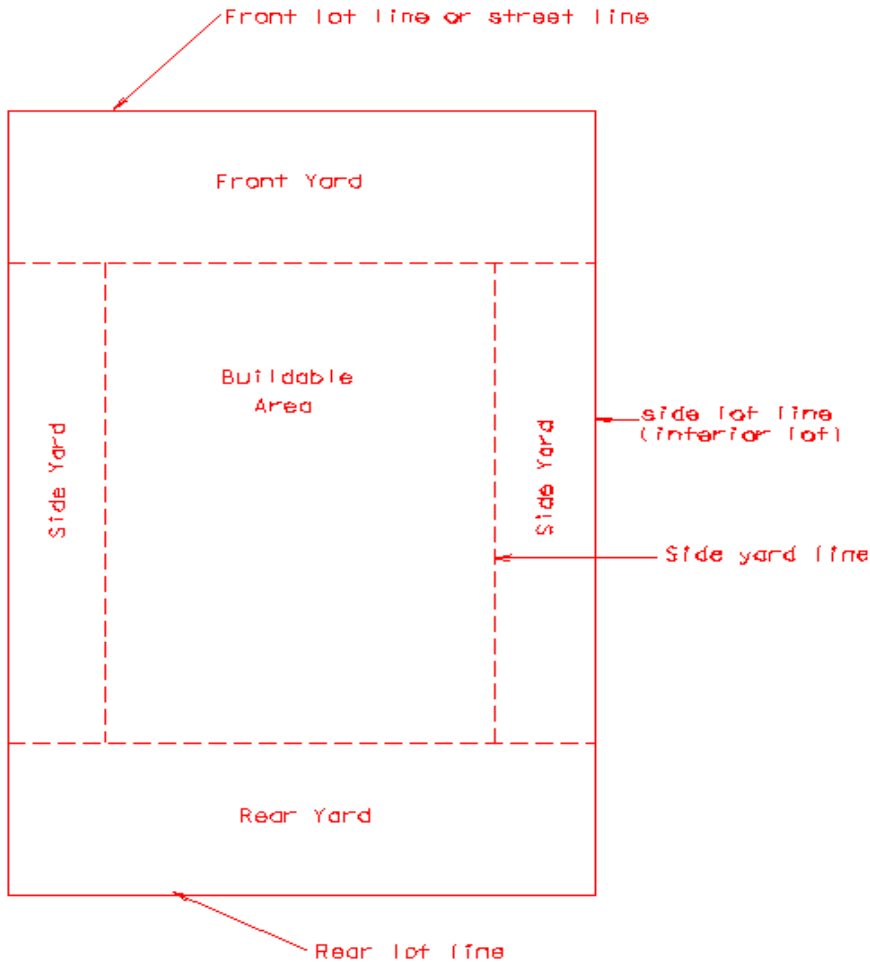
A "mobile home subdivision" is any area, piece, parcel, tract, or plot of ground, used or intended to be used for the purpose of selling lots for occupancy by mobile homes. (Ord. 1898 § 1 (part), 1974; Ord. 1477 § 3-1.73(b))

**18.08.800 Transitional use.**

A "transitional use" is a use intended to permit a more gradual change of the character of uses at or near the boundaries of districts which have different use regulations and which may be permitted by the Board of Zoning Adjustment in accordance with the provisions of Chapter 18.84. (Ord. 1477 § 3-1.74, 1964)

**18.08.810 Yard.**

A "yard" is an open space other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 1477 § 3-1.75, 1964)



**18.08.820 Yard, front.**

A "front yard" is a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. (Ord. 1477 § 3-1.76, 1964)

**18.08.830 Yard, rear.**

A "rear yard" is a yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways. (Ord. 1477 § 3-1.77, 1964)

**18.08.840      Yard, side.**

A "side yard" is a yard between the main building and the side line of the lot and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof. (Ord. 1477 § 3-1.78, 1964)

## Chapter 18.12

### GENERAL PROVISIONS

#### Sections:

18.12.010	Districts designated.
18.12.020	Map--Filing.
18.12.030	Map--Publication--Copies.
18.12.040	Interpretation of district boundaries.
18.12.050	Prohibitions.
18.12.060	Parking regulations.
18.12.070	Interpretation of the chart.
18.12.080	Joint use and off-site facilities.
18.12.090	Design standards.
18.12.100	Off-street loading regulations.
18.12.110	Interpretation of the chart.
18.12.120	Mixed uses in one building.
18.12.130	Design standards.
18.12.140	Height, area, and bulk requirements.
18.12.150	Supplementary height, area, and bulk requirements.
18.12.160	Modification of height regulations.
18.12.170	Yards, generally.
18.12.180	Accessory buildings and structures.
18.12.190	Front yards.
18.12.200	Side yards.
18.12.210	Rear yards.
18.12.220	Corner visibility.
18.12.230	Ownership prior to application.

#### 18.12.010 Districts designated.

In order to regulate and restrict the location of trades, industries, and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas and to regulate and determine the areas of yards, courts, and other open spaces within the surrounding such buildings, the City is hereby divided into districts of which there shall be twelve (12) in number, known as:

FP	Floodplain district
A	Agricultural district
A-L	Light agricultural district*
R-1	Single family residential district
R-2	Single family residential district
R-3	Two family residential district
R-4	Multiple family residential district
RO	Residence office district*
B-1	Neighborhood business district
B-2	General business district
B-3	Central business district
I-1	Restricted industrial district
I-2	Light industrial district
I-3	Heavy industrial district

MP Mobile home park district\*  
(Ord. 1477 § 4-1, 1964)

**18.12.020 Map--Filing.**

Such land and the district classification thereof, shall be as shown on the map designated "Official Zoning District Map," incorporated into zoning regulations of Arkansas City, Kansas dated January, 1996 and signed by the Mayor with attestation by the City Clerk.

This Zoning District Map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this title as if fully described herein and shall be filed as part of this title by the City Clerk. The map shall be available for public inspection in the office of the City Engineer, and any later alterations of this map adopted by amendment as provided in this title shall be similarly dated, filed, and made available for public reference. (Ord. 3688, Sec. 1, 1996; Ord. 1477 § 4-2, 1964)

**18.12.030 Map--Publication--Copies.**

Prints of the official Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the City, shall be made available to the public. In each calendar year, if there have been any changes in the permitted uses, zoning district boundaries, zoning regulations, and classifications in the preceding year, such map shall be revised no later than March 31st, reflecting all such changes as of December 31st of the preceding year.

Any person desiring a copy of the official Zoning District Map shall pay Five Dollars (\$5.00) for each copy thereof, to the appropriate City official. Such fees shall be applied to defray the cost of revising and printing of the District Map. (Ord. 1477 § 4-3, 1964)

**18.12.040 Interpretation of district boundaries.**

District boundaries shall be interpreted as set forth in this section.

- A. A district name or letter-number combination shown on the district maps indicates that the regulations pertaining to the district designated by that name or letter number combination extend throughout the whole area in the municipality bounded by the district boundary lines within which such name or letter-number combination is shown or indicated, except as otherwise provided by this section.
- B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Map accompanying and made a part of this title, the rules set forth in this section shall apply.
- C. In cases where a boundary line is given a position within a street or alley, navigable or nonnavigable stream, it is deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the district map, then the actual location shall control.
- D. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- E. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated track.

Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines and, where the districts designated on the map accompanying and made a part of this title are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of such districts unless the boundaries are otherwise indicated on the map or by ordinance.

In unsubdivided property, unless otherwise indicated, the district boundary line on the maps accompanying and made a part of this title shall be determined by the use of the scale contained on such map. (Ord. 1477 § 4-4, 1964)

**18.12.050 Prohibitions.**

Except as hereinafter provided:

- A. No land may be used except for a purpose permitted in the district in which it is located.
- B. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located.
- C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
- D. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- E. No building shall be erected, enlarged, or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, except in conformity with the off-street parking and loading regulations of the district in which the building is located.
- F. The minimum yards, parking space, open spaces, including lot area per family, required by this title for each and every building existing at the time of the passage of the ordinance codified in this title, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this title.
- G. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.

(Ord. 1477 § 4-5, 1964)

**18.12.060 Parking regulations.**

Except as otherwise provided in this title, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below, when such uses are located in the districts listed in Column 2, accessory off-street parking spaces shall be provided as required in Column 3 or Column 4 or as required in Sections 18.12.060 through 18.12.090. (Ord. 1477 § 17-1, 1964)

Column 1 Use or Use Category	Column 2 Location	Column 3 Spaces Required Per Basic Measuring Unit	Column 4 Additional Requirements
One-family dwelling	All districts	1 per dwelling unit	
Church or temple, auditorium or place of assembly	All districts except B-3 B-3	1 per 5 seats or bench seating spaces 1 per 8 seats or bench seating spaces	(Seats in main auditorium only)
College or high school	All districts except B-3 B-3	1 per 5 seats in the main auditorium 1 per 8 seats in the main auditorium	Or 8 per classroom, whichever is greater Or 6 per classroom, whichever is greater
Elementary or nursery school	All districts except B-3 B-3	1 per 10 seats in main assembly room 1 per 15 seats in main assembly room	Or 1 per classroom, whichever is greater
Country club or golf club	All districts	1 per 5 members	
Public library, museum, art gallery or community center	All districts except B-3 B-3	10 per use 10 per use	Plus 1 additional space for each 300 square feet of floor area in excess of 1,000 sq. ft.
Two-, three-, and four-family dwellings	All districts	1 per dwelling unit	
Multiple dwelling	All districts except B-3 B-3	1 per dwelling unit None	Plus 1 per 2 roomers
Apartment hotel	All districts except B-3 B-3	2 per 3 sleeping rooms or suites 1 per 3 sleeping rooms or suites	
Private clubs, fraternities, sororities and lodges with sleeping rooms	All districts except B-3 B-3	2 per 3 sleeping rooms or suites 1 per 2 sleeping rooms or suites	Or 1 per 5 active members, whichever is greater
Private clubs, fraternities, sororities and lodges with no sleeping rooms	All districts	1 per 10 active members	
Sanitarium, convalescent home, home for the aged or similar institution	All districts	1 per 5 patient beds	
Hotel	All districts except B-3 B-3	1 per 2 guest rooms or suites 1 per 3 guest rooms or suites	
Tourist court, motel, motor hotel, or motor lodge	All districts	1 per sleeping room or suite	
Rooming, boarding or lodging house	All districts	1 per 2 sleeping rooms	
Hospital	All districts	1 per 3 patient beds	
Office or office building, studio or clinic	All districts except B-3 B-3	1 per 400 square feet of floor area	3 spaces minimum None if less than 1,500 square feet
Funeral home	All districts	5 per parlor or chapel	
Restaurant or other establishment for consumption of food or beverages on the premises	All districts except B-3 B-3	1 per 100 square feet of floor area 1 per 200 square feet of floor area	None if less than 1,500 square feet
Retail store or personal service establishment and banks	All districts except B-3 B-3	1 per 200 square feet of floor area None for floor area under 4,000 sq. ft.	Retail food stores over 4,000 square feet 1 per 100 square feet of floor area
Furniture or appliance store, machinery, equipment and automobile and boat sales and service	All districts except B-3 B-3	1 per 300 square feet of floor area	2 spaces minimum Automobile sales and service 10 minimum
Auditorium, theater, gymnasium, stadium, arena, or convention hall	All districts except B-3 B-3	1 per 5 seats or seating spaces 1 per 8 seats or seating spaces	
Bowling alley	All districts except B-3 B-3	10 per alley 5 per alley	
Food storage locker	All districts	1 per 200 sq. ft. customer service area	
Amusement place, dance hall, skating rink, swimming pool, natatorium, or exhibition hall without fixed seats	All districts except B-3 B-3	1 per 100 square feet of floor area 1 per 200 square feet of floor area	Does not apply to accessory uses
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting	All districts	1 per 3 employees on premises	Auditorium for broadcasting station requires spaces as above
Animal hospital	All districts	1 per 400 square feet of floor area	4 spaces minimum
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment	All districts	1 per 2 employees on maximum working shift	Plus space for storage of trucks or other vehicles used in connection with the business or industry

**18.12.070 Interpretation of the chart.**

- A. The use regulations for each district are not affected by arrangement of uses in the chart.
- B. The parking requirements in this chapter do not limit other requirements in this title for parking contained in the district regulations, particularly in the I-I-Restricted Industrial District, where special requirements may be imposed.
- C. The parking requirements in this chapter do not limit special requirements which may be imposed in connection with conditional uses Chapter 18.72 or Special Use Exceptions (Chapter 18.84).
- D. Floor area used in the chart shall be as defined in Section C 18.08.340 and 18.08.350.
- E. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- F. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
- G. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking shall equal the sum of the requirements of the various uses computed separately.
- H. Whenever a building or use, constructed or established after the effective date of the ordinance codified in this title, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(Ord. 1477 § 17-2, 1964)

**18.12.080 Joint use and off-site facilities.**

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from the building served.

- A. Up to fifty (50) percent of the parking spaces required for
  1. Theaters, public auditoriums, bowling alleys, dance halls, nightclubs or cafes, and up to one hundred (100) percent of the parking spaces required for a church auditorium may be provided and used jointly by.
  2. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used, or operated during the same hours as those listed in 1.; provided, however, that written agreement thereto is properly executed and filed as specified below.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

(Ord. 1477 § 17-3, 1964)

**18.12.090 Design standards.**

- A. As defined in Sections 18.08.340 and 18.08.350, an off-street parking space is an all weather surfaced area not in a street or alley and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all weather surfaced driveway which affords satisfactory ingress and egress for automobiles.
- B. Entrances or exits for all parking facilities shall comply with existing ordinances of the City.



- C. Screening in the form of a solid fence or shrubbery shall be required to protect neighboring residences from all parking lots hereafter constructed to contain ten (10) or more spaces.

(Ord. 1477 § 17-4, 1964)

**18.12.100 Off-street loading regulations.**

Except as otherwise provided in this title, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, or any building is hereafter converted for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3, or as required in Sections 18.20.110 through 18.20.130.

Column 1	Column 2	Column 3
Use or use category	Floor area as defined in Sections 18.08.340 and 18.08.350 in square feet	Loading spaces required
Retail store, department store, restaurant, wholesale house, warehouse, repair, general service, manufacturing or industrial establishment	2,000 - 10,000	One
	10,000 - 20,000	Two
	20,000 - 40,000	Three
	40,000 - 60,000	Four
	Each 50,000 over 60,000	One additional
Apartment building, apartment hotel, hotel, offices or office building, hospital or similar institution, places of public assembly	5,000 - 10,000	One
	10,000 - 100,000	Two
	100,000 - 200,000	Three
	Each 100,000 over 200,000	One additional
Funeral home or mortuary	2,500 - 4,000	One
	4,000 - 6,000	Two
	Each 10,000 over 6,000	One additional

(Ord. 1477 § 18-1, 1964)

**18.12.110 Interpretation of the chart.**

- A. The loading space requirements apply to all districts except the I-1 restricted industrial district, where special requirements may be imposed.
- B. The loading requirements in this chapter do not limit special requirements which may be imposed in connection with conditional uses or special use exceptions, Chapter 18.72.

(Ord. 1477 § 18-2, 1964)

**18.12.120 Mixed uses in one building.**

Where a building is used for more than one use or for different uses and where the floor area used for each use for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required. (Ord. 1477 § 18-3, 1964)

**18.12.130 Design standards.**

- A. As defined in Section 18.08.470, a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.
- B. Loading spaces for a funeral home may be reduced in size to ten (10) by twenty-five (25) feet and vertical clearance reduced to eight (8) feet.

(Ord. 1477 § 18-4, 1964)

**18.12.140 Height, area, and bulk requirements.**

Height, area, and bulk requirements for the various districts shall be as indicated in the following chart, together with other height, area, and bulk requirements. (Ord. 2005 § 1, 1976; Ord. 1477 Art. 19, 1964).

