

**CITY OF BONNER SPRINGS,  
KANSAS**

**ZONING ORDINANCE**

**AMENDED THROUGH ORDINANCE No. 2397  
APRIL 16, 2015**

**CODIFIED BY  
CITY OF BONNER SPRINGS  
PLANNING DEPARTMENT**

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**CITY OF BONNER SPRINGS**

**ZONING ORDINANCE**

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## **ARTICLE I**

### **TITLE**

**SECTION 1:** These regulations, including the Official Zoning Map incorporated by reference as if more fully set out herein, shall be known and may be cited and referred to as the Bonner Springs Zoning Ordinance.

## **ARTICLE II**

### **PURPOSE AND INTENT**

**SECTION 1:** These zoning regulations, adopted and amended pursuant to the provisions of K.S.A. 12-707 et. seq., and after January 1, 1992, Chapter 56 and 63 of the Laws of Kansas for 1991, are intended to serve the following purposes: (Revised, Ordinance No. 1630)

To divide the City of Bonner Springs into zones and districts;

To regulate and restrict the location and use of buildings and the uses of land within each district or zone;

To promote the health, safety, comfort and general welfare of the City;

To conserve and protect property values throughout the City; and

To restrict and regulate the height, number of stories, and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population.

## **ARTICLE III**

### **INTERPRETATION**

**SECTION 1:** In the interpretation and application of this ordinance, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, or resolution, the provisions of this ordinance shall control.

## ARTICLE IV

### BONNER SPRINGS PLANNING COMMISSION

**SECTION 1. PLANNING COMMISSION CREATED:** There is hereby created the Bonner Springs Planning Commission as authorized by Chapter 56 of the Laws of Kansas for 1991. The term "Planning Commission" as it appears in these regulations shall mean and refer to the Bonner Springs Planning Commission. (Revised, Ordinance No. 1630)

1. **MEMBERSHIP:** The Planning Commission shall be composed of not more than nine (9) members appointed by the Mayor and confirmed by the Council Members. For so long as these regulations apply to land which is located outside the corporate limits of the City, two (2) of the members shall reside outside of the corporate limits of the City but within the unincorporated area subject to the zoning regulations. No other member of the Planning Commission shall be a non resident of the City. Initially, the City shall name in the manner provided above, members to serve for terms of one (1) year, two (2) years and three (3) years, divided equally or as equally as possible, for the terms established. Thereafter, all appointments shall be for terms of three (3) years, except that appointments made to fill a vacancy that occurs before the expiration of a member's term shall be for the remainder of that unexpired term only. (Revised, Ordinance No. 1630)

Every member of the Planning Commission shall hold no salaried or elected office with the City government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties. Planning Commission members shall be registered voters. (Revised, Ordinance No. 1710, 12/5/94)

It is specifically provided that on the effective date of this ordinance, such Planning Commission as was legally in existence immediately prior to such date shall be constituted as the Planning Commission hereby created, and the terms of the then members of said Planning Commission shall expire on the same dates as were established at the time of the most recent appointment of each of such members or until their successors are duly appointed and qualified.

2. **MEETINGS: OFFICERS:** The Planning Commission shall convene for regular meetings to be held not less frequently than once a month. Said Planning Commission shall elect one member as chairman and one member as vice chairman. The terms of the office of chairman or vice-chairman shall be for one (1) year or until the successor has been elected and qualified. Special meetings of the Planning Commission may be called by the chairman, or in his or her absence, by the vice-chairman. A quorum of the Bonner Springs Planning Commission shall consist of a majority of the members.

3. **POWERS: DUTIES:** The Planning Commission shall have such powers and duties as are authorized by state law and provided for herein. As a primary function, the Planning Commission shall be responsible for the preparation, adoption, and maintenance of long-range comprehensive plans to guide the future development of the Bonner Springs land area and any unincorporated territory lying outside of the City but within the same county in which the City is located, which in the opinion of the Planning Commission, forms the total community of which the City is part.

After the adoption or amendment of said comprehensive plans, the Planning Commission shall submit the same to the Governing Body for approval. No comprehensive plan shall be effective unless approved by the Governing Body. Such comprehensive plans shall include a land use element, a circulation element and any other element required by state law or deemed necessary. The Planning Commission shall cause zoning and subdivision regulations to be prepared; and it shall submit to the Governing Body its recommendations relating to the zoning of lands and the control of subdivisions. Such studies and recommendations shall take into account the existing zoning and subdivision regulations; the anticipated physical, economic, and population trends; the distribution and density of population and proposed building intensities, as well as classes of uses to be authorized. Recommended development plans for public facilities, urban renewal, environmental sanitation and area beautification may also be considered. (Revised, Ordinance No. 1630)

The Planning Commission shall see that the comprehensive plans are altered as necessary to serve as a continuous guide to future long range planning, and that statements are prepared annually to show the recent and past growth, development trends and anticipated growth for the succeeding year, and the bearing of such trends upon the comprehensive plan.

The Governing Body shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City; and, if applicable, within any unincorporated areas subject to the same. (Revised, Ordinance No. 1630)

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## ARTICLE V

### GENERAL PROVISIONS

**SECTION 1. JURISDICTIONAL AREA:** The provisions of these regulations shall apply to all structures and land within the incorporated area of Bonner Springs, Kansas, and the following described tracts of land commonly known as the "Loring Area" or "Loring Service Area" to wit:

All that generally triangular tract of land lying in the area bounded on the north by the southern boundary of the City of Bonner Springs, Kansas; on the southeasterly side by the Kansas River; and on the westerly side by the Leavenworth County Line (142nd Street). (Revised Ordinance No. 1636).

**SECTION 2. ESTABLISHMENT OF DISTRICTS:** The jurisdictional area is hereby divided into zoning districts which are designated as follows:

"AG"	Agricultural District
"A-1"	Agricultural District
"R"	Rural Residential District
"R-S"	Suburban Residential District
"R-1"	Single-Family Residential District
"R-1A"	Residential Special District
"R-2"	Duplex Residential District
"R-3"	Multi-Family Residential District
"M-P"	Mobile Home Park District
"M-H"	Mobile Home Subdivision District
"MX"	Mixed Use District
"C-1"	Central Business District
"C-2"	General Business District
"C-S"	Highway Service District
"I-1"	Light Industrial District
"I-2"	Heavy Industrial District
"P"	Planned District

**SECTION 3. ZONING DISTRICT MAP:** The boundaries of the districts are shown on the official Zoning District Map of the City of Bonner Springs, Kansas. The Zoning District Map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such Zoning District Map with all notations, references, and other information was specifically set forth herein.

**SECTION 4. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any district on the official Zoning District Map herein incorporated by reference, the following rules shall apply:

1. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines;
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks of said railroad line;
5. Boundaries indicated as approximately following shore lines shall be construed to follow such shore lines and in the event of a change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams shall be construed to follow such centerlines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed;
7. Whenever any street, alley or other public way is vacated, a zoning district adjoining either side of said street, alley or other public way shall automatically be extended to its centerline if ownership is split along the centerline; and
8. When a lot held in single ownership on the effective date of these regulations is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district unless the application of this construction would increase the area of the less restrictive portion of the lot by more than 25 percent.

Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the official District Zoning Map.

**SECTION 5. ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS AND RAILROAD RIGHTS-OF-WAY:** All streets, alleys, public ways, waterways and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys, public ways, waterways or railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

**SECTION 6. APPLICATION OF REGULATIONS:** The regulations set forth in this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. **Permitted Uses:** No building, structure, or land shall hereafter be used or occupied, and no part of any building or structure or land thereof shall hereafter be built, erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. **Special Uses:** No use of a structure or land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use in such district unless a special use permit is secured in accordance with these regulations.

3. **Bulk Regulations:** No building or other structure shall hereafter be erected or altered to exceed height or bulk requirements of this ordinance. Where the maximum structure height is given in both stories and feet, the lesser of the two requirements shall govern.
4. **Yard Regulations:** No part of a yard or other open space required about or in connection with any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for any other building. Such yard shall be maintained for open space. (Revised Ordinance No. 1745)
5. **Lot Regulations:** Every building hereafter erected, enlarged or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on one lot, unless specifically provided for in these regulations.
  - (a) No lot area shall be reduced or diminished so that yards or other open spaces shall be smaller than prescribed by this ordinance.
  - (b) No lot of record shall be reduced or diminished in size, nor shall the density of population be increased in any manner except in conformity with these regulations and regulations related thereto for the City of Bonner Springs.
  - (c) Where a lot or tract is used for other than a single-family dwelling, two-family dwelling or manufactured home outside of a manufactured home park, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district in which the lot or tract is located. (Revised Ordinance No. 1636).
6. **Use Limitations:** If a use of any structure is hereafter changed to another, then the new use must comply with these regulations.
7. **Yard Requirements for Open Land:** If a zoning lot is or will be occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for said zoning lots shall be provided and maintained unless some other provision of these regulations requires or permits a different minimum setback, front, side or rear yard. The front, side and rear yards shall not be required on zoning lots used for garden purposes without structures, or on zoning lots used for open public recreation areas.
8. **Determination of Building Setback Line:** The building setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure.