Chapter	District	Maximum height Feet Stories	Minimum depth of front yard in feet	Minimum width of side yards in feet	Number of side yards	Minimum aggregate width of side yards in feet	Minimum depth of rear yard in feet	Minimum lot area per family in square feet	Minimum lot area in square feet	Minimum width of lot in feet	Minimum depth of lot in feet
18.16	FP floodplain	35 2-1/2	50	15	2	50	50	-	Varies	Varies	Varies
18.20	A agricultural	35 2-1/2	50	15	2	50	50	130,680 (3 acres)	130,680	300	300
18.24	R-1 single-family residential	35 2-1/2	40	10	2	30	50	21,780 (1/2 acre)	21,780	100	100
18.28	R-2 single-family residential	35 2-1/2	25	1-story: 8 2-stories: 20	2	1-story: 16 2-stories: 20	30	6,000	6,000	50	50
18.32	R-3 two-family residential	35 2-1/2	25	5	2	10	20	1-family: 6,000 2-family: 3,000 ea.	6,000 6,000	50 50	75
18.36	R-4 multiple-family residential	45 3	15	1 & 2 fam: 5 3+ fam: 10	2	1 & 2 fam: 5 3+ fam: 20	20	1-family: 6,000 ea. 2-family: 3,000 ea. 3-family: 2,000 ea. 4+family: 1,500 ea. apt. hotel: 500 ea.	6,000 6,000	50	75
18.44	B-1 neighborhood business	35 2-1/2	25	For dwls: 8	2	16	25	Same as R-4	5,000	50	75
				For other buildings: None except as required in Sec. 18.44.050							
18.48	B-2 general business	45 3	25	For dwls: 5	2	10	20	Same as R-4	6,000	50	75
				For other buildings: None except as required in Sec. 18.48.050							
18.52	B-3 central business	75 6	None	None except as required in Sec. 18.52.050				Same as R-4	None	None	None
18.56	I-1 restricted industrial	30 2	25	15	2	50	10	-	43,560	150	200
18.60	I-2 light industrial	45 3	25	None except as required in Sec. 18.60.050				-	None	None	None
18.64	I-3 heavy industrial	125 -	25, except as required in sec. 18.64.060	None except as required in Sec. 18.64.060				-	None	None	None

Abbreviations: dwls. - dwellings; 3+ - 3 or more; 4+ - 4 or more; fam. - family or families.  
A dash (-) indicates no applicable regulations.

(Ord. 2005 Sec. 1, 1976; Ord. 1477 Art. 19, 1964).

**18.12.150 Supplementary height, area, and bulk requirements.**

The regulations set forth in Sections 18.12.150 and 18.12.160 qualify or supplement the district regulations appearing elsewhere in this title. (Ord. 1477 § 22-1, 1964)

**18.12.160 Modification of height regulations.**

Height regulations may be modified as set forth in this section.

- A. The height regulations, as prescribed in this title shall not apply to:
  - 1. Belfries;
  - 2. Chimneys;
  - 3. Church spires;
  - 4. Conveyors;
  - 5. Cooling towers;
  - 6. Elevator bulkheads;
  - 7. Fire towers;
  - 8. Flag poles;
  - 9. Monuments;
  - 10. Ornamental towers and spires;
  - 11. Smoke stacks;
  - 12. Stage towers or scenery lofts;
  - 13. Tanks;
  - 14. Water towers.
- B. Height regulations shall apply to the following:
  - 1. Public, semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet;
  - 2. Churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located;
  - 3. "Federally-licensed amateur radio station antennas," as defined in Part 97 of the Federal Communications Rules (97.3(a)(5), 97.3(a)(2) and 97.3(a)(1)) may be erected in accordance with applicable building codes to a height not exceeding seventy (70) feet, and subject to annual inspection by the City Engineer for construction technique and safety; and, if deemed hazardous, the City Engineer shall make such report to the City Manager and the City Commission shall have authority to revoke permit upon notification to the owner or operator of the ham radio antenna; otherwise, the City Engineer shall, upon satisfactory inspection, renew the permit for the ensuing calendar year.

(Ord. 3518 § 1, 1991; Ord. 1477 § 22-2, 1964)

**18.12.170 Yards, generally.**

The following are general yard requirements:

- A. Whenever a lot abuts upon a public alley, one-half (1/2) of the alley width may be considered as a portion of the required yard.
- B. Every part of a required yard shall be open to the sky, except as authorized by this chapter, and ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.
  - 1. For projections of roof eaves beyond the exterior wall, no such eave shall project into the required yard more than one third (1/3) the distance of the required yard.

- C. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for residential, institutional, hotel or motel purposes, there may be more than one (1) main building on the lot when such buildings are arranged around a court having direct street access; provided, however,
  - 1. That the court between buildings that are parallel or within forty-five (45) degrees of being parallel shall have a minimum width of thirty (30) feet for one (1) story buildings, forty (40) feet for two (2) story buildings, and fifty (50) feet for three (3) story buildings, and in no case may such buildings be closer to each other than fifteen (15) feet;
  - 2. Where a court having a direct street access is more than fifty percent (50%) surrounded by a building, the minimum width of the court shall be at least thirty (30) feet for one (1) story buildings, forty (40) feet for two (2) story buildings, and fifty (50) feet for three (3) story buildings.
- D. Within any residential district, the least dimension of a yard upon which the principal entrances or exits of a multiple dwelling face, shall be twenty (20) feet.
- E. Where a lot is used for a commercial or industrial purpose, more than one (1) main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

(Ord. 3592 § 1, 1993; Ord. 1477 § 22-3.01, 1964)

**18.12.180 Accessory buildings and structures.**

- A. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
- B. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from street lines.
- C. One directional or name sign or sign advertising products sold on the premises may occupy required yards in a district where such sign is permitted by the use regulations of this title; provided such sign meets all requirements of this title and any other applicable City ordinances.
- D. Fencing regulations – Unlawful acts – Exceptions.
  - 1. An ornamental fence or wall not more than forty-eight (48) inches in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven (7) feet, and further provided, that if the fence or wall is more than thirty-five percent (35%) solid, it may not be constructed without first obtaining, upon a form approved by Code Enforcement, the written consent of the abutting lot owner.
  - 2. Barbed wire fences are prohibited inside the City Limits, EXCEPT:
    - a) When property exclusively used for agricultural purposes is annexed into the City and such barbed wire fencing does not pose a “risk to pedestrians.” “Risk to Pedestrians” shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.
    - b) On top of perimeter fencing of storage areas in Industrial and Business District zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;
    - c) Existing barbed wire fences that do not comply with the foregoing provisions shall be “grand fathered” so long as any of the following conditions occurs:
      - (1) The non-conforming fence shall be registered with Code Enforcement upon a form approved by their office; and,
      - (2) The non-conforming use shall terminate upon the earliest occurrence of the following events:
        - (a) provided that such fence does not pose a risk to pedestrians;
        - (b) should the property no longer be utilized for horticultural or agricultural purposes, the City may request the fence be removed;

- (c) Should the fence be removed, no new barbed wire fence may be erected on the property;
    - (d) Whichever of the foregoing events first occurs shall terminate the grandfathers' status of the non-conforming fence requiring compliance with City Code.
  - 3. Electric charged fences are prohibited inside the City limits EXCEPT:
    - a) An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;
    - b) Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;
  - 4. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.
- E. Accessory, open, and uncovered swimming pools and home barbecue grills may occupy a required rear yard; provided they are not located closer than five (5) feet to the rear lot line nor closer than three (3) to a side lot line.
- F. Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed in a rear yard, provided such accessory building does not occupy more than thirty percent (30%) of the area of the required rear yard and provided it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
- G. Accessory buildings may be constructed with used materials, except the exterior shall be of new materials. Accessory buildings shall be of conventional wood or metal construction. Metal shipping containers, truck boxes, trailers, etc. are prohibited from use as detached accessory buildings in residential areas.

(Ord. 3996 § 1, 2003; Ord 3919 § 1, 2001; Ord. 3290 § 12, 1985; Ord. 3050 § 1, 1978; Ord. 1477 § 22-3.02, 1964)

**18.12.190 Front yards.**

The following front yard requirements are set forth in this section.

- A. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- B. On through lots, the required front yard shall be provided on each street.
- C. Where a lot is located at the intersection of two (2) or more streets and there is a yard required on the side street, as required in Section 18.12.140, there shall be a yard of fifteen (15) feet on the side street; provided, the yard on the side street shall not be greater than that of any other buildings on the side street within the same block, but in no event shall the depth of the yard be less than eight (8) feet on the side street.
- D. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front and side yard not more than six (6) feet.
- E. Where twenty-five (25) percent or more of the street frontage or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet of the property in question is improved with buildings that have a front yard (with a variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a depth of front yard of more than fifty (50) percent in excess of the depth of the required front yard in the district in which the lot is located shall not be required. Where forty (40) percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

(Ord. 2006 § 1, 1976; Ord. 1482 (part), 1965; Ord. 1477 § 22-3.03, 1964)

**18.12.200 Side yards.**

Side yard requirements are set forth in this section.

- A. Where dwelling units are erected above business and industrial structures in business and industrial districts, no side yards are required, except such side yard as may be required in the district regulations for a business or industrial building on the side of a lot adjoining a dwelling district.
- B. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one building occupying one lot.
- C. The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semipublic buildings in residence districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case, the depth of that yard shall be as required in the chart of Section 18.12.140 for the district in which the building is located.

(Ord. 1477 § 22-3.04, 1964)

**18.12.210 Rear yards.**

Open or lattice enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation. (Ord. 1477 § 22-3.05, 1964)

**18.12.220 Corner visibility.**

- A. OBSTRUCTION(S). The term "obstruction" or "obstructions," as used in this Section, shall include sign(s), fence(s), wall(s), planting(s), tree trunk(s) not trimmed within the footage requirements as set forth in this section, or any other physical barrier creating a visual obstruction near street corner intersections contrary to the footage perimeters specified in this section.
- B. CORNER LOTS WITH ADJACENT CURBS. No sign, fence, wall, hedge, planting or other obstruction to vision extending above a height three (3) feet or below a height of seven (7) feet above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the gutter lines of the adjacent curbs and a straight line connecting them at points fifty (50) feet distant from the intersection of the curbs.
- C. CORNER LOTS WITHOUT ADJACENT CURBS. For corner lots where there are no adjacent curbs, the area in which obstructions will be limited will include the area lying within the centerlines of the adjacent streets and a straight line connecting such centerlines at a point ninety (90) feet from the intersection of the centerlines.
- D. EXISTING OBSTRUCTIONS. Any obstruction existing on December 1, 1987, on a corner lot at an intersection where traffic is controlled by a stop sign or traffic-control light (other than trees, shrubs or other plantings which are subject to the sight limitations established in subsection A of this section) shall be permitted to remain, but if removed or destroyed, such obstruction may not be reinstated, reconstructed or replanted.

(Ord. 3416 § 1, 1987; Ord. 1482, 1965; Ord. 1477 § 22-306, 1964)

**18.12.230 Ownership prior to application.**

If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of the zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area per family and lot width regulations and restrictions shall not prevent the owner of such lot from erecting a single family dwelling or making other improvements on the lot; provided such improvements conform in all other respects to applicable zoning regulations and restrictions. In such cases the side yard width may be reduced to ten (10) percent of the lot width but not to less than five (5) feet and the rear yard depth may be reduced to twenty (20) percent of the lot depth but not to less than twenty (20) feet. (Ord. 1482, 1965; Ord. 1477 § 22-307.01, 1964)

## Chapter 18.16

### FLOODPLAIN MANAGEMENT

#### Sections:

#### 18.16.010 Incorporation of Floodplain Management Zoning Ordinance.

#### 18.16.010 Incorporation of Floodplain Management Zoning Ordinance.

Pursuant to the provisions of Kan. Stat. Ann. §§ 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the City of Arkansas City Kansas, that certain standard floodplain management zoning ordinances, known as **the “Floodplain Management Ordinance for the City of Arkansas City, Kansas,”** which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.

No fewer than three copies of the Floodplain Management Ordinance for the City of Arkansas City Kansas, shall be marked or **stamped “Official Copy as incorporated by Ordinance No. 2010-08-4259 of the City of Arkansas City, Kansas,”** and such copies shall be filed with the City clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from City Hall. All City officials requiring the use of the Floodplain Management Ordinance for the City of Arkansas City, Kansas, shall be supplied, at the expense of the City, such number of official copies of such ordinance as may be deemed expedient by the Governing Body. (Ord. 4259 § 1, 2010, Ord. 199 § 1 (part), 1982)



## Chapter 18.20

### A--AGRICULTURAL DISTRICT

#### Sections:

18.20.010	Purpose.
18.20.020	Use regulations.
18.20.030	Parking regulations.
18.20.040	Off-street loading regulations.
18.20.050	Height, area, and bulk regulations.
18.20.060	Supplementary uses.
18.20.070	Supplementary height, area, and bulk regulations.
18.20.080	Sign regulations.

#### 18.20.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the A agricultural district. The purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The district is also intended for purposes of protecting watersheds and water supplies, to provide for spacious development, to protect forest areas and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. (Ord. 1477 § 6-1, 1964)

#### 18.20.020 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs, including use of heavy cultivating machinery, spray planes, or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds, or poultry, and including structures for processing and sale of products raised on the premises; provided:
  1. Any commercial feed lot or hog raising operation shall be located at least five hundred (500) feet from any dwelling not located on the premises.
  2. Structures for commercial poultry raising shall be located at least two hundred (200) feet from any dwelling not located on the premises.
  3. Commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep, or goats shall not be conducted on the premises.
- B. Hospital or clinic for large or small animals, provided: Such hospital or clinic shall be located on a tract of land of ten acres or more and that all buildings, structures, pens, or open kennels shall be located at least two hundred (200) feet from any lot lines.
- C. Hospital or clinic for small animals (dogs, cats, birds, and the like), provided: That such hospital or clinic and any treatment rooms, cages, pens, or kennel be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.
- D. Commercial dog kennel, provided: That any open pens, runs, cages, or kennels shall be located at least two hundred (200) feet from any side or rear lot lines.
- E. Commercial greenhouse.
- F. Commercial stable, provided: That any buildings for keeping of animals shall be located at least two hundred (200) feet from any side or rear lot lines.

- G. Grain storage structures.
- H. Oil and gas wells and accessory machinery and storage tanks.
- I. Well drilling operations and temporary storage of oil and gas field related equipment and supplies, but not a junkyard.
- J. Single family dwellings.
- K. Churches and parish halls, temples, convents, and monasteries.
- L. Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning.
- M. Country club.
- N. Home occupations.
- O. Public parks, playgrounds, golf courses (public or private, except miniature golf courses, putting green, driving ranges, and similar activities operated as a business), nonprofit, nongovernmental public recreation, and community buildings.
- P. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
- Q. Repealed by Ordinance 3290.
- R. Accessory open or enclosed storage of farm materials, products, or equipment, accessory farm buildings, including barns, stables, sheds, toolrooms, shops, bins, tanks, and silos, and other accessory buildings and uses, including but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty (30) square feet in area for permitted public and semipublic uses, accessory storage, and accessory off-street parking and loading spaces.

(Ord. 3290 § 11 (part), 1985; Ord. 1477 § 6-2, 1964)

**18.20.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 6-3, 1964)

**18.20.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 6-4, 1964)

**18.20.050 Height, area, and bulk regulations.**

Height, area, and bulk requirements shall be as set forth in the chart of Section 18.12.140, which chart, and all notations and requirements shown therein, shall be a part of this title and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described therein. (Ord. 1477 § 6-5, 1964)

**18.20.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 6-6, 1964)

**18.20.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 6-7, 1964)

**18.20.080 Sign regulations.**

The following listed signs will be permitted:

- A. Unilluminated "For Sale" and "For Rent" single or doublefaced business signs.
- B. Non-flashing illuminated single or double-faced business signs subject to the following regulations:
  - 1. One (1) sign shall be permitted on each street side if located on the same site as the principal building;
  - 2. If a sign is illuminated, the lights shall be directed away from adjoining residential uses;
  - 3. No sign shall exceed sixty-four (64) square feet in area;
  - 4. No sign shall be located closer than eight (8) feet from any side or rear property line;
  - 5. A sign located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard setback;
  - 6. A sign affixed to a building shall not project higher than ten (10) feet above ground level;
  - 7. Ground signs shall be permanently anchored and shall not exceed a height of ten (10) feet above normal grade;
  - 8. On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection or violate Section 18.12.220 pertaining to corner visibility.

(Ord. 3290 § 1, 1985)

## Chapter 18.22

### A-L--LIGHT AGRICULTURAL DISTRICT

#### Sections:

18.22.010	Purpose.
18.22.020	Use regulations.
18.22.030	Parking regulations.
18.22.040	Off-street loading regulations.
18.22.050	Height, area and bulk regulations.
18.22.060	Supplementary uses.
18.22.070	Supplementary height, area and bulk regulations.
18.22.080	Sign regulations.

#### 18.22.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the A-L light agricultural district. The purpose of this district is to provide for low-density residential development with a limited range of light agricultural activities, in conjunction with large tract residential development. Also it would allow public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of high character and contains vacant land considered appropriate for such development in the future. (Ord. 3355 § 1 (part), 1986)

#### 18.22.020 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Construction of single-family residential structure on large tracts of three (3) acres or more;
- B. Horticultural, hydroponic or general farming, truck gardens, cultivation of field crops, orchards, groves or nurseries for growing or propagation of plants, trees and shrubs, including raising for exhibit or sale of large or small animals, fish, birds or poultry, but excluding the processing and sale of processed products raised on the premises except for horticultural produce, eggs and honey; provided:
  1. No commercial feedlot or hog-raising operation shall be located on the premises;
  2. No commercial poultry-raising operation shall be located on the premises,
  3. No commercial slaughtering and processing of large animals, such as horses, cows, pigs, sheep or goats, shall be conducted on the premises;
- C. Hospital or clinic for large or small animals, provided, such hospital or clinic shall be located on a tract of land of ten (10) acres or more and that all buildings, structures, pens, or open kennels shall be located at least four hundred (400) feet from any lot lines;
- D. Hospital or clinic for small animals (dogs, cats, birds, and the like), provided, that such hospital or clinic and any treatment rooms, cages, pens, or kennel be maintained with a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls;
- E. Commercial dog kennel, provided, that any open pens, runs, cages or kennels shall be located at least three hundred (300) feet from any side or rear lot lines and one hundred (100) feet from any front lot line;
- F. Commercial greenhouse;
- G. Commercial stable, provided, that any buildings for keeping of animals shall be located at least three hundred (300) feet from any side or rear lot lines and at least one hundred (100) feet from any front lot line;
- H. Enclosed grain-storage structures not exceeding ten thousand (10,000) bushels for total premises;
- I. Churches and parish halls, temples, convents and monasteries;

- J. Colleges and schools, public or private, having a curriculum and conditions under which training is conducted equivalent to a public school and institutions of higher learning;
- K. Country club;
- L. Home occupations;
- M. Public parks, playgrounds, golf courses (public or private, except miniature golf courses, putting green, driving ranges, and similar activities operated as a business), nonprofit, nongovernmental public recreation, and community buildings;
- N. Railroad rights-of-way, including a strip of land with tracts and auxiliary facilities for tract operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and water stations;
- O. Accessory open or enclosed storage of farm materials, equipment used on the premises, accessory storage, accessory off-street parking and loading spaces, accessory buildings including but not limited to private garages, servants' quarters, guest houses, storage buildings and identification signs not exceeding thirty (30) square feet in area and to advertise only permitted public and semipublic uses;
- P. Oil and gas wells located at least three hundred (300) feet from any side or rear lot line and at least one hundred (100) feet from any front lot line.

(Ord. 3355 § 1 (part), 1986)

**18.22.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 3355 § 1 (part), 1986)

**18.22.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 3355 § 1 (part), 1986)

**18.22.050 Height, area and bulk regulations.**

Height, area and bulk requirements shall be as set forth in the chart of Section 18.12.140, which chart, and all notations and requirements shown therein, shall be a part of this chapter and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described therein. (Ord. 3355 § 1 (part), 1986)

**18.22.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 3355 § 1 (part), 1986)

**18.22.070 Supplementary height, area and bulk regulations.**

Supplementary height, area and bulk regulations are contained in Chapter 18.12. (Ord. 3355 § 1 (part), 1986)

**18.22.080 Sign regulations.**

The following listed signs will be permitted:

- A. Unilluminated "For Sale" and "For Rent" single-faced or double-faced business signs;
- B. Non-flashing illuminated single-faced or double-faced business signs subject to the following regulations:
  1. One (1) sign shall be permitted on each street side if located on the same site as the principal building,
  2. If a sign is illuminated, the lights shall be directed away from adjoining residential uses,
  3. No sign shall exceed sixty-four (64) square feet in area,
  4. No sign shall be located closer than eight (8) feet from any side or rear property lines,

5. A sign located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard setback,
6. A sign affixed to a building shall not project higher than ten (10) feet above ground level,
7. Ground signs shall be permanently anchored and shall not exceed a height of ten (10) feet above normal grade,
8. On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection or violate Section 18.12.220 of this code pertaining to corner visibility.

(Ord. 3355 § 1 (part), 1986)

## Chapter 18.24

### R-I--SINGLE FAMILY RESIDENTIAL DISTRICT

#### Sections:

<b>18.24.010</b>	<b>Purpose.</b>
<b>18.24.020</b>	<b>Use regulations.</b>
<b>18.24.030</b>	<b>Parking regulations.</b>
<b>18.24.040</b>	<b>Off-street loading regulations.</b>
<b>18.24.050</b>	<b>Height, area and bulk regulations.</b>
<b>18.24.060</b>	<b>Supplementary uses.</b>
<b>18.24.070</b>	<b>Supplementary height, area, and bulk regulations.</b>
<b>18.24.080</b>	<b>Sign regulations.</b>

#### **18.24.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the R-1 single family residential district. The purpose of this district is to provide for single family residential development of relatively more spacious character together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of high character and contains vacant land considered appropriate for such development in the future. (Ord. 1477 § 7-1, 1964)

#### **18.24.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees, and shrubs, including temporary stands for seasonal sales of products raised on the premises, but not including the raising for sale of birds, bees, rabbits, or other animals, fish, or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided no retail or wholesale business office or store is permanently maintained on the premises.
- B. Single family dwellings.
- C. Churches and parish halls, temples, convents, and monasteries.
- D. Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning.
- E. Home occupations.
- F. Nonprofit libraries or museums, art galleries; public utility installations for sewer, water, gas, electric and telephone mains and incidental appurtenances.
- G. Public parks, playgrounds, golf courses (public or private except miniature golf courses, putting green, driving ranges, and similar activities operated as a business), non-profit, nongovernmental public recreation, and community buildings.
- H. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
- I. Temporary buildings, and uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner.

(Ord. 3290 § 11 (part), 1985; Ord. 1477 § 7-2, 1964)

**18.24.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 7-3, 1964)

**18.24.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 7-4, 1964)

**18.24.050 Height, area and bulk regulations.**

Height, area and bulk requirements shall be as set forth in the chart of Section 18.12.140, which chart, and all notations and requirements shown therein, shall be a part of this title and have the same force and effect as if all the notations and requirements set forth therein were fully set forth or described therein. (Ord. 1477 § 7-5, 1964)

**18.24.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 7-6, 1964)

**18.24.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 7-7, 1964)

**18.24.080 Sign regulations.**

The following listed signs will be permitted:

- A. One nonilluminated wall sign per building, not more than two (2) square feet in area, permitted under Section 18.08.440, "Home occupation."
- B. One nonilluminated detached "For Sale" or "For Rent" sign per lot.
- C. One nonflashing illuminated or nonilluminated detached sign per church, not more than sixty-four (64) square feet in area, on church premises indicating activities or services therein provided.
- D. One nonilluminated detached sign per building, not more than sixty-four (64) square feet in area, showing names of architects, engineers, builders or contractors on the premises of a building being constructed, provided such sign shall be removed upon completion of building.

(Ord. 3290 § 2, 1985)



## Chapter 18.28

### R-2--SINGLE FAMILY RESIDENTIAL DISTRICT

#### Sections:

<b>18.28.010</b>	<b>Purpose.</b>
<b>18.28.020</b>	<b>Use regulations.</b>
<b>18.28.030</b>	<b>Parking regulations.</b>
<b>18.28.040</b>	<b>Off-street loading regulations.</b>
<b>18.28.050</b>	<b>Height, area, and bulk regulations.</b>
<b>18.28.060</b>	<b>Supplementary uses.</b>
<b>18.28.070</b>	<b>Supplementary height, area, and bulk regulations.</b>
<b>18.28.080</b>	<b>Sign regulations.</b>

#### **18.28.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the R-2 single family residential district. The purpose of this district is to provide for single family residential development of moderately spacious character together with such public buildings, schools, churches, public recreational facilities, and accessory uses, as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future. (Ord. 1477 § 8-1, 1964)

#### **18.28.020 Use regulations.**

The use regulations are the same as those in the R-1 single family residential district. (Ord. 1477 § 8-2, 1964)

#### **18.28.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 8-3, 1964)

#### **18.28.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 8-4, 1964)

#### **18.28.050 Height, area, and bulk regulations.**

Height, area, and bulk requirements shall be as set forth in the chart of Section 18.12.140. (Ord. 1477 § 8-5, 1964)

#### **18.28.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 8-6, 1964)

#### **18.28.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 8-7, 1964)

**18.28.080 Sign regulations.**

The following listed signs will be permitted.

A. Signs shall be permitted as provided under Section 18.24.080.  
(Ord. 3290 § 3, 1985)

**Chapter 18.30**

**R-2Z SINGLE FAMILY ZERO LOT-LINE RESIDENTIAL DISTRICT**

**Sections:**

<b>18.30.010</b>	<b>Purpose</b>
<b>18.30.020</b>	<b>Use Regulations</b>
<b>18.30.030</b>	<b>Parking Regulations</b>
<b>18.30.040</b>	<b>Off-Street Loading Regulations</b>
<b>18.30.050</b>	<b>Height Area and Bulk Regulations</b>
<b>18.30.060</b>	<b>Supplementary Uses</b>
<b>18.30.070</b>	<b>Supplementary Height, Area and Bulk Regulations</b>
<b>18.30.080</b>	<b>Sign Regulations</b>

**18.30.010 Purpose**

The regulations set forth in this chapter pertain to R-2Z Single Family Zero Lot-Line Residential District. The purpose of this district is to provide for single family residential development of moderately spacious character affording an interior side yard without a minimum set-back requirement. (Ord. 3659, Sec. 1, 1995)

**18.30.020 Use Regulations**

The use regulations are the same as those in the R-1 Single Family Residential District. (Ord. 3659, Sec. 1, 1995)

**18.30.030 Parking Regulations**

The parking regulations for permitted uses are contained in Chapter 18.12 of this Code. (Ord. 3659, Sec. 1, 1995)

**18.30.040 Off-Street Loading Regulations**

The off-street loading regulations for permitted uses are contained in Chapter 18.12 of this Code. (Ord. 3659, Sec. 1, 1995)

**18.30.050 Height Area and Bulk Regulations**

The height, area and bulk regulations are set forth in the chart contained in Section 18.12.140 and are hereinafter supplemented:

- A. No interior side yard is required on one side for a zero lot-line single family dwelling as permitted by this chapter. The "opposite side yard" for a zero lot line single family dwelling shall not be less than 10 feet.
- B. Shrubs, hedges, trees, or other vegetation may be planted or allowed to grow in the "opposite side yard".
- C. A building maintenance easement of not less than two feet shall be required in each "opposite side yard" adjacent to the building on the adjoining lot.

(Ord. 3659, Sec. 1, 1995)

**18.30.060 Supplementary Uses**

Supplementary use regulations are contained in Chapter 18.72 with the following prohibitions:

- A. Pet shelters, play equipment, fences, construction with combustible materials, and motor vehicles are prohibited from being located or erected in the "opposite side yard".

(Ord. 3659, Sec. 1, 1995)

**18.30.070      Supplementary Height, Area and Bulk Regulations**

Supplementary height, area and bulk regulations are contained in Chapter 18.12. (Ord. 3659, Sec. 1, 1995)

**18.30.080      Sign Regulations**

Signs shall be permitted as provided under Section 18.24.080 of this Code. (Ord. 3659, Sec. 1, 1995)

## Chapter 18.32

### R-3--TWO FAMILY RESIDENTIAL

#### Sections:

<b>18.32.010</b>	<b>Purpose.</b>
<b>18.32.020</b>	<b>Use regulations.</b>
<b>18.32.030</b>	<b>Parking regulations.</b>
<b>18.32.040</b>	<b>Off-street loading regulations.</b>
<b>18.32.050</b>	<b>Height, area, and bulk regulations.</b>
<b>18.32.060</b>	<b>Supplementary uses.</b>
<b>18.32.070</b>	<b>Supplementary height, area, and bulk regulations.</b>
<b>18.32.080</b>	<b>Sign regulations.</b>

#### **18.32.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the R-3 two family residential district. The purpose of this district is to maintain a generally spacious residential environment of single family character, but at the same time, permit two family dwellings. Population density is low enough to be compatible with neighboring single family development. Permitted community facilities are the same as for the one family districts. (Ord. 1477 § 9-1, 1964)

#### **18.32.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 single family residential district.
- B. Two family dwellings. (Ord. 1477 § 9-2, 1964)

#### **18.32.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 9-3, 1964)

#### **18.32.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 9-4, 1964)

#### **18.32.050 Height, area, and bulk regulations.**

Height, area, and bulk requirements shall be as set forth in the chart of Section 18.12.140. (Ord. 1477 § 9-5, 1964)

#### **18.32.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 9-6, 1964)

#### **18.32.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 9-7, 1964)

**18.32.080 Sign regulations.**

The following listed signs will be permitted:

- A. Signs shall be permitted as provided under Section 18.24.080. (Ord. 3290 § 4, 1985)

## Chapter 18.36

### R-4--MULTIPLE FAMILY RESIDENTIAL DISTRICT

#### Sections:

<b>18.36.010</b>	<b>Purpose.</b>
<b>18.36.020</b>	<b>Use regulations.</b>
<b>18.36.030</b>	<b>Parking regulations.</b>
<b>18.36.040</b>	<b>Off-street loading regulations.</b>
<b>18.36.050</b>	<b>Height, area, and bulk regulations.</b>
<b>18.36.060</b>	<b>Supplementary uses.</b>
<b>18.36.070</b>	<b>Supplementary height, area, and bulk regulations.</b>

#### **18.36.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the R-4 multiple family residential district. This district provides for medium density, multiple family residence and is usable for construction of garden type apartments in appropriate locations, or for conversion of existing dwellings to apartments in older central sections of the city. (Ord. 1477 § 10-1, 1964)

#### **18.36.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 single family residential district.
- B. Two family dwellings.
- C. Multiple family dwellings.
- D. Boarding, rooming, and lodging houses which may include a Penal Rehabilitation Facility (as defined by Section 18.08.605 of this title) and approved for a conditional use permit for this zoning district or other less restrictive zoning districts.
- E. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- F. Apartment hotels.
- G. Nonprofit, religious, educational, and philanthropic institutions.
- H. Accessory buildings and uses, including for permitted nonresidential uses and apartment hotels, one illuminated, nonflashing, identification sign, not extending above the roof with sign area not exceeding fifteen (15) square feet, indicating only the name or address of the building or the management thereof. The height of letters on any side of awnings or canopies shall not exceed one (1) foot. A building on a corner lot shall be permitted one such sign for each fronting street.

(Ord. 3619 § 2, 1994; Ord. 1477 § 10-2, 1964)

#### **18.36.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 10-3, 1964)

#### **18.36.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 10-4, 1964)

**18.36.050 Height, area, and bulk regulations.**

The height, area, and bulk requirements shall be as set forth in the chart of Section 18.12.140, and in addition, the following regulations shall apply:

Requirements for lot area per family shall not apply to dormitories, fraternities, or sororities, where no cooking facilities are provided in individual rooms or apartments. (Ord. 1477 § 10-5, 1964)

**18.36.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 10-6, 1964)

**18.36.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 10-7, 1964)



## Chapter 18.40

### RO--RESIDENCE OFFICE DISTRICT

#### Sections:

18.40.010	Purpose.
18.40.020	Use regulations.
18.40.030	Parking regulations.
18.40.040	Off-street loading regulations.
18.40.050	Building, lot area, and yard regulations.
18.40.055	Sign regulations.
18.40.060	Site plan approval.
18.40.070	Procedure.
18.40.080	Accompanying data.
18.40.090	Conditions for approval.
18.40.100	Performance bond.

#### 18.40.010 Purpose.

The RO residence office district is designed to provide areas for professional offices, medical and dental clinics and similar types of uses that are compatible with and can be located adjacent to or combined with single or multiple family residential uses without detrimental effects to the residential uses. (Ord. 1754, 1972: Ord. 1477 § 10.1, 1964)

#### 18.40.020 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Any uses permitted in the R-1, R-2, R-3, or R-4 districts.
- B. Medical and related offices: Chiropractic, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, radiology, including medical clinics.
- C. Professional and governmental offices: Accounting, architecture, engineering, governmental, insurance sales, law, real estate sales and brokerage and professional studios.
- D. Other offices: All other offices which:
  1. Are similar to the listed uses in function, traffic generating capacity, effects on other land uses, and
  2. Are not included in any other zoning district.