If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum setback or front yard required by the applicable section of these regulations, then notwithstanding any other provision of these regulations, the minimum setback or minimum front yard change shall be the setback required in those regulations or a recorded plat. (Revised, Ordinance No. 1710)

**SECTION 7. ANNEXED LAND:** All territory which may hereafter be annexed to the City of Bonner Springs shall be classed as being in the same district and have the same boundaries as it had previous to annexation.

## **SECTION 8. BUILDING PERMITS**

1. No building permit shall be issued for the use or construction of any structure upon any lot, tract or parcel of land located within the area governed by these regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the Governing Body but which has not been approved in the manner provided herein or is otherwise not in compliance with these regulations.
2. Upon the receipt of a building permit application and certification by the Building Official of the City that the application is complete, said official shall affix the date of acceptance on the applications. The Building Official of the City shall issue or refuse to issue the building permit within thirty (30) days after acceptance of the complete application.

If disapproved, the applicant shall have the right appeal to perfect an appeal to the Governing Body within thirty (30) days. (Revised Ordinance No. 1636)

**SECTION 9. BUILDING CODES:** In conjunction with these regulations, the Governing Body hereby readopts and extends the jurisdiction and enforcement of the City's building codes over the Loring Area described in Article V, Section 1 of these regulations. (Revised Ordinance No. 1636).

## **SECTION 10. SITE PLANS:**

1. **SITE PLANS REQUIRED:** The owner, applicant or developer shall submit to the Planning Commission or its designated authority, a site and landscape plan for any building or addition to be constructed in R-3, MX, C-1, C-2, C-S, I-1 or I-2, Special Uses and Planned districts. Site plans at a minimum shall show a unified and organized arrangement of the building and/or buildings, off-street parking, points of ingress or egress, internal traffic circulation, site lighting, landscaping, stormwater calculations, signage, service facilities, utility locations, building service connections for water, sewer and public utilities, curb lines, neighboring curb cuts, on which the building or buildings are proposed to be located and shall minimize any adverse effects on nearby properties. The site plan and landscape plan should contain all applicable information as required by this section and as detailed on the site and landscape plan applications. The site plan will not be released for a building permit until the landscape plan has been approved by the Planning Commission and all conditions have been addressed. -

2. **LANDSCAPE PLANS:** Landscape plans may be submitted with the site plan application or as a separate application; however, the site plan will not be released for a building permit until the landscape plan has been approved by the Planning Commission.

3. **SITE PLAN REQUIREMENTS:** The minimum submittal requirements for a site plan application are listed on the Site Plan "Fact Sheet" to include the Site Plan Features and Engineering Design Requirements that must be submitted with a completed application. The property owner of record must sign the application if the applicant is not the owner of record. Site plans must reflect the current requirements established at the time of submittal. The Planning Commission shall approve all changes to the Site Plan Features and Engineering Design Requirements. The minimum requirements may be reduced by the Planning

Department for minor improvements and additions depending upon the intensity of the development.

#### 4. **SITE PLAN PROCEDURES:**

1. A pre submittal conference with the Planning Department is required prior to submittal;
2. Notice of Site Plan Review. The Planning Department shall post a sign giving notice to the public of a pending site plan review by the Planning Commission in accordance with the following procedures:
  - (a) The sign(s) shall be placed on the property at least ten (10) days prior to the scheduled meeting of the Planning Commission;
  - (b) If the property has more than one (1) abutting street, a sign shall be placed facing all streets;
  - (c) The sign(s) shall be firmly affixed on the property in a place visible from the adjoining street(s):
    - a. The sign(s) shall be placed on the subject property; and
    - b. The sign(s) shall be positioned to have no visual obstructions and be readily visible by passersby.
  - (d) The sign shall be placed by the Planning Department and shall only be removed after the Planning Commission meeting. (Once posted, signs that are misplaced or removed shall have no affect on the outcome of the meeting); and
  - (e) All costs associated with procurement and posting of the sign(s) shall be added to the costs for the requested Planning Commission action.
3. Review of Site Plans. The decision concerning compatibility and compliance with these requirements shall be with the Planning Commission. The Planning Commission can take one of the following actions when reviewing a site and landscape plan:
  - (a) Approve the site plan and landscape plan with or without conditions;
  - (b) Deny the site plan and landscape plan; or
  - (c) Return the site plan and landscape plan to the Planning Department for further review.
4. Appeal to the Governing Body. If the owner, applicant, developer or staff does not agree with the Planning Commission's decision, they may appeal the Commission's decision to the Governing Body. In order to appeal, the owner, applicant or developer must file a written request with the Planning Department within fourteen (14) days from the date of the Planning Commission's action. The written request must specify the item or items that are being appealed and the filing fee shall be paid at time of submittal. Only the listed items requested to be appealed will be reviewed. The appeal will be sent to the Governing Body for review at the next available meeting. The Governing Body may take one of three actions:
  - (a) Approve the appeal or part of the appeal with or without conditions;
  - (b) Deny the appeal;
  - (c) Return the appeal to the Planning Commission for further review; or
  - (d) Defer a decision pending further information.

5. The site plan process is not subject to the procedural requirements set forth in Article XXV.

**5. SITE PLAN REVIEW CRITERIA:** The following factors shall be considered for any multi-family, mixed use, commercial, industrial, or Planned District developments:

1. Compatibility of design and exterior materials and appearance with existing and surrounding structures;
2. Appropriate screening of mechanical equipment;
3. The building design shall include a variety of materials, with a maximum of 70% of any one material on all elevations of the structure;
4. Structure design or choice of materials required as part of any franchise type operation shall be considered;
5. Architectural design should create visual interest and variety through the use of different mixtures, complimentary colors, shadow lines and contrasting shades. The use of walls and a single color, with little detail or completely blank, is discouraged;
6. Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged;
7. The use of aluminum siding, metal roofs panels and extensive mirrored glass surfaces is discouraged;
8. Evaluation of building materials shall be based on the quality of its design in relationship and compatibility to building materials in the immediate neighborhood;
9. The City encourages the use of a variety of architectural design and building materials to give each commercial center a distinct character;
10. Loading, delivery and service bays shall be oriented away from residential areas and public streets;
11. Design and proportion of buildings shall be compatible with the scale, design and proportion of existing development in the immediate area;
12. Lengthy horizontal faces should be varied with differing heights, materials, colors, entrance canopies and landscaping; and
13. Consideration of external traffic circulation.

**6. EXPIRATION OF APPROVED SITE PLAN:** An approved site plan shall be valid if a building permit is issued within 180 days from the date of approval by the Planning Commission. If a building permit is not issued within that period the site plan shall be deemed to have expired. A written request may be made to the Planning Department for an extension addressing the reasons for the requested extension. If a site plan has expired, a new application shall be required for review and approval by the Planning Commission. (Revised Ordinance No. 2086)

**SECTION 11. OUTDOOR LIGHTING STANDARDS:** The purpose of this ordinance shall be to establish standards for the use of outdoor lighting facilities that serve private developments, to promote the following land use and public policy goals: providing adequate lighting for customers, pedestrian and driver use; provide for the efficient use of energy; mitigate effects to the night sky.

## 1. GENERAL LIGHTING STANDARDS:

Applicant may use either the “Fixture Height Standard” or the “Photometric Standard.” Either method used shall provide sufficient and safe illumination for vehicle movement and pedestrian safety. Special care is to be taken to avoid light trespass and glare onto adjacent to street rights-of-way, except by franchised utility companies or by the City of Bonner Springs, as a part of a street lighting project. Light poles may be placed in other utility easements with the approval of the Planning Commission; and if light poles are allowed to be placed in utility easements, a note shall be placed on the face of the site plan stating the following: “Property owner(s) assume all liability and replacement responsibilities for any damage to light poles placed in utility easements.” Planning Staff may approve outdoor lighting after site plan review as directed by the Planning Commission.

Single-family, duplex development projects, franchised public utility companies when working on public utility purposes in utility easements, and outdoor recreational facilities (public or private) are expressly exempt from the requirements of this Section.

Outdoor lighting plans may be required for customer and employee safety. If no lighting is proposed, a note shall be placed upon the face of the site plan indication that outdoor lighting is not required. After review by the Planning Commission an outdoor lighting plan may be required.