(Ord. 3609 § 2, 1994: Ord. 1754, 1972: Ord. 1477 § 10.2, 1964)

#### 18.40.030 Parking regulations.

Parking regulations for uses in the residence office district shall require one parking space for each three hundred (300) square feet of floor area for nonresidential uses. Parking regulations for residential uses shall be the same as specified in the R-1, R-2, R-3 and R-4 residential districts. (Ord. 1754, 1972: Ord. 1477 § 10.3, 1964)

#### 18.40.040 Off-street loading regulations.

Off-street loading regulations for the RO district shall require one space for each five thousand (5,000) square feet of floor area or fraction thereof for nonresidential uses. (Ord. 1754, 1972: Ord. 1477 § 10.4, 1964)

**18.40.050 Building, lot area, and yard regulations.**

Building limitations, minimum lot area and yard regulations shall be the same as those specified for the R-4 district. (Ord. 1754, 1972: Ord. 1477 § 10.5, 1964)

**18.40.055 Sign regulations.**

The following listed signs will be permitted:

- A. Signs shall be permitted as provided under Section 18.24.080.
- B. Not more than two (2) nonilluminated or nonflashing illuminated wall signs shall be permitted on each office building, provided such signs shall indicate only the name of the building or establishment housed therein. No such sign shall exceed thirty-two (32) square feet in area. In lieu of one of the wall signs permitted above, one (1) detached sign per building may be permitted in RO districts, provided such sign shall not exceed sixty-four (64) square feet in area, may be nonflashing illumination and shall be designed in harmony with the building; and the design, dimension and location on the site shall be approved as part of the "site plan" required under Section 18.40.060.

(Ord. 3290 § 5, 1985)

**18.40.060 Site plan approval.**

No building permit shall be issued for the erection or alteration of a structure or building for any permitted use in the RO district until a site plan has been submitted and approved as set forth herein. (Ord. 1754, 1972: Ord. 1477 § 10.6, 1964)

**18.40.070 Procedure.**

The site plan shall be submitted to the Planning Commission ten days before its regularly scheduled monthly meeting. The Planning Commission shall review the site plan and make a report and recommendation to the City Commission. (Ord. 1754, 1972: Ord. 1477 § 10.61, 1964)

**18.40.080 Accompanying data.**

The applicant shall submit maps and drawings necessary to show the following information:

- A. Information on all activities to be conducted on the premises;
- B. Boundaries of the area covered by the site plan;
- C. Location of each existing and proposed structure in the area covered by the site plan, number of stories, gross floor area and locations of entrances;
- D. All curb cuts, driving lanes, parking and loading area, pedestrian walks, and outside lighting arrangements;
- E. Location, height, and type of each wall, fence or screen planting;
- F. Types of surfacing to be used on all parking and loading areas;
- G. Location of outside facilities for waste disposal.

(Ord. 1754, 1972: Ord. 1477 § 10.62, 1964)

**18.40.090 Conditions for approval.**

Before recommending approval of a proposed site plan the Planning Commission shall find the following conditions have been met:

- A. The proposed uses and layout will be compatible with adjacent land uses;
- B. The vehicular and pedestrian ingress and egress is adequate to provide an efficient and safe movement of traffic;

- C. There is sufficient landscaping and screening so that the proposed development will be in harmony with and shall not be harmful to adjacent residential areas;
- D. The outside lighting arrangements will not be a nuisance to adjacent residential areas;
- E. Site area for nursery school or day care center for more than five (5) children shall be on a site of at least six thousand (6,000) square feet and shall have a wall or fence at least four (4) feet high between any play area and adjoining property.

(Ord. 1754, 1972: Ord. 1477 § 10.63, 1964)

**18.40.100 Performance bond.**

To assure compliance with the site plan requirements the City Commission may require the applicant to file with the City Clerk a performance bond during the period of construction or alteration in an amount determined by the City Commission to insure completion of the landscaping, screening and parking improvements. (Ord. 1754, 1972: Ord. 1477 § 10.64, 1964)

## Chapter 18.44

### B-1--NEIGHBORHOOD BUSINESS DISTRICT

#### Sections:

<b>18.44.010</b>	<b>Purpose.</b>
<b>18.44.020</b>	<b>Use regulations.</b>
<b>18.44.030</b>	<b>Parking regulations.</b>
<b>18.44.040</b>	<b>Off-street loading regulations.</b>
<b>18.44.050</b>	<b>Height and area regulations.</b>
<b>18.44.060</b>	<b>Supplementary uses.</b>
<b>18.44.070</b>	<b>Supplementary height and area regulations.</b>

#### **18.44.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the B-1 neighborhood business district. This district provides primarily for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods. (Ord. 1477 § 11-1, 1964)

#### **18.44.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the R-4 multiple family residential district.
- B. Automobile parking lots and storage garages.
- C. Display room for merchandise to be sold on order where merchandise sold is stored elsewhere.
- D. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing and bakery, with sale of bakery products on the premises and other uses of a similar character; provided that no use permitted in this item shall occupy more than two thousand five hundred (2,500) square feet of floor area.
- E. Filling stations, so long as bulk storage of inflammable liquids is underground.
- F. Hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels be maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.
- G. Offices and office buildings, including clinics.
- H. Outdoor advertising structure or nonflashing sign pertaining only to a use conducted within the building, and any sign or display in excess of one hundred (100) square feet in area shall be attached flat against a wall of the building. The permitted one hundred (100) square feet of sign area for projecting or freestanding signs may be in one (1) sign or the aggregate area of several signs.
- I. Personal service uses including barbershops, banks, beauty parlors, photographic or artists' studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, (but not drive-in restaurants), undertaking establishments and other personal service uses of a similar character.
- J. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- K. Self-service laundries.
- L. Accessory buildings and uses.

(Ord. 2093 § 1, 1977; Ord. 1477 § 11-2, 1964)

**18.44.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 11-3, 1964)

**18.44.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 11-4, 1964)

**18.44.050 Height and area regulations.**

Height and area requirements shall be as set forth in the chart of Section 18.12.140 and in addition, the following regulations shall apply:

There shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residential district.

There shall be a rear yard not less than twenty (20) feet in depth on the rear side of a lot adjoining a residential district. (Ord. 1477 § 11-5, 1964)

**18.44.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 11-6, 1964)

**18.44.070 Supplementary height and area regulations.**

Supplementary height and area regulations are contained in Chapter 18.12. (Ord. 1477 § 11-7, 1964)

## Chapter 18.48

### B-2--GENERAL BUSINESS DISTRICT

#### Sections:

<b>18.48.010</b>	<b>Purpose.</b>
<b>18.48.020</b>	<b>Use regulations.</b>
<b>18.48.030</b>	<b>Parking regulations.</b>
<b>18.48.040</b>	<b>Off-street loading regulations.</b>
<b>18.48.050</b>	<b>Height and area regulations.</b>
<b>18.48.060</b>	<b>Supplementary uses.</b>
<b>18.48.070</b>	<b>Supplementary height, area, and bulk regulations.</b>
<b>18.48.080</b>	<b>Sign regulations.</b>

#### **18.48.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the B-2 general business district. The purpose of this district is to provide sufficient space in appropriate locations for all types of business, commercial, and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing. (Ord. 1477 § 12-1, 1964)

#### **18.48.020 Use regulations.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the B-1 neighborhood business district.
- B. Amusement place in a completely enclosed building, auditorium or theater, except open air drive-in theaters (See Section 18.72.040).
- C. Athletic field or baseball field.
- D. Bottling works, dyeing and cleaning works or laundry, plumbing and heating shop, painting shop, upholstering shop, upholstering shop not involving furniture manufacture, tinsmithing shop, tire sales and service including vulcanizing but no manufacturing, appliance repairs, and general service and repair establishments, similar in character to those listed in this item; provided that no outside storage of material is permitted, and further provided that no use permitted in this item shall occupy more than six thousand (6,000) square feet of floor area.
- E. Bowling alleys and billiard parlors.
- F. Drive-in restaurant.
- G. Food storage lockers.
- H. Hotels, motels, or motor hotels.
- I. Material storage yard, in connection with retail sales of products where storage is incidental to the approved occupancy of a store, provided all products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, fence, or hedge, not less than six (6) feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment, such as road building or excavating equipment.
- J. Repealed by Ordinance 3290.
- K. Printing, publishing, and engraving.

- L. Public garage.
- M. Wholesale establishment or warehouse in a completely enclosed building so long as floor area devoted to such uses shall not exceed twenty thousand (20,000) square feet.
- N. Wholesale greenhouses and nurseries.
- O. Accessory buildings and uses.
- P. Motor vehicle repair service establishments excluding auto body repair shops, provided that all work shall be performed and all materials shall be stored within an enclosed building or solid fence or screening of a minimum height of six (6) feet. Vehicles stored inside the fenced area shall be limited in number to nine (9) or less and no vehicles or parts thereof shall be stored in view of the general public using the streets, alleys and rights of way for a period of time not exceeding 24 hours.
  - 1. Any motor vehicle repair shop in operation and in violation of this amendatory Section at the time of its enactment shall have forty-five (45) days from the effective date of the enactment to comply with the regulatory provisions as provided herein.

(Ord. 3840 § 1, 1999; Ord. 3290. § 11 (part), 1985; Ord. 2094 § 1, 1977; Ord. 1914 § 1 (part), 1974; Ord. 1477 § 12-2, 1964)

**18.48.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 12-3, 1964)

**18.48.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 12-4, 1964)

**18.48.050 Height and area regulations.**

Height and area regulations shall be as set forth in the chart of Section 18.12.140 and in addition, the following regulations shall apply:

- A. On an interior lot there shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residential district.
- B. On an interior lot, there shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residential district.
- C. The lot area requirements for dwellings are the same as those in the R-4 multiple family residential district.

(Ord. 1477 § 12-5, 1964)

**18.48.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 12-6, 1964)

**18.48.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 12-7, 1964)

**18.48.080 Sign regulations.**

The following listed signs will be permitted:

- A. Illuminated flashing signs shall be permitted so long as their location and colors do not create a traffic hazard or confusion with traffic lights or lights on emergency vehicles and so long as the direct rays of the sign will not be directed into a residential district (sign should be raised a minimum of ten (10) feet from the ground);
- B. No sign shall exceed one hundred (100) square feet in area;

- C. A maximum of two (2) signs (only one (1) on a facade) will be allowed;
  - D. Signs located in the proximity of the intersection of two (2) or more streets shall comply with the restrictions contained in Section 18.12.220, "Corner visibility";
  - E. Signs located within fifty (50) feet of a residential district shall be affixed to or be a part of the building;
  - F. Signs shall pertain only to a use conducted within the building.
- (Ord. 3290 § 6, 1985)



Chapter 18.52

B-3--CENTRAL BUSINESS DISTRICT

Sections:

- 18.52.010 Purpose.
- 18.52.020 Use regulations.
- 18.52.030 Parking regulations.
- 18.52.040 Off-street loading regulations.
- 18.52.050 Height and area regulations.
- 18.52.060 Supplementary uses.
- 18.52.070 Sign regulations.
- 18.52.080 Window regulations.

**18.52.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the B-3 central business district. This district encompasses the shopping and office core of the central business district. Appropriate uses are the same as for the B-2 general business district, but with altered off-street parking requirements in recognition of the practical difficulty or providing off-street parking in the core district, in recognition of the collective responsibility to provide off-street parking for smaller establishments. (Ord. 1477 § 13-1, 1964)

**18.52.020 Use regulations.**

The use regulations for the B-3 central business district are the same as those for the B-2 general business district and, in addition, outdoor advertising sign or display, including non-accessory billboards are permitted. (Ord. 1477 § 13-2, 1964)

**18.52.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord..1477 § 13-3, 1964)

**18.52.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 13-4, 1964)

**18.52.050 Height and area regulations.**

Height and area regulations shall be as set forth in the chart of Section 18.12.140, and in addition, the following regulations shall apply:

- A. On an interior lot, there shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residential district.
- B. On an interior lot, there shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residential district.
- C. The lot area requirements for dwellings are the same as those in the R-4 multiple family residential district.

(Ord. 1477 § 13-5, 1964)

**18.52.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.12. (Ord. 1477 § 13-6, 1964)

**18.52.070 Sign regulations.**

- A. Signs shall be permitted as provided under B-1 neighborhood business districts or B-2 general business districts.
- B. Each business or commercial establishment shall be permitted not more than three (3) flashing illuminated or nonilluminated wall or marquee signs, not more than one (1) on a facade, the total area of which shall not exceed twenty (20) percent of the total area of the facade upon which it is placed, and provided colors of illuminated flashing signs do not create a traffic hazard, or confusion with traffic lights or lights on emergency vehicles, and so long as direct rays of the sign will not be directed into any residential districts. Such signs shall not extend above the average roof level of a one (1) story building more than five (5) feet, and shall not extend above the average roof level of a two (2) or more story building.
- C. In lieu of one of the above attached signs, one (1) projecting or one (1) detached sign shall be permitted for each establishment provided such sign shall not exceed the area of height requirements of subsection B above and such detached sign shall not exceed twenty-five (25) feet in height nor shall it exceed two hundred (200) square feet in area per face.
- D. Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with the building code of the city.

(Ord. 3290 § 7, 1985)

**18.52.080 Window regulations.**

- A. Within one year of passage of this Section, every window frame or other opening in the wall of a structure for a window (hereafter collectively "window frame") that faces a City street not including an alleyway, shall be filled, in compliance with applicable building, zoning, and housing codes, with material that closes and seals the entire window frame to bar access to the structure from weather, pests, rodents, insects, birds, or other animals, and consists of (a) a rigid and transparent material, excluding Plexiglas or its equivalent, (b) a decorative or tinted pane or panes of glass, or (c) the same material as contained in the original construction of the structure, or a modern, improved material that has the same appearance as that in the original construction.
- B. If otherwise in compliance with applicable building, zoning, and housing codes, in lieu of the materials mandated for window frames in Subsection A above, window frames may be permanently removed so that the exterior wall does not appear to contain the window frame by (1) closing the opening with the same material and color as the surrounding exterior of the building, or (2) creating a solid exterior wall without an opening for the window frame, such entire exterior wall covered with one material designed and intended for use on the exterior of a structure.
- C. Exceptions:
  - 1. If a structure contains more than ten window frames requiring action as a result of this Section, window frames shall be filled according to the mandates provided in Subsection A above pursuant to the following schedule:
    - a. Ten window frames shall be compliant with the requirements of Subsection A within one year of passage of this Section;
    - b. Twenty window frames shall be compliant with the requirements of Subsection A within two years of passage of this Section; and
    - c. All window frames on the structure shall be compliant with the requirements of Subsection A within three years of passage of this Section.

2. Any window and/or window frame removed prior to the passage of this Section by permanently closing and sealing the opening with material other than plywood or similar wood products, metal, or corrugated material, shall not require action to comply with this Section.

D. Other than to extend the time for compliance with this Section, the following conditions shall not be sufficient to support the issuance of an exception, variance or conditional use permit to avoid application of this Section:

1. Cost of compliance with this Section, or
2. The structure has a high number of windows.

(Ord. 4178 §1, 2008)

## Chapter 18.56

### I-1--RESTRICTED INDUSTRIAL DISTRICT

#### Sections:

<b>18.56.010</b>	<b>Purpose.</b>
<b>18.56.020</b>	<b>Use regulations.</b>
<b>18.56.030</b>	<b>Special conditions.</b>
<b>18.56.040</b>	<b>Parking regulations.</b>
<b>18.56.050</b>	<b>Off-street loading regulations.</b>
<b>18.56.060</b>	<b>Height, area, and bulk regulations.</b>
<b>18.56.070</b>	<b>Supplementary uses.</b>
<b>18.56.075</b>	<b>Sign regulations.</b>
<b>18.56.080</b>	<b>Supplementary height, area, and bulk regulations.</b>

#### **18.56.010 Purpose.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the I-1 restricted industrial district. The purpose of this district is to provide sufficient space in appropriate locations for certain types of business and manufacturing, relatively free from offense, in modern, landscaped buildings, to make available more attractive locations for these businesses and factories, and to provide opportunities for employment closer to residence with corresponding reduction of travel time from home to work. (Ord. 1477 § 14-1, 1964)

#### **18.56.020 Use regulations.**

A building or premises shall be used only for the following purposes, but subject to the special conditions of this section as enumerated below:

- A. Laboratories, research, experimental, or testing.
- B. Offices and office buildings.
- C. Wholesale merchandising or storage warehouses.
- D. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
- E. Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
- F. Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheetmetal products, and vitreous enameled metal products.
- G. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- H. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
- I. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.
- J. Generally those light manufacturing uses similar to those listed in items D. through I. above, which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
- K. Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premises.
- L. Railroad siding.

- M. Auto body repair garage.
- N. Public garage.

(Ord. 3098 § 3, 1979; Ord. 1477 § 14-2, 1964)

**18.56.030 Special conditions.**

The uses enumerated above shall be subject to the following special conditions:

- A. All uses shall be conducted within an enclosed building with no open storage of raw, in process, or finished material and supplies or waste material.
- B. All main plant building shall be of concrete, structural steel, or masonry construction and limited to thirty (30) feet in height, unless otherwise approved by the Board of Zoning Appeals.
- C. Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.
- D. Loading operations shall be conducted at the side or rear of buildings.
- E. No parking shall be permitted in the required front yard.
- F. The front yard shall be landscaped with trees, grass, shrubs, or pedestrian walks and maintained in a neat and attractive condition.
- G. All fencing shall have a uniform and durable character and shall be properly maintained.
- H. Accessory signs in excess of fifty (50) square feet in area shall be attached flat against a building.

(Ord. 1477 § 14-3, 1964)

**18.56.040 Parking regulations.**

Additional parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 14-4, 1964)

**18.56.050 Off-street loading regulations.**

Additional off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 14-5, 1964)

**18.56.060 Height, area, and bulk regulations.**

Additional height, area, and bulk regulations shall be as set forth in the chart of Section 18.12.140. (Ord. 1477 § 14-6, 1964)

**18.56.070 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 14-7, 1964)

**18.56.075 Sign regulations.**

The following listed signs will be permitted:

- A. Signs shall be permitted as provided under Section 18.48.080. (Ord. 3290 § 8, 1985)

**18.56.080 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 14-8, 1964)

## Chapter 18.60

### I-2--LIGHT INDUSTRIAL DISTRICT

#### Sections:

18.60.010	Purpose.
18.60.020	Use regulations.
18.60.030	Parking regulations.
18.60.040	Off-street loading regulations.
18.60.050	Height and area regulations.
18.60.060	Supplementary uses.
18.60.070	Supplementary height, area, and bulk regulations.
18.60.075	Sign regulations.

#### 18.60.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter are the regulations in the I-2 light industrial district. This district is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees and with access by major streets or railroads in either central or outlying locations. (Ord. 1477 § 15-1, 1964)

#### 18.60.020 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the B-2 general business district provided that any dwelling shall be built in conformance with R-4.
- B. Dwellings for resident watchmen and caretakers employed on the premises.
- C. Accessory farm dwelling on a farm of ten (10) acres or more.
- D. The following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted, such permitted uses being generally wholesale and retail trade, service industries, and light industries that manufacture, process, store, and distribute goods and material, and are, in general dependent on raw materials refined elsewhere, and manufacture, compounding, processing, packaging, or treatment, as specified, or the following products or similar products.

#### CHEMICALS, PETROLEUM, COAL AND ALLIED PRODUCTS

1. Cosmetics and toiletries
2. Ice manufacture, including dry ice
3. Ink manufacturing (mixing only)
4. Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
5. Laboratories
6. Perfumes and perfumed soap (compounding only)
7. Pharmaceutical products
8. Soap, washing or cleaning, powder or soda (compounding only)

#### CLAY, STONE, AND GLASS PRODUCTS

1. Clay, stone and glass products
2. Concrete products (except general mixing and proportioning plant)

3. Pottery and porcelain products (electric or gas fired)

#### FOOD AND BEVERAGE

1. Bakery products, wholesale (manufacturing permitted)
2. Beverage, blending, bottling (all types)
3. Candy, wholesale (manufacturing permitted)
4. Chewing gum
5. Chocolate, cocoa, and cocoa products
6. Coffee, tea, and spices, processing and packaging
7. Condensed and evaporated milk processing and canning
8. Creamery and dairy operations
9. Dairy products
10. Fish, shrimp, oysters, and other seafood, processing, packing, and storing, except fish curing
11. Flour, feed and grain (packing, blending, and storage only)
12. Fruit and vegetable, processing (including canning, preserving, drying and freezing)
13. Gelatin product
14. Glucose and dextrine
15. Grain blending and packaging, but not milling
16. Ice cream, wholesale (manufacturing permitted)
17. Macaroni and noodle manufacture
18. Malt products, manufacture (except breweries)
19. Meat products, packing and processing (no slaughtering)
20. Oleomargarine (compounding and packaging only)
21. Poultry packing and slaughtering (wholesale)
22. Yeast

#### METALS AND METAL PRODUCTS

1. Agricultural or farm implements
2. Aircraft and aircraft parts
3. Aluminum extrusion, rolling, fabrication, and forming
4. Auto body repair garage
5. Automobile, truck, trailer, mobile home, motorcycle, and bicycle assembly
6. Boat manufacture (vessels less than five tons)
7. Bolts, nuts, screws, washers, and rivets
8. Container (metal)
9. Culvert
10. Firearms
11. Foundry products manufacture (electrical only)
12. Heating, ventilating, cooking, and refrigeration supplies and appliances
13. Iron (ornamental) fabrication
14. Machinery, manufacture
15. Nails, brads, tacks, spikes, and staples
16. Needles and pins
17. Plating, electrolytic process
18. Plumbing, supplies
19. Scale and vault
20. Sheetmetal products
21. Silverware and plated ware
22. Stove and range
23. Tool, die, gauge, and machine shops
24. Tools and hardware products
25. Vitreous enameled products

#### TEXTILES, FIBERS, AND BEDDING

1. Bedding, (mattress, pillow, and quilt)
2. Carpet, rug, and mat
3. Hat bodies of fur and wool felt, (including men's hats) manufacture
4. Hosiery mill
5. Knitting, weaving, printing, finishing of textiles and fibers into fabric goods
6. Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing)
7. Yarn, threads, and cordage

#### WOOD AND PAPER PRODUCTS

1. Basket and hamper (wood, reed, rattan, etc.)
2. Box and crate
3. Cooperage works (except cooperage stock mill)
4. Furniture (wood, reed, rattan, etc.)
5. Pencils
6. Planing and millwork
7. Pulp goods, pressed or molded (including papier-mache products)
8. Shipping container (corrugated board, fiber, or wire bound)
9. Trailer, carriage, and wagon
10. Veneer
11. Wood products

#### UNCLASSIFIED USES

1. Animal pound
2. Animal poultry and bird raising, commercial
3. Building materials (cement, lime in bags or containers, sand, gravel, shell, lumber and the like), storage and sales
4. Bus garage and repair shop
5. Button manufacture
6. Carbon paper and inked ribbons manufacture
7. Cigar and cigarette manufacture
8. Circus grounds
9. Cleaning and dyeing of garments, hats, and rugs
10. Coal and coke storage and sales
11. Contractor's shop and storage yard
12. Exposition building or center
13. Fairgrounds
14. Fur finishing
15. Industrial vocational training school, including internal combustion engines
16. Kennels, commercial
17. Laboratories, research, experimental, including combustion-type motor testing
18. Leather goods manufacture, but not including tanning operations
19. Laundries
20. Livery stables and riding academy
21. Market, wholesale
22. Motion picture production
23. Printing, publishing, and engraving
24. Produce and storage warehouse
25. Railroad switching yard, primarily for railroad services in the district
26. Theater, including a drive-in or outdoor theater
27. Tire retreading and vulcanizing shop



- 28. Truck or transfer terminal, freight
- 29. Wholesale houses and distributors

(Ord. 3098 § 4, 1979; Ord. 1914 § 2, 1974; Ord. 1482, 1965; Ord. 1477 § 15-2, 1964)

**18.60.030 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 15-3, 1964)

**18.60.040 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 15-4, 1964)

**18.60.050 Height and area regulations.**

Height, area, and bulk requirements shall be as set forth in the chart of Section 18.12.140, and, in addition, the following regulations shall apply:

- A. On an interior lot, there shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residential district.
- B. Whenever any building in the I-2 light industrial district adjoins or abuts upon a residential district, such building shall not exceed two (2) stories nor thirty-five (35) feet in height, unless it is set back one (1) foot from all required yard lines for each foot of additional height above thirty-five (35) feet.

(Ord. 1477 § 15-5, 1964)

**18.60.060 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 15-6, 1964)

**18.60.070 Supplementary height, area, and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 15-7, 1964)

**18.60.075 Sign regulations.**

The following listed signs will be permitted:

- A. Signs shall be permitted as provided under Section 18.48.080.

(Ord. 3290 § 9, 1985)

## Chapter 18.64

### I-3--HEAVY INDUSTRIAL DISTRICT

#### Sections:

18.64.010	Purpose.
18.64.020	Use regulations.
18.64.030	Objectionable uses.
18.64.035	Objectionable uses--Enlarged, altered or additions.
18.64.040	Parking regulations.
18.64.050	Off-street loading regulations.
18.64.060	Height and area regulations.
18.64.070	Supplementary uses.
18.64.075	Sign regulations.
18.64.080	Supplementary height, area and bulk regulations.

#### 18.64.010 Purpose.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the I-3 heavy industrial district. This district provides for industrial operations of all types except that certain potentially hazardous industries are permitted only after public hearing and review to assure protection of the public interest and surrounding property and persons. (Ord. 1477 § 16-1, 1964)

#### 18.64.020 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Any manufacturing, processing, storing, or distributing use permitted in the I-2 light industrial district.
- B. Dwellings for resident watchmen and caretakers employed on the premises.
- C. Accessory farm dwellings on a farm of ten (10) acres or more.
- D. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sales of products raised on the premises.
- E. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted, and manufacture, compounding, processing, packaging, or treatment of the following products or similar products:

#### CHEMICALS, PETROLEUM, COAL, AND ALLIED PRODUCTS

- 1. Adhesives
- 2. Bleaching products
- 3. Blueing
- 4. Calcimine
- 5. Candle
- 6. Cleaning and polishing preparations (nonsoap), dressings and blackings
- 7. Dyestuff
- 8. Essential oils
- 9. Exterminating agents and poisons
- 10. Fertilizer (nonorganic)
- 11. Fuel briquettes
- 12. Glue and size (vegetable)
- 13. Ink manufacture from primary raw materials (including colors and pigments)

14. Soap and soap products

CLAY, STONE AND GLASS PRODUCTS

1. Abrasive wheels, stones, paper, cloth and related products
2. Brick, firebrick and clay products
3. Concrete central mixing and proportioning plant
4. Glass and glass products
5. Graphite and graphite products
6. Monument and architectural stone
7. Pottery and porcelain products (coal fired)
8. Refractories (other than coal fired)
9. Sand-line products
10. Stone products
11. Wallboard and plaster, building, insulation, and composition flooring

FOOD AND BEVERAGE

1. Casein
2. Cider and vinegar
3. Flour, feed and grain milling storage
4. Molasses
5. Oils, shortenings and fats (edible) and storage
6. Pickles, vegetable relish and sauces
7. Rice cleaning and polishing
8. Sauerkraut
9. Sugar refining

METAL AND METAL PRODUCTS

1. Boat manufacture (over five (5) tons)
2. Boiler manufacture (other than welded)
3. Brass and bronze foundries
4. Forge plant, pneumatic, drop and forging hammering
5. Foundries
6. Galvanizing or plating (hot dip)
7. Lead oxide
8. Locomotive and railroad car building and repair
9. Motor testing (internal combustion motors)
10. Ore dumps and elevators
11. Shipyard
12. Structural iron and steel fabrication
13. Wire rope and cable

TEXTILES, FIBERS AND BEDDING

1. Bleachery
2. Cotton wadding and linter
3. Hair and felt products, washing, curing, dyeing
4. Jute, hemp and sisal products
5. Linoleum and other hard-surface floor covering (except wood)
6. Nylon
7. Oilcloth, oil-treated products, and artificial leather
8. Rayon
9. Shoddy
10. Wool, pulling or scouring

#### WOOD AND PAPER PRODUCTS

1. Charcoal and pulverizing
2. Excelsior
3. Paper and paperboard (from paper machine only)
4. Sawmill (including cooperage stock mill)
5. Wallboard
6. Wood-preserving treatment

#### UNCLASSIFIED INDUSTRIES

1. Leather tanning and curing
2. Rubber (natural or synthetic), gutta percha, chicle, and balata processing
3. Rubber tire and tube
4. Shell grinding
5. Storage battery (wet cell)

#### UNCLASSIFIED USES

1. Accessory advertising device giving the name of the industry or advertising products manufactured on the premises
2. Bag cleaning
3. Coal pocket
4. Railroad switching and classification yard, roundhouse, repair and overhaul shops
5. Oils, vegetable and animal (nonedible) and storage
6. Paint, lacquer, shellac and varnish (including colors and pigments, thinners and removers)
7. Roofing materials, building paper, and felt (including asphalt and composition)
8. Salt tanning materials and allied products
9. Tar products (except distillation)

(Ord. 3598 § 2 (part), 1993; Ord. 3028 § 1, 1978; Ord. 1477 § 16-2, 1964)

#### **18.64.030 Objectionable uses.**

- A. The following uses or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards such as fire, explosion, noise vibration, dust, or emission of smoke, odor or toxic gases, may, if not in conflict with any law or ordinance in the City or the State of Kansas, be located in the I-3 heavy industrial district, only after the location and nature of such use shall have been approved by the Board of Zoning Appeals after public hearing as provided in Chapter 18.84. The Board shall review the plans and statements and shall not permit such buildings, structures or uses until there has been shown that the public health, safety, morals and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons. The Board, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.
- B. The Board may attach such conditions upon the premises and/or applicant benefited by the use approval, as may be necessary in order to reduce or minimize any potentially injurious effect upon other property in the neighborhood and carry out the general purposes and intent of these regulations. The Board may consider, but not necessarily be limited to, conditions on: bulk regulations; time of operation and ownership limitations; screening, landscaping and fencing; provisions for utilities, drainage, sidewalks and other public improvements; additional access or access control; off-street parking and loading requirements; and requirements for open storage of material or merchandise.
- C. The Board when considering an application for an objectionable use shall give considerable attention to those uses which would be located within one thousand (1,000) feet or within eyesight of a primary highway; or within three hundred (300) feet or within eyesight of a residential district.

## CHEMICALS, PETROLEUM, COAL, AND ALLIED PRODUCTS

1. Acids and derivatives
2. Acetylene, generation and storage
3. Alcohol, industrial
4. Ammonia
5. Caustic soda
6. Cellulose and cellulose storage
7. Chlorine
8. Coke oven products (including fuel gas) and coke oven products storage
9. Creosote
10. Distillation, manufacture, or refining of coal, tar asphalt, wood, and bones
11. Explosive, storage but not manufacture
12. Fertilizer (organic)
13. Fish oils and meal
14. Glue, gelatin (animal)
15. Hydrogen and oxygen
16. Petroleum, gasoline, and lubricating-oil refining, and wholesale storage
17. Plastic materials and synthetic resins
18. Potash
19. Pyroxylin
20. Rendering and storage of dead animals, offal, garbage or waste products
21. Turpentine and resin

## CLAY, STONE, AND GLASS PRODUCTS

1. Asbestos products
2. Brick, firebrick refractories, and clay products (coal fired)
3. Cement, lime, gypsum or plaster of Paris
4. Minerals and earths: quarrying, extracting, grinding, crushing and processing

## FOOD AND BEVERAGE

1. Distilleries (alcoholic), breweries, and alcoholic spirits (nonindustrial)
2. Fat rendering
3. Fish curing
4. Slaughtering of animals

## METALS AND METAL PRODUCTS

1. Aluminum powder and paint manufacture
2. Blast furnace, cupolas
3. Blooming mill
4. Metal and metal ores, reduction, refining, smelting and alloying
5. Scrap metal reduction
6. Steel works and rolling mill (ferrous)

## WOOD AND PAPER PRODUCTS

1. Match manufacture
2. Wood pulp and fiber, reduction and processing

## UNCLASSIFIED INDUSTRIES AND USES

1. Automobile wrecking, car-parts, storage and sales related thereto
2. Cotton ginning
3. Cotton-seed-oil refining

4. Hair, hides, and raw fur, curing, tanning, dressing, dyeing, and storage
5. Junkyards and automobile graveyards legally established after January 1, 1993
6. Stockyard.