Illumination of the perimeter of the site shall be reduced in intensity when adjacent to lesser intensive uses or public rights-of-way measured in foot-candle (fc) at three (3) feet above grade as follows for either the fixture height or the photometric standard:

1. Site adjoining another non-residential zoning district – 3.0 fc
2. Site adjoining agricultural/residential zoning districts – 0.5 fc
3. Site adjoining public rights-of-way – 3.0 fc

## 2. LIGHTING LEVEL MEASUREMENTS:

Light levels shall be measured with a direct-reading, portable light meter, calibrated within the last year by an independent laboratory regularly engaged in the calibration of such instruments. The meter’s sensor shall be located at the top of the visual screening fence on the property line (or at a height of three (3) feet above the surrounding local grade if there is no fence), aimed towards the commercial property in horizontal position. Readings shall be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these two readings will then be compared to the maximum allowed illumination at the property line.

In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the sources in question can be determined.

**Fixtures Height Standard:** All outdoor lighting shall be shielded fixtures. Light fixtures shall be parallel to the final grade and installed so that no direct light will shine beyond the subject property. The height of light poles and fixtures shall be approved through the site plan process. Planning staff may approve outdoor lighting plan as directed by the Planning Commission as a condition of the site plan approval.

The submitted lighting plan shall include the following:

1. A scale drawing of the site with all outdoor lighting locations shown;
2. Fixtures specifications, including catalog cut-sheets or generic standards;
3. Pole type and height of fixture from base of the pole;
4. Lamp type and size; and
5. Fixture mounting, and orientation.

Allowable heights of light fixtures shall be measured from the light-emitting surface to the base of the pole location as follows:

1. Maximum height of sixteen (16) feet, within fifty (50) feet of agricultural/residential zoned districts, or public right-of-way;
2. Maximum height of twenty (20) feet, within fifty-one (51) feet to two hundred fifty (250) feet of agricultural/residential zoned districts, or public right-of-way;
3. Maximum height of thirty-five (35) feet, if located a minimum two hundred fifty-one (251) feet from agricultural/residential zoned districts, or public right-of-way;
4. Maximum fixture height shall not exceed thirty-five (35) feet; and
5. Canopy lighting shall be by recessed fixtures with diffusers that do not extend below the canopy surface.

**Photometric Standard:** A photometric plan is required to be submitted unless the “fixture height standard” is utilized. If the “photometric standard” is desired to increase pole heights, the applicant shall submit a photometric plan in sufficient detail to evaluate it’s conformance with standards and guidelines as set forth below. The photometric plan shall include the following:

1. A scale drawing of the site with all outdoor lighting locations shown;
2. Fixture specifications, including catalog cut-sheets or generic standards;
3. Lamp type and size;
4. Fixture mounting heights, mounting heights, mounting orientation, and tilt angles if applicable;
5. A representative point-by-point illumination array for the site showing property lines and off site lighting impacts;
6. The maximum fixture height shall not exceed thirty-five (35) feet as measured from the vase of the fixture to the base of the pole;
7. Canopy lighting shall use recessed fixtures with diffusers that do not extend below the canopy surface. (Revised Ordinance No. 2068).

## ARTICLE V-A

### “AG” AGRICULTURAL DISTRICT

**SECTION 1. PURPOSE:** It is the purpose of this district to provide for agricultural and related uses, and to preserve and protect agricultural resources; and to provide a zoning district in which land not ready for development may be located. This zone is intended to retain a farming community environment. This zoning district applies to the Loring Service Area only as defined in Article V, General Provisions, Section 1, Jurisdictional Area. (Revised Ordinance No. 1636 and No. 1710)

**SECTION 2. PERMITTED USES:** Farms, single family residences, including residential-design manufactured homes and group homes as defined in these regulations and certain public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A & B of these regulations. (Revised Ordinance No. 1636).

#### **SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area

- (a) Every lot of land upon which a residential building is to be erected shall have an area of not less than twenty (20) acres and a minimum road or street frontage of six-hundred sixty (660) feet.
- (b) Every lot or tract of land which is used for any other permitted use within the "AG" Agricultural District shall have a minimum area of not less than 80,000 square feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Two and one-half (2 1/2) stories, or thirty-five (35) feet. (Revised ordinance No. 1636).

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows: (Revised Ordinance No. 1636)

1. Front Yard: Fifty (50) feet for residential dwellings and one hundred (100) feet for all other permitted uses.
2. Side Yard: Thirty (30) feet for residential dwellings and one hundred (100) feet for all other permitted uses.
3. Rear Yard: Fifty (50) feet for residential dwellings and one hundred (100) feet for all other permitted uses.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

**SECTION 6. MANUFACTURED HOME:** All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

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## ARTICLE VI

### “A-1” AGRICULTURAL DISTRICT

**SECTION 1. PURPOSE:** It is the purpose of this district to provide for agricultural and related uses; and to preserve and protect agricultural resources; and to provide a zoning district in which land not yet ready for development may be located.

**SECTION 2. PERMITTED USES:** Farms, single-family residences, including residential-design manufactured homes and group homes and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised Ordinance No. 1636).

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum lot area: Three (3) acres for all uses.
2. Minimum lot width: Two hundred ten (210) feet

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: In agricultural districts the front yard shall be the minimum right-of-way required by the major street plan plus twenty- five (25) feet.
2. Side Yard: Fifteen (15) feet
3. Rear Yard: Forty (40) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. MANUFACTURED HOME:** All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

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## ARTICLE VI-A

### “R” RURAL RESIDENTIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for very low density single-family residential development including those uses which reinforce residential neighborhoods at a density less than that of the R-S District. This zoning district applies to the Loring Service Area only as defined in Article V, General Provisions, Section 1, Jurisdictional Area. (Revised Ordinance No. 1636 and No. 1710, 12/5/94)

**SECTION 2. PERMITTED USES:** Single-family residences and those in the "AG" Agricultural District, except that a private stable shall not be erected or used on any lot containing less than one (1) acres, no raising of poultry or livestock shall be permitted upon any farm or truck garden of less than five (5) acres or on a scale that would be objectionable because of noise or odor to surrounding residences and any detached accessory building shall be located not less than sixty (60) feet from the front lot line. Such uses shall include residential-design manufactured homes and group homes as defined in these regulations. For a specific listing of permitted uses, and uses permitted by special use permit, see Appendices A & B of these regulations. (Revised Ordinance No. 1636).

#### **SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum lot area: Five Acres
2. Minimum lot width: Three Hundred Thirty (330) feet

**SECTION 4. HEIGHT REGULATIONS:** Minimum structure heights: Two and one-half (2 1/2) stories, or thirty-five (35) feet. (Revised ordinance No. 1636).

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of ARTICLE XXII, minimum yard sizes shall be as follows: (Revised Ordinance No. 1636) .

1. Front Yard: Fifty (50) feet
2. Side Yard: Ten (10) feet. A side yard fronting a street shall be feet thirty (30) feet.
3. Rear Yard: Thirty (30) feet. A rear yard fronting a street shall be fifty (50) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. MANUFACTURED HOME:** All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

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## ARTICLE VII

### “R-S” SUBURBAN RESIDENTIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for low density single-family residential development, including those uses which reinforce residential neighborhoods.

**SECTION 2. PERMITTED USES:** Single-family residences including residential-design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses, and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630)

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum lot area: One acre
2. Minimum lot width: One hundred sixty-five (165) feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty-five (25) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. MANUFACTURED HOME:** All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

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## ARTICLE VIII

### “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for single-family residential development at a higher density than the "R-S" District, including those uses which support and encourage residential neighborhoods.

**SECTION 2. PERMITTED USES:** Single-family residences, including residential design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630)

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum lot area: Seven thousand (7,000) square feet
2. Minimum lot width: Sixty (60) feet

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet.
2. Side Yard: Seven and one-half (7-1/2) feet, except where utility easements are required, then the minimum side yard must be ten (10) feet.
3. Rear Yard: Twenty-five (25) feet. The Planning Staff as designated by the City Manager shall average irregular yard dimensions to establish setback requirements. Should the average dimension meet the requirement of the zoning district, a building permit shall be issued if requested. Should the average dimension not meet the requirements of the zoning district, the application for a building permit shall be denied. (Revised Ordinance No. 1648)
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. MANUFACTURED HOME:** All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

**SECTION 7. RESIDENTIAL STRUCTURE ORIENTATION:**

1. The main entrance of any residential structure shall be oriented parallel to the street right-of-way line; and
2. On corner lots, the entrance of any residential structure shall be oriented parallel with, or at an angle not to exceed 45 degrees between the street right-of-way lines.

**SECTION 8: SCREENING REQUIREMENTS:** Residential subdivision landscape plans for all low and moderate intensity residential districts shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirement shall be installed and maintained at the property owner’s expense.

1. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas.

## ARTICLE IX

### “R-1A” RESIDENTIAL SPECIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for single-family residential development as well as appropriate multiple-family residential development at a higher density than the "R-S" District, including those uses which support and encourage residential neighborhoods.

**SECTION 2. PERMITTED USES:** Single-family residences, including residential-design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630)

#### **SECTION 3. INTENSITY OF USE REGULATIONS**

1. Minimum lot area: Seven thousand (7,000) square feet
2. Minimum lot width: Sixty (60) feet

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Seven and one-half (7-1/2) feet, except where utility easements are required, then the minimum side yard must be ten (10) feet.
3. Rear Yard: Twenty-five (25) feet. The Planning Staff as designated by the City Manager shall average irregular yard dimensions to establish setback requirements. Should the average dimension meet the requirement of the zoning district, a building permit shall be issued if requested. Should the average dimension not meet the requirements of the zoning district, the application for a building permit shall be denied. (Revised Ordinance No. 1648)
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

**SECTION 6. MANUFACTURED HOME:** All manufactured homes residential design shall meet all of the aesthetic requirements listed under Article XXII: Supplementary District Regulations, Section 10: Manufactured Home. (Revised Ordinance No. 2126)

#### **SECTION 7. RESIDENTIAL STRUCTURE ORIENTATION:**

1. The main entrance of any residential structure shall be oriented parallel to the street right-of-way line; and
2. On corner lots, the entrance of any residential structure shall be oriented parallel with, or at an angle not to exceed 45 degrees between the street right-of-way lines.

**SECTION 8: SCREENING REQUIREMENTS:** Residential subdivision landscape plans for all low and moderate intensity residential districts shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirement shall be installed and maintained at the property owner’s expense.

1. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas.

## ARTICLE X

### “R-2” DUPLEX RESIDENTIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, to encourage strong residential neighborhoods.

**SECTION 2. PERMITTED USES:** Single-family residences, two-family residences, including residential-design manufactured homes and group homes as defined in these regulations, and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

#### SECTION 3. INTENSITY OF USE REGULATIONS

1. Minimum lot area: Seven thousand (7,000) square feet for single-family lots and eight thousand (8,000) square feet for two-family lots.
2. Minimum lot width: Seventy (70) feet

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty-five (25) feet. The Planning Staff as designated by the City Manager shall average irregular yard dimensions to establish setback requirements. Should the average dimension meet the requirement of the zoning district, a building permit shall be issued if requested. Should the average dimension not meet the requirements of the zoning district, the application for a building permit shall be denied.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

**SECTION 6. SCREENING REQUIREMENTS:** Residential subdivision landscape plans for all low and moderate intensity residential districts shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirement shall be installed and maintained at the property owner’s expense.

1. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6)

feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas.

## ARTICLE XI

### “R-3” MULTI-FAMILY RESIDENTIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for high density residential development, including multi-family residences, in strong residential neighborhoods.

**SECTION 2. PERMITTED USES:** Multi-family dwellings, nursing homes and boarding houses are permitted. For a specific listing of permitted uses and uses permitted by special use permits, see Appendices A and B of these regulations

#### **SECTION 3. INTENSITY OF USE REGULATIONS**

1. Minimum Lot Area:

- (a) Two thousand (2,000) square feet per dwelling unit with a minimum lot requirement of nine thousand (9,000) square feet.
- (b) Nursing Homes and Boarding Homes: Five hundred (500) square feet per occupant.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height Three (3) stories, or forty-five (45) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty-five (25) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. USE LIMITATIONS:** The maximum density of dwelling units permitted in an “R-3” district is eighteen (18) units per acre with a minimum of seventeen (17) percent open space. (Revised Ordinance No. 2172).

**SECTION 7. SCREENING REQUIREMENTS:** Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);

2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

## ARTICLE XII

### “M-P” MANUFACTURED HOME PARK DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for medium density manufactured home parks which are compatible with the character of the surrounding neighborhood in which it is located. Manufactured home developments are residential uses and shall be located in areas where services and amenities found in conventional residential areas are available. (Revised Ordinance No. 1636).

**SECTION 2. PERMITTED USES:** Manufactured homes not on permanent foundations are permitted. For a specific listing of other permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised, Ordinance No. 1630, 1636 and No. 1710, 12/5/94)

#### **SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area:

- (a) Manufactured Home Park: Ten (10) acres
- (b) Each manufactured home space shall be at least 45 feet wide and 90 feet deep.

2. Minimum Lot Width:

- (a) Manufactured Home Park: Two hundred (200) feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Thirty (30) feet shall be provided around the periphery of all manufactured home parks.
2. Side Yard: Thirty (30) feet
3. Rear Yard: Thirty (30) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

**SECTION 6. USE LIMITATIONS:** Each manufactured home park shall be designed in accordance with the following minimum design standards:

1. Minimum Design Standards:

- (a) The manufactured home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;
- (b) The manufactured home park shall have a maximum density of eight (8) manufactured homes per gross acre, and a minimum area of 4,050 square feet shall be provided for each manufactured home lot;
- (c) Each lot for a manufactured home shall be at least 45 feet wide and 90 feet deep;

- (d) Clearance of not less than twenty (20) feet between manufactured homes or between a manufactured home and any building within the manufactured home park shall be required;
  - (e) Each manufactured home lot shall front upon a private roadway of not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width of the private roadway shall be increased to thirty (30) feet, and if parallel parking is permitted on both sides of the street, the width of the private roadway shall be increased to thirty-six (36) feet. All roadways shall have access to a public street;
  - (f) All roadways and sidewalks within the manufactured home park shall be constructed to the standards of public streets in the City of Bonner Springs and shall be adequately lighted at night; and
  - (g) Each manufactured home shall be fully skirted with commercial grade skirting.
2. Water Supply:
- (a) Water shall be supplied to the manufactured home park by a public water system;
  - (b) The size, location and installation of water lines shall be in accordance with the requirements of the City of Bonner Springs; and
  - (c) Individual water service connections shall be provided at each manufactured home lot.
3. Sewage Disposal:
- (a) Sewage disposal shall be provided to the manufactured home park by a public sewer system;
  - (b) The size, location and installation of sewer lines shall be in accordance with the requirements of the City of Bonner Springs; and
  - (c) Individual sewer service connections shall be provided at each manufactured home lot.
4. Electrical: Each manufactured home lot shall be provided with an individual electrical outlet supply which shall be installed in accordance with the requirements of the City of Bonner Springs.
5. Gas: Natural gas hookups, when provided, shall be installed in accordance with the regulations of the City of Bonner Springs.
6. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et seq.
7. Blocking: All manufactured homes shall be blocked in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et seq.
8. Refuse and Garbage Handling:
- (a) Storage, collection and disposal of refuse in a manufactured home park shall be required so as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution; and
  - (b) All refuse shall be stored in fly-tight, watertight, rodent- proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.

9. Pad Requirements: The pad for each manufactured home shall be of a concrete surface of a minimum of two eighteen (18) inch wide ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.
10. Recreational Area: A recreational area shall be provided at a central location in the manufactured home park at the rate of 200 square feet for each trailer space.
11. Buffering: A solid fence or wall and a 10-foot landscaped buffer area shall be provided between the Manufactured Home Park District and any adjoining property zoned for residential purposes. The solid fence or wall shall be not less than four feet high nor more than six feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.
12. Laundry Facilities: Laundry facilities for the exclusive use of the manufactured home occupants shall be provided.
13. Storm Shelters: A storm shelter shall be provided to give protection to all residents of the manufactured home park.
  - (a) The storm shelter shall be constructed to provide adequate protection from tornadoes and high winds;
  - (b) The storm shelter shall provide a minimum of thirty (30) square feet per manufactured home pad; and
  - (c) The storm shelter shall comply with the applicable codes and ordinances as adopted by the City of Bonner Springs.

#### **SECTION 7. APPLICATION REQUIREMENTS:**

1. An applicant for "M-P" Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park Plan, drawn to a scale of not less than 1" = 100' , and twenty (20) copies of said Plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the Minimum Design Standards and shall have contours shown at two (2) foot intervals.
2. Upon approval of the preliminary manufactured 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 their review and final action.
3. Any substantial deviation from the approved plan, as determined by the Building Official, shall constitute a violation of these regulations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and Governing Body prior to the issuance of a building permit for the construction of the manufactured home park.

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## ARTICLE XIII

### “M-H” MANUFACTURED HOME SUBDIVISION DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the manufactured home owner. (Revised Ordinance No. 1630)

**SECTION 2. PERMITTED USES:** Manufactured homes on permanent foundations and related public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations. (Revised Ordinance No. 1630)

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area: Seven thousand (7,000) square feet.
2. Minimum Lot Width: Sixty (60) feet.
3. Minimum Site Area: Ten (10) acres.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet.
2. Side Yard: Seven and one-half (7 ½ ) feet, except where utility easements are required, then the minimum side yard must be ten (10) feet.
3. Rear Yard: Twenty-five (25) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

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## ARTICLE XIV

### “MX” MIXED USE DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to permit the grouping of office, retail and residential uses which are intended by design and use.