(Ord. 3598 § 2 (part), 1993; Ord. 3028 § 2, 1978; Ord. 1515 § 1, 1966; Ord. 1482, 1965; Ord. 1477 § 16-3, 1964)

**18.64.035 Objectionable uses--Enlarged, altered or additions.**

No objectionable use existing prior to January 1, 1993 shall be enlarged, altered, or additions made to adjoining property or increasing the square footage of the existing objectionable uses thereto without formal approval by the Board of Zoning Appeals as authorized by Section 18.64.030 of the City Code. Any enlargements, alterations or additions to objectionable uses as hereinbefore defined may cause the entire property to be subjected to conditions and requirements as deemed necessary or appropriate by the Board of Zoning Appeals. (Ord. 3598 § 3, 1993)

**18.64.040 Parking regulations.**

The parking regulations for permitted uses are contained in Chapter 18.12 of this code. (Ord. 1477 § 16-4, 1964)

**18.64.050 Off-street loading regulations.**

The off-street loading regulations for permitted uses are contained in Chapter 18.12. (Ord. 1477 § 16-5, 1964)

**18.64.060 Height and area regulations.**

Height and area requirements shall be as set forth in the chart of Section 18.12.140, and, in addition, the following regulations shall apply:

- A. On the side of a lot adjoining a residential district, there shall be a side yard of not less than twenty-five (25) feet.
- B. When a lot abuts upon a residential district, a rear yard of not less than twenty-five (25) feet is required.
- C. Grain elevators, gas holders, coal bunkers, oil cracking towers, and other similar structures may exceed one hundred twenty-five (125) feet in height, but whenever any building or structure in the I-3 heavy industrial district adjoins or abuts upon a residential district, such building or structure shall not exceed fifty (50) feet in height unless set back one (1) foot from all required yard lines for each foot of additional height above fifty (50) feet.
- D. The minimum depth of the front yard in the I-3 heavy industrial district shall be twenty-five (25) feet, except a front yard facing or adjoining a residential district shall be a minimum of one hundred (100) feet.

(Ord. 2005 § 2, 1976; Ord. 1477 § 16-6, 1964)

**18.64.070 Supplementary uses.**

Supplementary use regulations are contained in Chapter 18.72. (Ord. 1477 § 16-7, 1964)

**18.64.075 Sign regulations.**

The following listed signs will be permitted:

- A. Signs shall be permitted as provided under Section 18.48.080.
- B. In addition, industrial establishments having one or more permanent buildings may provide nonflashing illuminated signs including projecting, marquee, detached or roof types in any location on the premises or on the building, providing, such signs shall not exceed height or yard requirements as required for buildings in that district. (Ord. 3290 § 10, 1985)

**18.64.080      Supplementary height, area and bulk regulations.**

Supplementary height, area, and bulk regulations are contained in Chapter 18.12. (Ord. 1477 § 16-8, 1964)

## Chapter 18.68

### MP--MOBILE HOME PARK DISTRICT

#### Sections:

18.68.010	Intent and purpose.
18.68.020	District regulations.
18.68.030	Use regulations.
18.68.040	Subdivisions.
18.68.050	Trailer camp.
18.68.060	Service buildings.
18.68.070	Water supply.
18.68.080	Sewage disposal.
18.68.090	Storm shelters.
18.68.100	Anchor requirements.
18.68.110	Compliance.
18.68.120	Parking or storing.
18.68.130	Unused mobile home park.
18.68.140	Parking regulations.

#### 18.68.010 Intent and purpose.

It is the intent and purpose of the MP mobile home park district to provide low density mobile home parks which would be compatible with the character of the surrounding neighborhood and would be consistent with the future land use plan of the community. (Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-I, 1964)

#### 18.68.020 District regulations.

In the MP district, 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 one of the uses listed in Section 18.68.030. (Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-I, 1964)

#### 18.68.030 Use regulations.

Mobile home parks are subject to the following regulations:

- A. The tract to be used for a mobile home park shall not be less than two (2) acres in area.
- B. The mobile home park shall be under one ownership and control and individual occupants other than the owner shall not purchase or own any piece, parcel, or portion of said park.
- C. The applicant for a mobile home park shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale of not less than 1 inch = 100 feet, and three (3) copies of the plan shall be submitted to the Planning Commission for its review and recommendations. Such plans shall comply with the following minimum requirements:
  1. Contours at intervals of one (1) foot shall be indicated on the plan.
  2. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  3. Mobile home parks hereafter approved shall have a maximum density of eight (8) mobile homes per gross acre, and a minimum area of three thousand (3,000) square feet shall be provided for each mobile home space.
  4. Each mobile home space shall be at least thirty (30) feet wide and be clearly defined.
  5. Mobile homes shall be located on each space so as to maintain a setback of no less than twenty (20) feet from any public street, highway right-of-way, or MP district boundary; as to maintain a setback of no less than ten (10) feet from the edge of a park roadway or sidewalk or a rear



boundary line when such boundary line is not common to any public street, highway right-of-way, or MP district boundary; and as to maintain a setback of no less than five (5) feet from any side boundary line of a mobile home space.

6. All mobile homes shall be so located as to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than twenty (20) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than twenty-five (25) feet from any building within the park.
  7. All mobile home spaces shall front upon a private roadway of not less than twenty-four (24) feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty-two (32) feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to forty (40) feet. All roadways shall have unobstructed access to a public street.
  8. Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important facilities. Common walks should preferably be through interior areas removed from the vicinity of streets.
  9. All roadways and sidewalks within the mobile home park shall be hard-surfaced and adequately lighted at night.
  10. Laundry facilities may be provided in a service building.
  11. Each mobile home park shall devote a minimum of two hundred (200) square feet per mobile home space for recreational area. Individual recreational areas shall not be less than five thousand (5,000) square feet and required set-backs, roadways, and off-street parking spaces shall not be considered as recreational space. A minimum of fifty percent (50%) of the recreational facilities shall be constructed prior to the development of one-half (1/2) of the project, and all recreational facilities shall be constructed by the time the project is seventy-five percent (75%) developed.
  12. A solid or semisolid fence or wall, minimum six (6) feet, maximum eight (8) feet high, 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 other than for mobile homes. The fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of such fence or wall, a landscape buffer may be provided not less than twenty-five (25) feet in width and the landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.
  13. Each mobile home space shall be provided with a paved patio of not less than two hundred (200) square feet and a storage locker of not less than one hundred twenty (120) cubic feet. The lockers shall be designed in a means that will enhance the park and shall be constructed of weather resistant materials.
- D. 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.
- E. Upon approval of the preliminary mobile home park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for its review and final action.
- F. Any substantial deviation, as determined by the Zoning Administrator, from the approved 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.

(Ord. 1898 § 3 (part), 1974: Ord. 1477 § 16 (a)-3(1), 1964)

**18.68.040 Subdivisions.**

Mobile home subdivisions are subject to the following regulations:

- A. The tract to be used for a mobile home subdivision shall not be less than five (5) acres.
- B. Mobile home subdivisions shall be platted in accordance with the adopted subdivision rules and regulations, and the lots shall be available to be purchased by the individual occupants.
- C. The applicant for a mobile home subdivision shall prepare or cause to be prepared a preliminary mobile home subdivision plan, drawn to a scale of not less than 1 inch = 100 feet, and three (3) copies of the plan shall be submitted to the Planning Commission for their review and recommendations. Such plans shall comply with the following requirements:
- D. Contours at intervals of one (1) foot shall be indicated on the plan.
  - 1. The subdivision shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  - 2. Each mobile home lot shall have a minimum area of six thousand (6,000) square feet, a minimum depth of one hundred fifteen feet (115), and a minimum width of fifty (50) feet.

Setbacks:

- a) Front yard 25 feet
- b) Side yard 6 feet
- c) Rear yard 20 feet.

- 3. All mobile home lots shall front onto a dedicated public street in accordance with the subdivision rules and regulations.
- 4. A solid or semisolid fence or wall, minimum six (6) feet, maximum eight (8) feet high, 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 other than for mobile homes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than twenty-five (25) feet in width and the landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the subdivision. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a rear yard for a mobile home lot. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner or owners.
- E. A mobile home subdivision shall not be used for other than residential purposes.
- F. Upon approval of the preliminary mobile home subdivision plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
- G. Any substantial deviation, as determined by the Zoning Administrator, from the approval 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.

(Ord. 3178 § 1, 1981; Ord. 1893 (part), 1974; Ord. 1477 § 16(a)-3(2), 1964)

**18.68.050 Trailer Camps.**

Trailer camps are subject to the following regulations:

- A. Trailer camps shall be utilized only for the accommodations of camping trailers and under no circumstances shall a trailer camp be utilized for the occupancy of mobile homes.
- B. The tract to be used for a trailer camp shall not be less than two (2) acres in area.
- C. The applicant for a trailer camp shall prepare and cause to be prepared a preliminary trailer camp plan, drawn to a scale of not less than 1 inch = 100 feet, and three (3) copies of such plan shall be submitted to

the Planning Commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

1. Contours at intervals of one (1) foot shall be indicated on the plan.
  2. The trailer camp shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  3. Trailer camps shall have a maximum density of twenty (20) camping trailers per gross acre, and a minimum area of one thousand two hundred fifty (1,250) square feet shall be provided for each camping space.
  4. Each camping space shall be at least twenty-five (25) feet wide and a minimum of fifty (50) feet in depth.
  5. Travel trailers shall be located on each space so as to maintain a setback of no less than twenty (20) feet from any public street, highway right-of-way, or MP district boundary, and as to maintain a setback of no less than five (5) feet from any boundary line of a camping space when such boundary line is not common to any public street, highway right-of-way, or MP district boundary.
  6. All camping spaces shall front on a private roadway of not less than twenty-four (24) feet in width, and all roadways shall have unobstructed access to a public street.
  7. A solid or semisolid fence or wall at least six (6) feet high, but not more than eight (8) feet high, 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 other than for mobile homes. Such fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of the fence or wall, a landscape buffer may be provided not less than twenty-five (25) feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a camping space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.
- D. A service building shall be provided which shall:
1. Be located not nearer than twenty-five (25) feet from a camping trailer or a property line.
  2. Be so located that any camping trailer which it serves shall not be parked more than two hundred (200) feet from the building.
  3. Be of permanent type moisture-resistant construction to permit frequent washing and cleaning and be adequately lighted.
  4. Have one (1) flush type toilet, one lavatory and one (1) shower or bathtub for females; and one (1) flush type toilet, one (1) lavatory, one (1) shower or bathtub for males for up to nine (9) house trailers. One additional unit of the above plumbing facilities shall be provided for each sex for each ten (10) additional house trailers served or major fraction thereof. All lavatories, bathtubs and showers shall be connected with both hot and cold running water.
  5. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit (70F.) in the building and provide hot water one hundred forty degrees Fahrenheit (140F.) at a minimum rate of eight (8) gallons per hour for the required fixture units.
  6. Have all rooms well ventilated with all openings effectively screened.
  7. Have an accessible, adequate, safe and potable water supply of cold water.
  8. Have at least one (1) water closet or other facility suitable for the cleaning and sanitizing of bedpans or other waste receptacles.
  9. Comply with all applicable chapters of the Building Code regarding the construction of buildings and the installation of electrical, plumbing, heating, and air conditioning systems.
  10. Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or constitute a nuisance.
- E. Upon approval of the preliminary trailer camp plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for its review and final action.

- F. Any substantial deviation, as determined by the Zoning Administrator, from the approved 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.

(Ord. 1898 § 3 (part), 1974: Ord. 1477 § 16(a)-3(3) , 1964)

**18.68.060 Service buildings.**

- A. Service buildings, when provided, whether required or not, housing sanitation and laundry facilities, or any such facility shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electric installations, plumbing and sanitation systems.
- B. All service buildings, when provided whether required or not, shall be maintained in a clean, slightly condition and kept free from any condition that will menace the health of any occupant or the public, or constitute a nuisance.
- C. Service buildings and parking related to the service operations shall not occupy more than five percent (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.

(Ord. 1898 § 3 (part), 1974: Ord. 1477 § 16(a)-4, 1964)

**18.68.070 Water supply.**

The following provisions cover water supply:

- A. An accessible, safe and potable supply of water as approved by the State Health Department, shall be provided in each park or camp. If a public water supply is reasonably available to the park or camp, it shall be used.
- B. The size and location of water mains and fire hydrants shall be designed by a licensed professional engineer and shall be in accordance with the requirements of the agency from which the water supply is obtained.
- C. Individual water service connections shall be provided at each mobile home space. Such connections shall be located at least four (4) inches above ground surface, at least one-half (1/2) inch in diameter, and equipped with a three-quarter (3/4) inch valve outlet. All water pipes shall be protected against freezing.
- D. When a private water supply is provided, it shall provide an adequate water supply with minimum flow rates of four (4) gallons per minute for each of the first five (5) mobile homes spaces and additional two (2) gallons per minute for each additional space for the next ten (10) spaces and an additional one and one-half (1-1/2) gallons per minute for each additional space for the next twenty-five spaces (25) thereafter. The system shall provide a minimum of twenty (20) pounds per square inch of pressure at all connections provided.

(Ord. 1898 § 3 (part), 1974: Ord. 1477 § 16(a)-5, 1964)

**18.68.080 Sewage disposal.**

Sewage disposal is subject to the following provisions:

- A. Individual sewer connections shall be provided for each mobile home space and shall be in accordance with all codes and regulations regarding such systems. If a public sewer system is reasonably available to the park, it shall be used.
- B. All sewage systems shall be designed by a licensed professional engineer and shall be submitted to the Governing Body for its approval.
- C. When the sewer lines of the park or camp are not connected to a public sewer, a sewage treatment plant or sewage disposal system approved by the Health Officer or the engineer having jurisdiction shall be provided.

Ord. 1898 § 3 (part), 1974: Ord. 1477 § 16(a)-6, 1964)

**18.68.090 Storm shelters.**

Each mobile home park, mobile home subdivision or trailer park shall be provided with a storm shelter for those persons living within the park or camp. The shelter shall be based upon the following criteria or a protection plan approved by the Arkansas City Civil Defense Director or his representative.

- A. Storm shelters shall be provided one (1) shelter for each forty (40) mobile home or camping trailer spaces. A minimum of one (1) shelter shall be provided for each mobile home park or trailer park.
- B. A minimum of five hundred (500) cubic feet of air space shall be provided in the storm shelter for each mobile home or camp trailer space and shall be provided with an auxiliary forced air ventilation system.
- C. Storm shelter plans shall be approved by the Building Inspector before the shelter is constructed.

(Ord. 3178 § 2, 1981; Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-7, 1964)

**18.68.100 Anchor requirements.**

The following anchor requirements apply:

- A. Each mobile home space in a mobile home park or subdivision shall be provided with an adequate support for the placement and tie-down of the mobile home, which will secure the mobile home against uplifting, sliding, rotation, or overturning.
- B. The anchors or tie-downs shall be cast-in-place concrete supports, eyelets embedded in concrete foundations or pads, screw augers, arrowhead anchors, or other suitable devices securing the stability of the unit.
- C. Each anchor and tie-down shall be able to sustain a minimum tensile strength of three thousand (3000) pounds. The number of anchors or tie downs required are based on mobile home length according to the following table:

MOBILE HOME LENGTH	NUMBER OF ANCHORS PER SIDE
a) feet - 37 feet	2
b) feet - 54 feet	3
c) feet - 72 feet	4

(Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-8, 1964)

**18.68.110 Compliance.**

The mobile home park or subdivision shall be in compliance with this chapter and all other regulations and the site shall be in conformance with applicable regulations of the locality and State. (Ord. 1898 § 3(part), 1974; Ord. 1477 § 16(a)-9, 1964)

**18.68.120 Parking or storing.**

A house trailer or mobile home may be parked in the mobile home park or subdivision, providing that it is not a nuisance and does not constitute a fire hazard, and further providing that the trailer is not offered for sale by other than the resident owner. (Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-10, 1964)

**18.68.130 Unused mobile home park.**

Whenever a property, zoned MP ceases to be used for such purposes for a period of two (2) years, the Planning Commission shall initiate action and hold a public hearing to rezone the property back to its former district zoning. (Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-11, 1964)

**18.68.140 Parking regulations.**

One (1) parking space is to be provided for each mobile home plus one (1) additional space for each two (2) mobile homes. (Ord. 1898 § 3 (part), 1974; Ord. 1477 § 16(a)-12, 1964)

## Chapter 18.72

### CONDITIONAL USE

#### Sections:

18.72.010	Purpose and intent.
18.72.011	Application.
18.72.012	Application fee and renewal fee.
18.72.013	Planning Commission public hearing and considerations.
18.72.014	City Commission action.
18.72.015	Recording public notice of conditional use permit.
18.72.016	Annual review.
18.72.020	Existing becomes non-conforming.
18.72.030	Additions and structural alterations.
18.72.040	Conditional uses enumerated.
18.72.050	Accessory buildings.
18.72.060	Mobile homes.