**SECTION 2. PERMITTED USES:** Office, retail and residential uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

**SECTION 3. INTENSITY OF USE REGULATIONS:** Area occupied by buildings in this district shall not exceed forty (40) percent of the ground area on which the buildings are located.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Three (3) stories, or forty-five (45) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty (20) feet
2. Side Yard: Ten (10) feet
3. Rear Yard: Twenty (20) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments.

**SECTION 6. USE LIMITATIONS:** Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than 200 square feet.

**SECTION 7. SCREENING REQUIREMENTS:** Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);
2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;

4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

## ARTICLE XV

### “C-1” CENTRAL BUSINESS DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide a zone which is suitable for retail shopping and offices that are typically located in the central business district area of a city. (Revised, Ordinance 1710, 12/5/94)

**SECTION 2. PERMITTED USES:** The retailing of goods and services, public and semi-public uses, and second story apartments are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area: None, except as required to meet fire code.
2. Minimum Lot Width: None

**SECTION 4. HEIGHT REGULATIONS:** Maximum height of structure: Three (3) stories, or forty-five (45) feet.

**SECTION 5. YARD REQUIREMENTS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: None.
2. Side Yard: None.
3. Rear Yard: None.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. USE LIMITATIONS:** Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than 200 square feet.

**SECTION 7. SCREENING REQUIREMENTS:** Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);

2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

## ARTICLE XVI

### “C-2” GENERAL BUSINESS DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide for those commercial uses which cannot reasonably be located in the downtown and which require direct access to major streets.

**SECTION 2. PERMITTED USES:** The retailing of goods and services and public and semi-public uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of the regulations.

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area: Six thousand (6,000) square feet.
2. Minimum Lot Width: Sixty (60) feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Three (3) stories, or forty-five (45) feet.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty (20) feet
2. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard of ten (10) feet.
3. Rear Yard: Twenty (20) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. USE LIMITATIONS:** Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods and equipment; provided, however, that vending machines and the temporary display and sales of seasonal retail goods shall be permitted. (Revised, Ordinance No. 1710, 12/5/94)

**SECTION 7. SCREENING REQUIREMENTS:** Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);

2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

## ARTICLE XVII

### “C-S” HIGHWAY SERVICE DISTRICT

**SECTION 1. PURPOSE:** The purpose of this district is to provide a zone which is suitable for limited highway services grouped on a single tract.

**SECTION 2. PERMITTED USES:** The retailing of goods and services, public and semi-public uses, are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Area: Any parcel of land to be used in a Highway Service District shall contain not less than 15,000 square feet. (Revised Ordinance No. 1710, 12/5/94)
2. Minimum Width: One-hundred and fifty (150) feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum height of structure: Three (3) stories, or forty-five (45) feet.

**SECTION 5. YARD REQUIREMENTS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty-five (25) feet.
2. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard of fifteen (15) feet.
3. Rear Yard: Twenty-five (25) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. USE LIMITATIONS:** Any manufacturing or assembly of products shall be conducted entirely within an enclosed structure. Merchandise appropriate for the permitted use may be displayed or stored outside. (Revised, Ordinance No. 1710, 12/5/94)

**SECTION 7. SCREENING REQUIREMENTS:** Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);

2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6) feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and
5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

## ARTICLE XVIII

### “I-1” LIGHT INDUSTRIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of the district is to permit industrial uses that are not obnoxious due to appearance, noise, dust, or odor; that do not require intensive land coverage; and that can be compatibly developed with adjacent districts.

**SECTION 2. PERMITTED USES:** Warehousing, manufacturing, wholesaling and repair uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area: Forty-eight hundred (4,800) square feet.
2. Minimum Lot Width: Forty (40) feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum height of structure: Three (3) stories, or forty-five (45) feet when a building or structure is within 150 feet of a residential district; seventy-five (75) feet when the building or structures are greater than 150 feet from a residential district.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty (20) feet
2. Side Yard: None, unless the lot abuts a residential district in which case there shall be a side yard of fifteen (15) feet.
3. Rear Yard: Twenty (20) feet
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. USE LIMITATIONS:**

1. All operations and activities shall be conducted within an enclosed building or buildings, except as follows:
2. Outside Storage: (See Section 7: Screening Requirements)
  - (a) No material or equipment shall be stacked or piled to a height greater than six (6) feet. Single large items which exceed six feet in height, such as large machinery, are exempt from the height restrictions;
  - (b) A screening plan shall be submitted to the Planning Department or his/her designee for review and approval; and
  - (c) The Board of Zoning Appeals may vary the height of such screen or may waive the requirement for a screen where the Board finds:

- 1) Extraordinary or exceptional topographical conditions or other unusual circumstances exist; or
  - 2) The screening requirements are not practical and will not achieve the intent of this ordinance or are financially burdensome on the owner/applicant when compared to the benefit attained by adjacent property owners or the public; and
  - 3) All conditions set out in Article XXVI, entitled Board of Zoning Appeals, Section 3, Powers and Jurisdictions subparagraph 2(b) are specifically found to exist, and the Board shall make findings of the fact and render its decision in writing. (Revised, Ordinance No. 1539)
3. No use shall be permitted or so operated as to produce or emit:
- (a) Smoke or particulate matter of a number 1 or darker on the Ringlemann Chart;
  - (b) Fly ash, radiation, gases, heat or other effects which violate any City, State or Federal regulations;
  - (c) Glare or illumination in excess of 0.5 foot candles when measured in an abutting residential zone;
  - (d) Vibration or concussion exceeding 0.3 inches particle velocity per second at the property line; and
  - (e) Noise levels in excess of 80 db (A) for a sustained length of time measured at any point along the property line.
4. Outside storage areas shall be paved with an all weather, dust free surface. (Revised Ordinance No. 1779, April 7, 1997)

**SECTION 7. SCREENING REQUIREMENTS:** Site and landscape plans for all high-density residential projects and all commercial, office and light industrial projects shall include a detailed drawing of the screening methods as provided hereafter. For the purpose of the section, the phrase “screened from public view” means not visible from adjoining properties or any street right-of-way. The below listed screening requirements shall be installed and maintained at the property owner’s expense.

1. Trash, grease, and business recycling enclosures shall be screened from public view on all four sides. The screening shall be a minimum of six (6) foot solid opaque fence constructed of wood, masonry or other compatible building material. The enclosure shall be constructed large enough to fully enclose the trash, grease and business recycling receptacle(s);
2. Exterior ground-mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping, fencing or with an architectural treatment compatible with the building architecture;
3. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture;
4. All uses which back up to any arterial or collector street or highway, shall be screened with a solid opaque fence, wall, landscaping, berming or any combination to provide screening of the rear yards. This screening shall be not less than six (6)

feet or more than eight (8) feet in height; provided that such screening shall not be constructed in any drainage easement, established floodplain, or site triangle areas; and

5. A minimum of six (6) foot screening shall be solid opaque fence, wall, landscaping, berming or any combination to screen from all adjoining lower intensity zoning districts.

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## ARTICLE XIX

### "I-2" HEAVY INDUSTRIAL DISTRICT

**SECTION 1. PURPOSE:** The purpose of the district is to allow basic or primary industries which are generally incompatible with residential or commercial uses.

**SECTION 2. PERMITTED USES:** Warehousing, wholesaling, repair, manufacturing and fabrication uses are permitted. For a specific listing of permitted uses and uses permitted by special use permit, see Appendices A and B of these regulations.

**SECTION 3. INTENSITY OF USE REGULATIONS:**

1. Minimum Lot Area: Forty eight hundred (4,800) square feet.
2. Minimum Lot Width: Forty (40) feet.

**SECTION 4. HEIGHT REGULATIONS:** Maximum structure height: Three (3) stories, or forty-five (45) feet when a building or structure is within 150 feet of a residential district; 150 feet when a building or structure is greater than 150 feet from a residential district.

**SECTION 5. YARD REGULATIONS:** Except as modified by the provisions of Article XXII, minimum yard sizes shall be as follows:

1. Front Yard: Twenty (20) feet
2. Side Yard: None, unless the lot adjoins a residential district, in which case there shall be a side yard of fifteen (15) feet.
3. Rear Yard: None, unless the lot adjoins a residential district, in which case there shall be a rear yard of twenty (20) feet.
4. Encroachments: Under no circumstances will structures encroach into easements, required yards or rights-of-way. Encroachments shall not include chimneys, balconies, roof overhangs, etc., two feet above grade and not extending more than three (3) feet into the setback. Structural retaining walls that are not part of a larger structure also shall not be considered as encroachments. (Revised, Ordinance No. 1884, 12/20/99)

**SECTION 6. USE LIMITATIONS:**

1. A solid or semi-solid wall, fence or hedge at least six (6) feet in height, with a density of at least seventy (70) percent per square foot shall be provided along any property line which is directly adjacent to any residential district. Said wall, fence or hedge shall be maintained in good condition by the owner or owners of the property.
2. All refuse generated by uses in this district shall be kept in enclosed, rodent-proof containers until removed from the property. All refuse containers shall be screened from any adjacent residential uses.
3. No use shall be permitted or so operated as to produce or emit:
  - (a) Smoke, dust or particulate matter shall be in accordance with the Kansas Air Quality Control Act and applicable Federal Regulations;

- (b) Fly ash, radiation, gases, heat or other effects which violate any City, State or Federal Regulations;
  - (c) Glare or illumination in excess of 0.5 foot candles when measured in an abutting residential zone; and
  - (d) Noise levels in excess of 90 db (A) for a sustained length of time measured at any point along the property line.
4. In addition, any use involving the mining, quarrying, excavating, and/or stockpiling of rock, gravel, sand and other earth material and the processing of same other than reclamation, road construction and drainage activities, must comply with the following additional performance standards:
- (a) No such use or activity shall be conducted within 200 feet of a residential district without a special use permit;
  - (b) Obtaining of an annual blasting permit and compliance with all conditions of said permit; .
  - (c) Shall manage development so that storm water runoff shall not cause or increase downstream flooding conditions during the 100 year storm beyond that which would have occurred prior to the development;
  - (d) Submission of a plan for the reclamation of the site prior to the opening of an operation. Said plan shall detail the methods to be used to control soil erosion and for the restoration of the site. Said plan shall be approved by the Planning Commission prior to commencing the operation;
  - (e) Annual submission of information regarding quarry status and mining operations shall be submitted to the City; and
  - (f) Compliance with any additional performance standards established at the time of zoning or special use permit.
5. Outside storage areas shall be paved with an all weather, dust free surface. (Revised Ordinance No. 1779, April 7, 1997)

## ARTICLE XX

### “P” PLANNED DISTRICTS

**SECTION 1. PURPOSE:** The purpose of this district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in planned districts; to provide a framework within which the buildings and uses in the planned district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space.

**SECTION 2. USE OF THE “P” DISTRICT:** The Planned District shall be utilized in conjunction with one or more of the zoning districts, known as the "underlying district(s)". The requirements of the “P” District shall be in addition to the requirements of the underlying district, except that the “P” District may modify some of the regulations of the underlying district in specific situations.

An application for rezoning to the “P” District shall include a Preliminary Development Plan and shall include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by “P”. For example, a Planned District of an “R-2” District shall be known as “R-2-P”.

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Preliminary Plat and the required construction documents for all public improvements. The Final Development Plan and Final Plat may be concurrently submitted for approval. No building or occupancy permits shall be issued until a Final Development Plan has been approved and the Final Plat has been filed with the County. (Revised, Ordinance No. 2079)

**SECTION 3. PERMITTED USES:** Any use permitted in the underlying zone shall be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Commission.

**SECTION 4. HEIGHT REGULATIONS:** The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one (1) floor or fifteen (15) feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.

**SECTION 5. YARD REGULATIONS:** The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulation may be reduced upon a showing of 1) sufficient open space accessible to occupants; 2) a separation between structures for fire-fighting purposes; and 3) that there is consistency with the visual character of the community. No yard reductions shall be permitted for those yard spaces which abut another district.

#### **SECTION 6. USE LIMITATIONS:**

1. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition nor inconvenience in the area.

2. Structures and traffic shall be arranged so that all principal buildings are accessible to emergency vehicles.
3. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
4. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
5. Approval of the Final Development Plan may be conditioned by the Planning Commission or Governing Body to minimize any negative impact on the community.

**SECTION 7. APPLICATION FOR REZONING:** A petition to change to a “P” Planned District shall be filed with the Planning Department, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.

**SECTION 8. APPROVAL PROCEDURE:** The approval by the Governing Body of the Preliminary Development Plan and the concurrent rezoning to the "P" District shall be preceded by the publication and mailing of notice, a Public Hearing, and a recommendation by the Planning Commission in the manner set forth for rezoning in Article XXV (Amendments) of these regulations.

When the Planning Commissions submits a recommendation of approval or disapproval of the Preliminary Development Plan and the concurrent recommendation of approval or disapproval of the Preliminary Development Plan and the concurrent rezoning to the “P” District and the reasons therefore, the Governing Body may: (1) Adopt such recommendation by ordinance; (2) override the Planning Commission's recommendation by a two-thirds (2/3) majority vote of the membership of the Governing Body; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may review or amend and adopt such recommendation by ordinance, or it need take no further action thereon. If a valid protest petition against a zoning amendment has been filed, the ordinance adopting such amendment shall not be passed except by at least a three-fourths (3/4) vote of all the members of the Governing Body. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed Preliminary Development Plan and rezoning shall become effective upon publication of the adopting ordinance. Approval of the Preliminary Development Plan shall be valid for two (2) years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the

period of validity an additional two (2) years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan. (Revised Ordinance No. 1630)

**SECTION 9. PRELIMINARY DEVELOPMENT PLAN:** The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1" = 100', and shall include:

1. Boundaries of project with dimensions to scale;
2. Contour intervals of two (2) feet;
3. Proposed size, height, location and arrangement of buildings, parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;
4. Drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures in compliance with the City's adopted design criteria and standard specifications; (Revised, Ordinance No. 1875)
5. General landscape plan to include location and height of all walls, fences, signs and screen plantings;
6. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of a Final Development Plan;
7. Phases of final development;
8. Name and address of owner, applicant and engineering firm which prepared the plan;
9. Seal of engineering firm licensed in the State of Kansas developing the plan, scale, north point and date of plan;
10. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the building materials to be used or other similar factors; and the following factors shall be considered as to any commercial or industrial developments located within one quarter of a mile (1,320 feet) of the right of way of Highway K-7 or Highway K-32:
  - (a) Compatibility of design and exterior materials and appearance with existing and surrounding structures.
  - (b) Appropriate screening of mechanical equipment.
  - (c) The building design should include a variety of materials, with a maximum of 70% of any one material on the side of the structure facing the primary street frontage.
  - (d) Structure design or choice of materials required as part of any franchise type operation shall be considered.
  - (e) All commercial or industrial developments shall be required to submit design and exterior material criteria, which standards shall be submitted with the Preliminary Development Plan, and approved by the City as part of the Preliminary Development Plan, and approved by the City as part of the Preliminary and Final Development Plan.

- (f) The ultimate decision concerning compatibility and compliance with these standards shall be with the Planning Commission and City Council.
  - (g) Architectural design should create visual interest and variety through the use of different mixtures, complimentary colors, shadow lines and contrasting shades. The use of walls and a single color, with little detail or completely blank, is discouraged.
  - (h) Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged.
  - (i) The use of aluminum siding, metal roofs panels and extensive mirrored glass surfaces is discouraged.
  - (j) Evaluation of building materials shall be based on the quality of its design in relationship and compatibility to building materials in the immediate neighborhood.
  - (k) The City encourages the use of a variety of architectural design and building materials to give each commercial center a distinct character.
  - (l) Loading, delivery and service bays shall be oriented away from residential areas and public streets.
  - (m) Design and proportion of buildings shall be compatible with the scale, design and proportion of existing development in the immediate area.
  - (n) Lengthy horizontal faces should be varied with differing heights, materials, colors, entrance canopies and landscaping. (Revised, Ordinance No. 1813)
11. Fourteen (14) copies shall be submitted.
12. The location of each outdoor trash storage receptacle which shall be screened. (Revised Ordinance No. 1745)

**SECTION 10. FINAL DEVELOPMENT PLAN:** The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

- 1. Contour lines shall show finished grading only;
- 2. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and
- 3. Drawings showing the size, appearance and method of illumination for each sign.

The Final Development Plan shall substantially conform to the approved Preliminary Plan and shall include a construction schedule of development. A final approval by the Governing Body shall authorize construction to begin according to the construction schedule subject to the issuance of a building permit. (Revised Ordinance 1779)

**SECTION 11. BUILDING PERMITS:** The Building Official shall after submission and review of two (2) complete sets of building plans and specifications issue a building permit. The Building plans shall include the site layout sheet, landscape sheet, grading sheet, etc., as contained in the Final Development Plan. The Planning Department shall verify conformance with the approved Final Development Plan. (Revised ordinance 1779)

**SECTION 12. AMENDMENTS:** If any substantial variation or rearrangement of buildings, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

**SECTION 13. OPEN SPACE:** The Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

1. Open Space Requirements: If the Planning Commission requires open space, the City and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the City, and enforcement.
2. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City.