#### 18.72.010 Purpose and intent.

Recognizing that certain uses may be desirable when located in the community but that these uses may be incompatible with other uses permitted in a district, certain conditional uses listed in Section 18.72.040 when found to be in the interest of the public health, safety, morals, and general welfare of the community may be permitted, except as otherwise specified in this chapter, in any district from which they are prohibited. Uses (P), (Q), and (S) in Section 18.72.040 shall be annually subject to renewal as set forth in Section 18.72.012 through 18.72.016, inclusive. (Ord. 3995 § 1, 2003; Ord. 3624 § 1 (part), 1994)

#### 18.72.011 Application.

An application for a conditional use permit shall be made in writing on a form furnished by the City and shall be in sufficient detail and contain a statement as to the proposed use of the building and premises. The application shall further contain the name of the applicant, the street address of the premises, and a legal description of the real property. (Ord. 3624 § 1 (part), 1994)

#### 18.72.012 Application fee and renewal fee.

- A. Application Fee. Any person, business or other entity requesting a conditional use permit pursuant to this chapter shall pay to the City an application fee of One Hundred Dollars (\$100.00) submitted at the same time the application form as required by Section 18.72.011 is submitted.
- B. Expiration. A conditional use permit which requires annual review and renewal shall expire the last day of the calendar year in which such permit was issued unless renewed as herein provided.

(Ord. 3995 § 1, 2003; Ord. 3624 § 1 (part), 1994; Ord 3928 § 1 (part), 2002)

**18.72.013 Planning Commission public hearing and considerations.**

- A. On receipt of the completed application form and the required fee, the office of City Engineer shall determine:
  - 1. Whether the application is complete and sufficient for review; and
  - 2. Whether the property and proposed use is eligible for conditional use permit pursuant to the Zoning Code of the City.
- B. If the application is found to be complete and consistent with the purpose and intent of a conditional use permit, the completed application shall be submitted to the Arkansas City Planning Commission who shall schedule a public hearing as provided in Chapter 18.84.
- C. In considering the application for a conditional use permit, the Planning Commission shall:
  - 1. Review the plans and statement of proposed use;
  - 2. Carefully study the effect that the proposed conditional use will have upon surrounding territory, determining whether the character of the neighborhood will be preserved; and
  - 3. Submit a recommendation to the City Commission within thirty (30) days following adjournment of the hearing.
- D. If the application is found to be incomplete or the proposed use is not consistent with the purpose and intent of a conditional use permit, the City Engineer shall immediately notify the applicant noting the need for such changes or additions as deemed necessary. If questions arise as to whether the purpose and intent of the proposed conditional use permit is legally eligible pursuant to the Zoning Code, the matter shall be referred to the City Attorney who shall consult with the applicant or the applicant's attorney for resolution.

(Ord. 3624 § 1 (part), 1994)

**18.72.014 City Commission action.**

Upon receiving the recommendation of the Planning Commission, the City Commission may issue a conditional use permit upon making the following findings:

- A. If the public health, safety, morals and general welfare of the public will not be adversely affected;
- B. Off-street parking facilities will be provided (if applicable);
- C. Safeguards will be provided for protection of surrounding property, persons, and neighborhood values; and
- D. Mobile homes complying with all requirements of Section 18.72.060.

(Ord. 3624 § 1 (part), 1994)

**18.72.015 Recording public notice of conditional use permit.**

When the City Commission approves the issuance of a conditional use permit, the City Clerk shall certify to the Register of Deeds for recording, public notice specifying thereon the name, site address, legal description, and zoning classification of the approved property and shall further provide the following caveat:

The person named above and the property as identified has been approved for a Conditional Use Permit pursuant to City Code. This permit may not be assigned, sold, or otherwise conveyed without the expressed approval of the City Commission of Arkansas City. The use of the property may not be sold, assigned, or otherwise conveyed without the expressed approval of the City Commission of Arkansas City.

If a conditional use permit is subject to annual review and renewal, the additional notification shall be added:

The Conditional Use Permit expires on the last day of the calendar year for which it is issued unless renewed pursuant to City Code. (Ord. 3624 § 1 (part), 1994)

**18.72.016 Annual review.**

- A. The extent and term of a conditional use permit issued for conditional uses (P), (Q), (S) and (W) of Section 18.72.040 shall be subject to annual review by the Governing Body to insure that the ownership and use of the property and all other qualifying criteria for said conditional use permit continues to exist. The review shall be completed by not later than January 31st following the calendar year for which the permit has expired. If the review establishes that the qualifying criteria continues to exist, the conditional use permit shall be renewed upon payment of the renewal fee as required by Section 18.72.012.
- B. If the conditional use permit subject to annual review, is not renewed by January 31st, it shall be deemed canceled and the conditional use shall become non-conforming subject to the provisions of Chapter 18.76.

(Ord. 3995 § 1, 2003; Ord. 3624 § 1 (part), 1994)

**18.72.020 Existing becomes non-conforming.**

Any conditional use listed in Section 18.72.040, existing at the effective date of these regulations, shall be considered a non-conforming use unless it has qualified as provided in Section 18.72.010, and has been approved as a conditional use by the City Commission. (Ord. 3624 § 1 (part), 1994)

**18.72.030 Additions and structural alterations.**

When found to be in the interest of the public health, safety, morals and general welfare, the Board of Zoning Appeals is authorized to approve any and all additions of structural alterations to conditional uses after they have qualified and have been approved by the City Commission. (Ord. 3624 § 1 (part), 1994)

**18.72.040 Conditional uses enumerated.**

The following conditional uses may be approved by the City Commission as provided in this Chapter. Uses (P), (Q), (S) and (W) identified with an asterisk (\*) are subject to annual review and renewal:

- A. Airports and landing fields;
- B. Circus or carnival grounds, temporary for a specified time period;
- C. Drive-in theater in a floodplain, business or industrial district and extension into an agricultural district;
- D. Dwellings in an industrial or floodplain district;
- E. Extraction, processing and removal of sand and gravel or stone;
- F. Fairgrounds;
- G. Hospitals;
- H. Office buildings in an R-4 multiple-family residential district;
- I. Nursing homes;
- J. Public or government buildings;
- K. Public utilities or public services uses, buildings, structures, or appurtenances thereto;
- L. Sanitary landfill;
- M. Sports arena or stadium;
- N. Racetrack;
- O. Amusement place consisting of coin-operated machines in a completely enclosed building with adequate off-street parking, but prohibiting the sale of food, or cereal malt or alcoholic beverages therein;
- P. \*Sole proprietor auto mechanic shop in an area zoned residential where the area abuts on at least one (1) side of property that is zoned business or industrial;
- Q. \*Nursery schools and day care centers for more than five (5) children in residential zones;
- R. \*Mobile homes as governed by Section 18.72.060;
- S. \*Penal rehabilitation facility as defined by Section 18.08.605 of the Zoning Code;



- T. Specialty shop as defined by Section 18.08.685 of this title located in an R-4 (multiple-family residential district) and provided such use is compatible with and can be located adjacent to or combined with residential uses without detrimental effect to the character of the neighborhood. Any advertising sign shall comply with the same regulations as applicable to home occupations as defined in Section 18.08.440 of this title.
- U. Food serving tea houses located in a residential zone and provided such use is compatible with and can be located adjacent to or combined with residential uses without detrimental effect to the character of the neighborhood. Any advertising sign shall comply with the same regulations as applicable to "home occupations" as defined by Section 18.08.440 of this title.
- V. A Bed & Breakfast facility may be established in any Residential District by Conditional Use Permit. This type of facility offers overnight accommodations and provides meals (usually a breakfast meal) to transient guests, as defined by §3.48.020. In addition to the material required from applicants for a Conditional Use, the regulations as defined by Section 18.08.435 are applicable.
- W. \*"Meeting Places" located in an unoccupied residential dwelling in a residential zone with adequate off street parking and provided such use is compatible with and can be located adjacent to or combined with residential uses without detrimental effect to the character of the neighborhood. Any advertising sign shall comply with the same regulations as applicable to "Home Occupations" as defined in Section 18.08.440 of this title.

(Ord. 3995 § 1, 2003; Ord. 3823 § 1, 1999; Ord. 3745 § 1, 1997; Ord. 3729 § 1, 1996; Ord. 3644 § 1CB, 1994; Ord. 3624 § 1 (part), 1994)

**18.72.050 Accessory buildings.**

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced. No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part. (Ord. 3624 § 1 (part), 1994)

**18.72.060 Mobile homes.**

A conditional use permit shall govern the location of mobile homes in areas zoned R-1, R-2, R-3 and R-4; provided, that all the following requirements are met and fulfilled:

- A. The owner of the lot and the mobile home shall be one and the same.
- B. At least one (1) off-street parking space shall be provided by the owner.
- C. The mobile home must have its own individual utility meters. It must be connected directly to the sanitary sewer, water, electric and gas lines. In the event a sanitary sewer is not used, a proper septic tank must be installed. In such an event the lot size for the mobile home must be no less than three-fourths (3/4) an acre.
- D. The mobile home shall be secured to the ground by tie-downs and ground anchors of a type which have been approved under State law unless such mobile home is secured to the ground on a permanent foundation. Any such mobile home which is not secured to a permanent foundation shall be placed upon piers.
  - 1. Piers shall be installed directly under the main frame or chassis of the mobile home. All grass and organic materials shall be removed and the pier foundation placed on stable soil. The piers shall not be farther apart than ten (10) feet on centers and the main frame, front or face of the mobile home shall not extend farther than one (1) foot beyond the centerline of the end of the piers. Each pier foundation shall consist of two (2) concrete blocks and each such block shall be eight (8) inches wide and eight (8) inches high and sixteen (16) inches long or shall be of such other material and design as approved by State law. Piers shall be constructed of either open cell or solid concrete blocks, each of which shall be in the dimensions specified in this chapter. A wood plate which is at least one (1) inch in thickness, eight (8) inches wide and sixteen (16) inches long shall be placed on top of the pier with weatherproof wood shims when needed, fitted

and driven tightly between the wood plate of vertical space. Piers shall be installed perpendicular to the I-beam. All piers over thirty (30) inches in height measured from the top of the foundation to the I-beam shall be double-tiered with blocks interlocked and capped with a solid concrete block which shall be four (4) inches high, sixteen (16) inches wide and sixteen (16) inches long and cushioned with wood blocking as required. Piers shall not exceed forty-eight (48) inches in height unless designed by a registered professional engineer or architect.

- E. All mobile homes shall be skirted with material compatible to the exterior design and composition of the mobile home, and solidly attached thereto.
- F. The mobile home shall meet the standards for plumbing, heating and electrical systems as established by the American Standards Association and each shall have such approval stamped on the same.
- G. All the area and lot requirements for a single-family residence as set out in this title shall apply to a mobile home.
- H. The applicant must certify that s/he has notified the owners of property within two hundred (200) feet of the lot where the mobile home is to be located and must obtain at least one signature from the certified ownership of each parcel within 200 feet indicating their notification of the intent of the applicant to locate the mobile home and their comments on the desirability of the area as a mobile home location. In the case of multiple owners of individual properties, one signature indicating approval or objection shall be construed to represent the interests of all listed owners. A rebuttable presumption in opposition to the location of the mobile home shall be created as to any record landowner who fails to sign.
- I. In the event twenty percent (20%) or more of the properties located within two hundred (200) feet of the area proposed to be altered have owners that object to the location of the mobile home, then the permit shall not be passed except by the unanimous vote of the City Commission.
- J. The mobile home must be of new construction (within one year of the date of manufacture to the date of the conditional use application).
- K. The mobile home must meet all of the following architectural standards:
  - 1. Have a minimum width of fourteen (14) feet.
  - 2. Have a minimum length of forty (40) feet and maximum length of seventy (70) feet and must be placed on the lot perpendicular to the street.
  - 3. The roof must have a minimum slope of 2:12 and be covered with residential type shingles or roof covering materials.
  - 4. Have residential type siding.
- L. Permits issued for the installation of an approved mobile home shall expire 60 days from the date of issuance. All work required for the installation of the home including utility services, removal of transport tongue, support and anchorage systems, skirting and ingress/egress provisions shall be completed within 60 days of the issuance of a building permit. Failure to comply could result in the revocation of the conditional use approval.
- M. Maintenance of the mobile home shall require that windows, doors, siding, roofing, skirting and all other related items are maintained in good repair and in a neat and approved manner. Failure to maintain the property may result in an inspection pursuant to the regulations of the International Property Maintenance Code, as adopted in Section 16.10 of this code, and/or the revocation of the conditional use permit.

(Ord. 3995 § 1, 2003; Ord. 3624 § 1 (part), 1994)

## Chapter 18.76

### NONCONFORMING USES

#### Sections:

<b>18.76.010</b>	<b>Land.</b>
<b>18.76.020</b>	<b>Buildings.</b>
<b>18.76.030</b>	<b>Discontinuance.</b>
<b>18.76.040</b>	<b>Destruction.</b>
<b>18.76.050</b>	<b>Intermittent use.</b>
<b>18.76.060</b>	<b>Existence.</b>
<b>18.76.070</b>	<b>Not validated.</b>

#### **18.76.010 Land.**

In a residential district where open land is being used as a non-conforming use, and such use is the principal use and not accessory to the main use conducted in a building., such use shall be discontinued not later than two (2) years from the date of passage of the ordinance codified in this title. During the two-year period, such non-conforming use shall not be extended or enlarged, either on the same or adjoining property. Any building incident and subordinate to such use of land, such as a shed, tool house, storage building, office, or trailer, shall be removed at the end of the two (2) year period, or, if such building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only as conforming uses. Such non-conforming uses of open land shall specifically include billboards, posterboards, automobile wrecking yards, scrap iron and junk storage, trailer camps, auction yards, contractors' yards, stockyards, golf driving ranges, and miniature golf courses. (Ord. 1477 § 21-1, 1964)

#### **18.76.020 Buildings.**

Except as otherwise provided herein, the lawful use of a building existing at the effective date of the ordinance codified in this title may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of the ordinance codified in this title. (Ord. 1477 § 21-2, 1964)

#### **18.76.030 Discontinuance.**

No building or portion thereof used in whole or in part for a non-conforming use in a residential district which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located. (Ord. 1477 § 21-3, 1964)

#### **18.76.040 Destruction.**

No building which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building, immediately prior to damage, shall be restored except in conformity with the regulations of this title and all rights as a non-conforming use are terminated. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage. (Ord. 1477 § 21-4, 1964)

**18.76.050 Intermittent use.**

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a non-conforming use on the part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot or tract. (Ord. 1477 § 21-5, 1964)

**18.76.060 Existence.**

Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board. (Ord. 1477 § 21-6, 1964)

**18.76.070 Not validated.**

A non-conforming use in violation of a provision of the ordinance which the ordinance codified in this title amends or repeals, shall not be validated by the adoption of the ordinance codified in this title. (Ord. 1477 § 21-7, 1964)

## Chapter 18.80

### LARGE SCALE DEVELOPMENTS--COMMUNITY UNIT PLAN

#### Sections:

<b>18.80.010</b>	<b>Procedure.</b>
<b>18.80.020</b>	<b>Special conditions.</b>
<b>18.80.030</b>	<b>Additional requirements by the Commission.</b>
<b>18.80.040</b>	<b>Permits.</b>
<b>18.80.050</b>	<b>Amendments and additions.</b>

#### **18.80.010 Procedure.**

The owners or agents of any tract of land comprising an area of not less than five (5) acres may submit a plan for the use and development of all of the tract of land for residential and allied purposes. Public hearings shall be held, reports submitted, and final action taken in accordance with procedures in Sections 18.84.090 through 18.84.130. (Ord. 1477 § 23-1, 1964)

#### **18.80.020 Special conditions.**

The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets with the following conditions and it is hereby required that the following conditions shall be met before the approval by the Commission:

- A. That the buildings shall be used for single family dwellings, two family dwellings, or multiple dwellings, and the usual accessory uses, such as private or parking garages and storage space and for community activities, including churches and schools.
- B. That the average overall lot area per family contained in the project, exclusive of the area occupied by streets, shall not be less than the lot area per family required in the district or districts in which the project is located.
- C. That the area shall be adaptable to complete community development being bounded by major thoroughfares, streets, railroads, or other external barriers, and as far as possible, shall have within or through it no major thoroughfare or other physical feature which will tend to impair the neighborhood or community cohesiveness.
- D. That no more than twenty-five (25) percent of the gross area of the total project located in a single family district be devoted to multiple family dwellings.
- E. That sufficient land is reserved for education facilities and recreation areas to meet the needs of the anticipated population, or as specified in the Comprehensive Plan.
- F. That the property adjacent to the area included in the plan will not be adversely affected and to this end, the Planning Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity be arranged along the borders of the project.
- G. That the plan is consistent with the intent and purposes of this title to promote public health, safety, morals, and general welfare.