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## **ARTICLE XXI**

### **“PUD” PLANNED UNIT DEVELOPMENT DISTRICT**

**SECTION 1. PURPOSE:** The “PUD” Planned Unit Development District is intended to only provide a suitable classification for land included in a “PUD” Planned Unit Development approved on or before January 13, 2005. This District is expressly not intended for implementation through application to additional land after January 13, 2005. For “Planned Developments” after that date shall utilize the “P” Planned Districts under Article XX as amended. (Revised, Ordinance No. 2075)

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## ARTICLE XXII

### SUPPLEMENTARY DISTRICT REGULATIONS

**SECTION 1. HEIGHT REGULATIONS:** Chimneys, cooling towers, elevator head-houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, ornamental towers, and spires, church steeples, antennas (not for commercial purposes) or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations. In all districts, one (1) additional foot of height above the specified height limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot, provided the application is submitted to the Planning Department and approved by both the Planning Commission and Governing Body.

**SECTION 2. LOT SIZE REQUIREMENTS AND BULK REGULATIONS FOR PUBLIC UTILITY FACILITIES:** Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located:

1. Electric and telephone substations and distribution systems.
2. Gas regulator stations.
3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas or water.
4. Pumping stations.
5. Radio, television and microwave transmitting or relay stations and towers.
6. Transformer stations.
7. Water towers or standpipes.

**SECTION 3. YARD REGULATIONS:**

1. Minimum Yard Requirements: The yard requirements heretofore established shall be adjusted in the following cases:
  - (a) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
    - (1.) Where no lots within the same block front on one of the two intersecting streets, the side yard requirements along such street shall be fifteen (15) feet.
    - (2.) The buildable width of a lot of record at the effective date of this ordinance shall not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard five (5) feet in width along the side street.

**SECTION 4. ACCESSORY BUILDINGS:** No accessory building shall be erected in the front of the house with the exception of gazebos or similar decorative structures. Also, no accessory building shall be erected in the any required yard, and shall not be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory building shall cover more than thirty (30) percent of the required rear yard. No accessory building shall be erected on or over a utility easement. No accessory structure or use as defined in these regulations shall be built, moved or remodeled, altered or enlarged unless such structure or use is permitted by these regulations.

Accessory buildings shall not be erected on properties where no main structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock. Accessory buildings which are erected on property where no main building exists shall not have sewer facilities within the accessory structure.

**SECTION 5. TEMPORARY USES PERMITTED:** No temporary structure or use shall be built, moved, remodeled, altered or enlarged unless the temporary structure or use is permitted by these regulations. (Revised, Ordinance No. 1745)

1. **Christmas Tree Sales:** Christmas tree sales are permitted in any business or industrial district for a period not to exceed sixty (60) days. There are no yard or setback requirements, provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.
2. **Temporary, Contractors, or Seasonal Business or Ticket Office and Equipment Sheds:** Contractors or other temporary and seasonal business offices and equipment sheds accessory to construction projects or other temporary or seasonal businesses are permitted and may continue only during the duration of such project, or, if a seasonal business, for a period of no longer than six (6) months. Such uses may not include sleeping or cooking accommodations. A permit shall be obtained from the Codes Department for such temporary structures.
3. **Real Estate Offices:** Real estate offices are permitted where they are located on-site and are incidental to a new housing development, provided that such uses continue only until the sale or lease of all dwelling units in the development. Such uses may not include sleeping or cooking accommodations unless located in a model dwelling unit and sales must be limited to housing within the new housing development.
4. **Seasonal Sales:** Seasonal sales of farm produce grown on the premises are permitted in an "AG" and 'A-1' District. Front yard requirements are not applicable to structures incidental to such sales if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. (Revised Ordinance No. 1636).
5. **Carnivals and Circuses:** Carnivals or circuses, in "C-1", "C-2", "C-S" and "I-1" Districts, permitted only for a period that does not exceed three (3) weeks. Front yard requirements are not applicable, provided that the location of structures or equipment shall conform to the requirements of the sight triangle as defined by these regulations.
6. **Garage, Porch, or Yard Sales:** The sale of used or second-hand merchandise shall be permitted in any residential district or by non-profit organizations, provided that such use shall not exceed three (3) consecutive days in duration nor shall it occur more than two (2) times in a consecutive twelve (12) month period at any particular location. Such sales shall be only for the purpose of disposing of personal property.
7. **Fireworks Sales:** The sale of fireworks, as set forth in local ordinance and all amendments thereto relating to the regulation of the storage, sale and discharge of fireworks, shall be permitted in "C-1", "C-2", "C-S", "I-1", and "I-2" Districts, only for the period permitted by City ordinance or State Statute, whichever is more restrictive.

8. **Portable Dressing Rooms:** The use of temporary portable dressing rooms is permitted, following a written request and application for a building permit. A building permit shall be issued for up to three portable dressing units for a fifteen day period for each unit per request, but shall not be issued more than twice within a calendar year (i.e. for not more than two requests per calendar year).
9. **Private Use of Public Parking Lots:** The private use of public parking lots for Special Events shall be permitted when approved by the Governing Body per the provisions in Chapter XII: Public Property, Article 7 of the Code of Ordinances. (Revised Ordinance No. 2312)

**SECTION 6. HOME OCCUPATIONS:** Home occupations shall be permitted in the “AG”, “A-1”, “R”, “R-S”, “R-1”, “R-1A”, “R-2”, “R-3”, “M-P” and “M-H” Districts.

1. Restrictions and Limitations:
  - (a) The home occupation shall be incidental and subordinate to the principal use of the premises and not more than twenty-five percent (25%) of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
  - (b) All materials or equipment used in the home occupation shall be stored within an enclosed structure. An enclosed structure may include a detached shed or garage, but in no way shall the office or major portion of the home occupation be conducted in such detached shed or garage. (Revised, Ordinance No. 1710)
  - (c) No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence.
  - (d) The home occupation shall be operated by the person or persons occupying the dwelling as his or her residence. The owner/resident may engage one (1) employee for less than 40 hours per week. (Revised Ordinance No. 1745)
  - (e) No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
  - (f) An occupational license must be issued and is not transferable.
2. Permitted Home Occupations: Customary home occupations include, but are not limited to, the following list of occupations; Provided however, that each listed occupation is subject to Section 6.,I. Restrictions and Limitations, above. The following list is given for illustrative purposes only.
  - (a) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
  - (b) Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
  - (c) Watch, clock and jewelry repair services.
  - (d) Radio, television, phonograph, recorder, and small appliance repair services.
  - (e) Care provided for a maximum of ten children under sixteen years of age, including the children of the provider under the age of sixteen years of age and with a limited number of children under kindergarten age in compliance with county and state regulations. (Revised Ordinance No. 1745)
  - (f) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
  - (g) Tailoring, alterations, and seamstresses.
  - (h) Barber and beauty shops.

3. Prohibited Home Occupations: Permitted home occupations shall not in any event include the following:
- (a) Retail or wholesale sales of merchandise, except where customers do not come to the premises and no sales or business contacts are made at the premises, except by phone or mail. (Revised Ordinance No. 1745)
  - (b) Funeral services.
  - (c) Retail or wholesale sales of groceries.
  - (d) Tourist homes.
  - (e) Equipment rental.
  - (f) Automobile and other motor vehicle repair services.
  - (g) Small engine repair services.
  - (h) Professional offices for physicians, osteopaths, chiropractors, ophthalmologists, dentists, and other related health care professions.

**SECTION 7. OPEN STORAGE:** The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or supplies for more than nine (9) consecutive days shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property.

**SECTION 8. WATER FACILITIES:** All principal structures built hereafter shall be served by and connected to a public water system, as defined in these regulations.