(Ord. 1477 § 23-2, 1964)

**18.80.030 Additional requirements by the Commission.**

Before approving a plan under this chapter, the Planning Commission shall prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this title. The violation of any conditions so imposed shall constitute a violation of this title. (Ord. 1477 § 23-3, 1964)

**18.80.040 Permits.**

If the City Commission approves the plans, building permits and certificates of occupancy may be issued, even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located. (Ord. 1477 § 23-4, 1964)

**18.80.050 Amendments and additions.**

Amendment of or addition to a community unit plan may be accomplished subject to the same regulations and procedures as those which apply to a new application. (Ord. 1477 § 23-5, 1964)

## Chapter 18.84

### ADMINISTRATION AND ENFORCEMENT--BOARD OF ZONING APPEALS

#### Sections:

18.84.010	Creation.
18.84.020	Membership--Meetings.
18.84.030	Appeals, variances and exceptions.
18.84.031	Fee for appeals, variances and exceptions.
18.84.040	Special use exceptions.
18.84.050	Special yard and height exceptions.
18.84.060	Variances.
18.84.070	Conditional permits.
18.84.080	Lapse of special exception or variance.
18.84.090	Power to amend.
18.84.100	Amendment to Planning Commission.
18.84.110	Hearing on amendment.
18.84.120	Disapproval of amendment.
18.84.130	Reconsideration of amendment.
18.84.140	Newly annexed territory.
18.84.150	Certificate of occupancy--Land use.
18.84.160	Certificate of occupancy--Building use and construction.
18.84.170	Certificate of occupancy--Application.
18.84.180	Certificate of occupancy--Excavation permit.
18.84.190	Certificate of occupancy--Non-conforming uses.
18.84.200	Permits.
18.84.210	Plats.
18.84.220	Interpretation, purpose, and conflict.
18.84.230	Enforcement.
18.84.240	Use in violation.

#### **18.84.010**      **Creation.**

The Governing Body authorizes and creates a Board of Zoning Appeals. (Ord. 1509 § 1, 1966: Ord. 1477 Art. 24 (part), 1964)

#### **18.84.020**      **Membership--Meetings.**

The Board of Zoning Appeals shall consist of five (5) members, all of whom shall be taxpayers and residents of the City, to be appointed by the Mayor by and with the consent of the Board of Commissioners. None of the members shall hold any other public office of the City except that one (1) member may be a member of the Planning Commission. The members first appointed shall serve respectively for terms of one (1), two (2), and three (3) years, divided equally or as nearly equally as possible between the members. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. The members of such board shall serve without compensation. The Board shall annually elect one (1) of its members as Chairman, and shall appoint a Secretary who may be an officer or an employee of the City. The Board shall adopt rules in accordance with the provisions of this chapter creating the Board. 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 evidence presented, findings of fact by the Board, decision of the Board and the vote upon each question. Records of all official action of the Board shall be filed in its office and shall be a public record. (Ord. 1509 § 2, 1966: Art. 24 (part), 1964)

**18.84.030 Appeals, variances and exceptions.**

The Board of Zoning Appeals shall administer the details of appeals from it or other matters referred to it regarding the application of this title as hereinafter provided. The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official City Newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of the notice shall be mailed to each party to the appeal and to the City Planning Commission.

Appeals to the Board may be taken by any person aggrieved, or by any officer of the City or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken, when notified by the Board or its agent, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. The Board may also, when it shall deem the same necessary, grant variances and exceptions to this title on the basis and in the manner hereinafter provided:

- A. VARIANCES. To authorize in specific cases a variance from the-specific terms of this title which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this title will, in an individual case, result in unnecessary hardship, and provided that the spirit of this title shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by this title in such district. A request for a variance may be granted in such case, upon a finding by the Board that all of the following conditions have been met:
  - 1. That 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 the applicant.
  - 2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
  - 3. That the strict application of the provisions of this title of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
  - 4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
  - 5. That granting the variance desired will not be opposed to the general spirit and intent of this title.
- B. EXCEPTIONS. To grant exceptions to the provisions of this title in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of this title. In no event shall exceptions to the provisions of this title be granted where the use or exception contemplated is not specifically listed as an exception in this title. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception, as established in the Zoning Ordinance by the Governing Body, are not found to be present.

In exercising the foregoing powers, the Board, in conformity with the provisions of this title, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the power of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the Board may bring an action in the district court of the county in which such City is located to determine the reasonableness of any such order or determination. (Ord. 1509 § 3, 1966; Ord. 1477 Art. 24 (part), 1964)

**18.84.031 Fee for appeals, variances and exceptions.**

A fee of One Hundred Dollars (\$100.00) is established for any person seeking an appeal, a variance, an exception, or other pertinent matter through the Board of Zoning Appeals. The prescribed fee must be paid in advance to the City Clerk, and will be used to finance the administration and processing of the individual's request. The fee will not be returned unless authorized by the Governing Body. (Ord. 4047 § 6, 2005; Ord. 3009 § 1, 1977; Ord. 1976 § 1, 1975)



**18.84.040 Special use exceptions.**

In order to provide for adjustment in the relative locations of uses and buildings of the same or of different classifications, to promote the usefulness of this title as an instrument for fact finding, interpretation, application and adjustment, and to supply the necessary elasticity to its efficient operation, special use exceptions are permitted by the terms of this title. The following buildings and uses are permitted as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by this title.

- A. A transitional use between a business or industrial district and a residential district where the side of a lot in a single-family residential district or a two-family residential district abuts upon a lot zoned for business or industrial purposes as follows:
  - 1. On a lot in a single-family residential district which sides upon a lot zoned for business or industrial purposes, the Board may permit a two-family dwelling.
  - 2. On a lot in the R-3 two-family residential district which sides upon a lot zoned for business or industrial purposes, the Board may permit a multiple-family dwelling of not more than four (4) dwelling units.
- B. A non-conforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.
- C. A non-conforming commercial use on a lot, between two lots which are now used for commerce.
- D. A non-conforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a non-conforming commercial or industrial use, an additional use of the same classification in the remainder of the building.
- E. The extension of an existing non-conforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of this title or erection of an additional building upon a lot occupied at the time of the passage of the ordinance codified in this title by a non-conforming commercial or industrial establishment and which additional building is a part of such establishment.
- F. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within one hundred (100) feet of the district boundary line.
- G. Garage for more than four (4) cars and covering more than nine hundred (900) square feet in a residential district.
- H. Commercial greenhouses and nurseries, provided that any structure shall not be less than one hundred (100) feet from all property lines.
- I. Radio or television broadcasting tower and station.
- J. Temporary and conditional permits for a two (2) year period for the following uses:
  - 1. Commercial dog kennels.
  - 2. Riding stables and private stables.
  - 3. Rifle or pistol range, trap, or skeet shooting.
  - 4. Miniature golf courses or driving ranges.
  - 5. Raising for sale of birds, bees, rabbits, and other animals, fish, and other creatures.
- K. An off-street parking area in a residential district where such facility would relieve traffic congestion on the streets and where said parking lot conforms to the following specifications:
  - 1. The land devoted to parking to be located adjacent to and within two hundred (200) feet of a business or industrial district.
  - 2. Walls, fences, or planting shall be provided in a manner to afford protection for and be in harmony with surrounding residential property.
  - 3. The same front yard depth restrictions shall be required as are required in the zoning district in which the parking area is located.
  - 4. All driveways and the area used for the parking of vehicles shall be surfaced with a hard, durable, dust-proof material, and be properly drained.
  - 5. The area shall be used exclusively for parking of motor vehicles belonging to invitees of the owner or lessees of the lot.

6. The approval of all plans and specifications for the improvement, surfacing, drainage, entrances, and exits, or lights for said parking area shall be obtained from the City Engineer.
  7. The area shall conform to such other requirements as the Board, in the exercise of sound discretion, may require for the protection of surrounding property, persons, and neighborhood values.
- L. Privately or commercially operated recreational lake, swimming pool, and tennis courts.
  - M. Conversion of any building existing at the time of passage of the ordinance codified in this title, so as to permit the housing of any number of families; provided that there is compliance with the lot area per family and off- street parking requirements of the district in which the building is located; and further provided that there is substantial compliance with the yard requirements of the district in which the building is located.
  - N. Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of this title where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of this title to relieve congestion in the streets would best be served by permitting such parking off the premises.
  - O. To waive or reduce the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose any unreasonable hardship upon the use of the lot.
  - P. An exception to the sign requirements in the I-1 restricted industrial district.
  - Q. Additions or structural alterations to conditional uses after they have been approved by the City Commission.
  - R. To determine, in cases of uncertainty, the classification as to district of any use not specifically named in this title; provided, however, such use shall be in keeping with uses specifically named in the district regulations.
  - S. In any I-3 heavy industrial district, those uses on which the Board is required to pass by Section 18.64.030.

(Ord. 1972 § 2, 1975; Ord. 1477 § 24-3 (part), 1964)

**18.84.050 Special yard and height exceptions.**

The following special yard exceptions, limited as to location and especially in locations described in this section are permitted by this title if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by this title and provided such exceptions are approved by the Board:

- A. An exception in the yard regulations on a lot where on the adjacent lot there is a front, side or rear yard that does not conform with such yard regulations;
- B. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds;
- C. An exception in the depth of rear yard on a lot in a block where there are non-conforming rear yard conditions.
- D. An exception to the height regulations in the I-1 restricted industrial district.

(Ord. 1477 § 24-4, 1964)

**18.84.060 Variances.**

The Board of Zoning Appeals shall have power to grant the following variances:

- A. A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and

exceptional practical difficulties to, or exceptional hardship upon, the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of the zoning plan, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice. (Ord. 1477 § 24-5, 1964).

- B. A variation in the front yard requirements to allow the construction of a carport in connection with a residential use provided the following conditions are met:
1. The carport must be permanently attached to the primary structure and constructed of materials compatible and comparable to the primary structure.
  2. The roof of the carport must be integrated with the roof of the primary structure unless structurally unfeasible.
  3. Carports constructed of metal with the appearance of being temporary in nature are not eligible for consideration of a front yard variance.
  4. The carport cannot be permanently enclosed or used for any other use. A variance will not be considered for any construction that would place the carport closer than ten (10) feet to the front yard property line. (Ord. 4013 § 1; 2004)

#### **18.84.070 Conditional permits.**

Where, in this title, special exceptions are permitted, provided they are approved by the Board of Zoning Appeals, where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

- A. No outside signs or advertising structures except professional or directional signs.
- B. Limitation of signs as to size, type, color, location, or illumination.
- C. Amount, direction, and location of outdoor lighting.
- D. Amount and location of off-street parking and loading space.
- E. Cleaning or painting.
- F. Gable roof or other type.
- G. Construction and materials.
- H. Connected or disconnected with other buildings.
- I. Exits or entrances, doors, and windows.
- J. Paving, shrubbery, landscaping, or ornamental or screening fence, wall, or hedge.
- K. Time of day or night for operating.
- L. No store front.
- M. No structural changes.
- N. Control or elimination of smoke, dust, gas, noise, or vibration caused by operations.
- O. Such other conditions as are necessary.

(Ord. 1477 § 24-6, 1964)

#### **18.84.080 Lapse of special exception or variance.**

After the Board of Zoning Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one (1) year, if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of this title shall thereafter govern. (Ord. 1477 § 24-7, 1964)

#### **18.84.090 Power to amend.**

The City Commission may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. (Ord. 1477 § 25-1, 1964)

**18.84.100 Amendment to Planning Commission.**

Before taking any action on any proposed amendment, supplement, or change, the City Commission shall submit the same to the Planning Commission for its recommendations and report. (Ord. 1477 § 25-2, 1964)

**18.84.110 Hearing on amendment.**

The Planning Commission shall hold a public hearing thereon, before submitting its report to the City Commission. Notice of public hearings before the Commission shall be given by publishing the time, place, and nature of the hearing not more than thirty (30) nor less than twenty (20) days before the hearing at least once in one (1) or more newspapers published in the municipality, and shall cause the date, time, place, and nature of the hearing to be posted in accordance with the rules of the Commission. A fee of One Hundred Dollars (\$100.00) is hereby established for any person seeking an amendment to the zoning code. (Ord. 4047 § 7, 2005; Ord. 1477 § 25-3, 1964).

**18.84.120 Disapproval of amendment.**

If a proposed amendment is disapproved by the Planning Commission, or if a written protest against such amendment, supplement or change has been filed in the office of the City Clerk within fourteen (14) days after the date of the actual hearing pursuant to the publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more of real property proposed to be altered, or by the owners of record of twenty percent (20%) or more of the total area required to be notified or by twenty percent (20%) or more of the landowners located within two hundred feet (200) in the City limits or one thousand feet (1,000) in the unincorporated area of the area proposed to be altered, such amendment, supplement or change shall not be passed except by three-fourths (3/4) vote of all the members of the City Commission. (Ord. 3561 § 3, 1992; Ord. 1477 § 25-4, 1964)

**18.84.130 Reconsideration of amendment.**

Whenever a petition requesting an amendment, supplement, or change has been denied by the City Commission, such petition or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial. (Ord. 1477 § 25-5, 1964)

**18.84.140 Newly annexed territory.**

All territory hereafter annexed to the City, shall be automatically classified as R-1, single family residential district, unless a different Zoning classification is recommended by the Planning Commission or until such territory is permanently zoned by the City Commission. (Ord. 3677 Sec. 1, 1995; Ord. 1477 § 26-1, 1964)

**18.84.150 Certificate of occupancy--Land use.**

No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the enforcing officer. (Ord. 1477 § 27-1, 1964)

**18.84.160 Certificate of occupancy--Building use and construction.**

No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, until a certificate of occupancy and compliance shall have been issued by the enforcing officer, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations. (Ord. 1477 § 27-2, 1964)

**18.84.170 Certificate of occupancy--Application.**

Certificates of Occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the enforcing officer. (Ord. 1477 § 27-3, 1964)

**18.84.180 Certificate of occupancy--Excavation permit.**

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance. (Ord. 1477 § 27-4, 1964).

**18.84.190 Certificate of occupancy--Non-conforming uses.**

A certificate of occupancy shall be required of all non-conforming uses. Application for a certificate of occupancy for non-conforming uses shall be filed, within twelve (12) months from the effective date of the ordinance codified in this title, with the enforcing officer. (Ord. 1477 § 27-5, 1964)

**18.84.200 Permits.**

No building shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners first having obtained a building permit therefor from the enforcing officer, such permit shall require conformity with the provisions of this title. When issued, such permit shall be valid for a period of six (6) months.

No building permit by the enforcing officer, lawfully issued prior to the effective date of the ordinance codified in this title, or of any amendment hereto, and which permit, by its own terms and provisions, is in full force and effect at such date, shall be invalidated by the passage of the ordinance codified in this title, or any such amendment, but shall remain a valid and subsisting permit, subject only to its own terms and provisions and ordinances, rules and regulations appertaining thereto, and in effect at the time of the issuance of the permit; provided, that all such permits shall expire not later than sixty (60) days from the effective date of the ordinance codified in this title, unless actual construction shall have theretofore begun and contained pursuant to the terms of such permit. (Ord. 1477 § 28-1, 1964)

**18.84.210 Plats.**

All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the enforcing officer, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the enforcing officer and a duplicate copy shall be kept at the building at all times during construction. (Ord. 1477 § 28-2, 1964)

**18.84.220 Interpretation, purpose, and conflict.**

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this title to interfere with, or abrogate, or annul any easements, covenants, or other agreement between parties; provided, however, that where this title, imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this title shall govern. If, because of error or omission in the Zoning District Map, any property in the City is not shown as being in a zoning district, the classification of such property shall be classified R-1 single family residential district, until changed by amendment. (Ord. 1477 § 29-1, 1964)

**18.84.230 Enforcement.**

It is the duty of the City Engineer to enforce the provisions of this title and to refuse to issue any permit for any building, or for the use of any premises which would violate any of the provisions of this title. It is also the duty of all officers and employees of the city, and especially of all members of the Police Department to assist the enforcing officer by reporting to him any seeming violation in new construction, reconstruction, or land uses. (Ord. 1477 § 30-1, 1964).

**18.84.240      Use in violation.**

In case any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building or land is used in violation of this title, the enforcing officer is authorized and directed to institute any appropriate action to put an end to such violation. (Ord. 1477 § 30-2, 1964)