**SECTION 9. MINIMUM SIGHT TRIANGLE:** The short leg (height) of each sight distance triangle shall be a minimum of twenty (20) feet in length (based on the adjacent street having a speed limit of at least thirty-five (35) miles per hour) measured along the edge of the pavement (back of curb). The base or long leg of sight triangles shall be increased twenty-five (25) feet for each five (5) mile per hour increase in the speed limit of the intersection street. The sight distance triangles shall remain free of visual obstructions that are more than two (2) feet in height measured above the edge of the pavement nearest to the obstruction, including but not limited to signs, traffic control devices, fences, trees and shrubs unless previously approved by the City. (Revised, Ordinance No. 2371)

**SECTION 10. MANUFACTURED HOME:**

- 1. A manufactured home-residential design shall be a minimum of 22 feet in width. The longest exterior dimension shall be not more than two and one-half (2 1/2) times the shortest exterior dimension;
- 2. The roof shall be double-pitched and have a minimum nominal vertical rise of four (4) inches for each twelve (12) inches of horizontal run. The roof shall be covered with roof material that is commonly used in standard residential construction, which is residential in appearance, excluding, corrugated aluminum, fiberglass, or metal roofing material. The roof shall have a minimum eaves projection and overhang of a minimum of twelve (12) inches, which may include a four (4) inch gutter;
- 3. The exterior siding shall be a material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials; but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation or curtain wall;

4. The manufactured home-residential design shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards met by the International Residential Code (IRC 2009) and published in the most current edition of "Guidelines for Manufactured Housing Installations";
5. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation and shall not be stored on the lot;
6. A continuous, permanent masonry or concrete foundation or masonry or concrete curtain wall, unpierced except for required ventilation and access, which may include walk out basement and garages shall be installed under the perimeter of the home;
7. All manufactured housing units may be of new or used construction. Previously owned or occupied units shall not be more than fifteen (15) years old and the owner shall provide proof that the HUD seal is affixed to the unit; and
8. The manufactured home-residential design shall have an attached garage, if fifty (50) percent or more of the existing homes on the same and/or adjacent block face have garages. A detached garage shall be allowed on a lot of record on which an attached garage cannot be constructed to meet the yard regulations of the district, or if less than 50% of the existing homes on the same and/or adjacent block face do not have attached garages. Where required to be installed, the roofing and siding material must be the same as that of the manufactured home itself.

**SECTION 11. WIND ENERGY CONVERSION SYSTEMS (WECS): (Not for commercial purposes)**

1. The minimum distance from any lot line to any tower, pole or other support structure of the WECS shall be established by the following minimum standards:

<b>Rotor Diameter</b> (Feet)	<b>Setback Distance</b> (Feet)	<b>Rotor Diameter</b> (Feet)	<b>Setback Distance</b> (Feet)
5	100	25	310
10	165	30	340
15	220	35	365
20	270	40	385

(Rotor sizes and distances shall be interpolated or extrapolated from the above values)

2. A plot plan shall be submitted with all building permit applications showing the proposed location and height of the WECS, fencing and all existing buildings within the fall zone of the proposed location; and
3. Building permit applications for WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footing details. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.

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## ARTICLE XXIII

### OFF-STREET PARKING AND LOADING REGULATIONS

**SECTION 1. APPLICABILITY:** Off-street parking and loading space, as required in this article, shall be provided for all new buildings or additions thereto. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking spaces previously required shall not be used to satisfy additional required off-street parking for any new structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article. Parking areas shall be upgraded to paved parking with a change in use. (Revised, Ordinance No. 1812)

**SECTION 2. GENERAL PROVISIONS:** In all zoning districts with the exception of residential uses in Agricultural zoning districts, driveways and off-street parking shall be provided on an all-weather, dust free surface of asphalt or concrete. Driveways in Agricultural zoning districts shall have an asphalt or concrete approach within the right of way. (Revised, Ordinance No. 2372 + Residential Districts)

1. **Utilization:** Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
2. **Residential Districts:** Off-street parking in Residential zoning districts is allowed only on an all-weather dust free surface in the front yard. When a lot configuration does not allow for placement of a driveway in the front yard, parking will be allowed on either the rear or side yard and must be on an all-weather dust free driveway. No more than thirty-five (35) percent of the required front, side or rear yard may be covered with driveways or parking surface. Further, no vehicle with a manufacturer's gross vehicle weight of 12,500 pounds or greater may be parked in residential districts for other than delivery purposes with the exception of recreational vehicles.
3. **Repair Service:** No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
4. **Computation:** When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one parking space.

**SECTION 3. LAYOUT AND DESIGN REQUIREMENTS FOR BUSINESS, COMMERCIAL AND INDUSTRIAL USES:**

1. **Area:** All required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length. The table below will yield a 9'x18' stall.

<b>Parking Angle</b>	<b>Base Line</b>	<b>Along Curb</b>	<b>Offset</b>	<b>Aisle Width</b>
0°	23'	23'	23'	24'
45°	15'	12'7"	15'	20'
60°	16'	10'4"	9'	20'
75°	17'	9'4"	4'6"	22'
90°	18'	9'	0'	24'

(Revised, Ordinance No. 2276)

2. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
3. Lighting: See Article V; Section 11: Outdoor Lighting Standards. (Revised, Ordinance No. 2276)

**SECTION 4. PARKING LOT CONSTRUCTION STANDARDS:** The Parking Lot Construction Standards that are required by the city are available at the Planning and Codes Department. (Revised, Ordinance No. 2276)

**SECTION 5. REQUIRED SPACES:** Off-street parking spaces, at a minimum, shall be provided as follows:

**1. Dwelling and Lodging Uses:**

- (a) Boarding, Rooming and Bed and Breakfasts: One (1) parking space per each sleeping room. (Revised, Ordinance No. 1710, 12/5/94)
- (b) Hotels and Motels: One (1) space per each rental unit.
- (c) Manufactured Home Parks: Two (2) parking spaces per each manufactured home. (Revised Ordinance No. 1636).
- (d) Nursing Homes, Rest Homes, etc.: One (1) parking space per each five (5) beds based on the designed maximum capacity of the building.
- (e) Residential Dwelling Districts: (Revised Ordinance No. 1884 and 2276)
  - (1.) Two (2) spaces per dwelling unit.
  - (2.) On street parking is permitted, unless otherwise posted. However, no parking is permitted on front lawns, including any portion that may be within the right-of-way or on sidewalks. (Revised Ordinance No. 1884, 12/20/99)
  - (3.) Recreational vehicles and equipment (see definition) are permitted to be parked in residential districts. No more than two (2) are permitted to be parked outside per dwelling unit. (Revised, Ordinance No. 2276)
  - (4.) All recreational vehicles and equipment, other than those of a visitor, shall be parked on private property on either a driveway in the front, side or rear yard. Visitors may park a recreational vehicle on the street for a period not to exceed two (2) weeks. (Revised, Ordinance No. 2276)
  - (5.) Contractor's equipment or trailers (see definitions) are not permitted to be parked or stored in residential districts unless on an active construction site where construction is being carried on under an approved, valid city construction permit. (Revised, Ordinance No. 2276)
  - (6.) Parking in the side yard may be no closer than three (3) feet from the property line.
  - (7.) A pre-existing gravel driveway must be maintained to prevent grass and vegetation from growing in the driveway. If the driveway is not maintained in this manner, an all weather dust free driveway must be installed. (Revised, Ordinance No. 2276)

**2. Business, Commercial, and Industrial Uses:**

- (a) Automobile, Truck, Recreational Vehicle and Mobile Home Sales and Rental Lots: One (1) parking space for each three thousand (3,000) square feet of open sales lot area devoted to the sale, display and rental of said vehicles.

- (b) Automobile Salvage Yards: One (1) parking space for each employee, plus one (1) parking space for each ten thousand (10,000) square feet of storage area.
- (c) Financial, Business, and Professional Offices and Offices Associated with Commercial and Industrial Uses: One (1) parking space for each three hundred (300) square feet of gross floor area dedicated to the same. (Revised Ordinance No. 1884)
- (d) Bowling Alleys: Four (4) parking spaces for each line.
- (e) Cartage, Express, Parcel Delivery and Freight Terminal Establishments: One (1) parking space for each two (2) employees in the largest working shift in a 24-hour period, plus one (1) parking space for each vehicle maintained on the premises.
- (f) Automobile Wash: Two (2) holding spaces for each car washing stall plus one (1) drying space for each car washing stall.
- (g) Funeral Homes and Mortuaries: One (1) parking space for each four (4) seats based upon the designed maximum capacity of the parlor.
- (h) Furniture and Appliance Stores, Household Equipment or Furniture Repair Shop: One (1) parking space for each four hundred (400) square feet of floor area.
- (i) Manufacturing, Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing or Repairing of Goods, Materials, or Products: One (1) per 1000 square feet of gross floor area dedicated to the same. (Revised Ordinance No. 1884)
- (j) Medical and Dental Clinics or Offices: One (1) parking space for each two hundred (200) square feet of gross floor area. (Revised Ordinance No. 1661)
- (k) Restaurants, Private Clubs and Taverns: One (1) parking space for each 75 square feet of gross floor area; provided however, that drive-in restaurants shall have a minimum of at least ten (10) parking spaces. (Revised, Ordinance No. 2276)
- (l) Retail Stores and Shops: One (1) space per three hundred (300) square feet of floor area. (Revised Ordinance No. 1812)
- (m) Service Stations: One (1) parking space for each employee plus two (2) spaces for each service bay.
- (n) Theatres, Auditoriums, and Places of Assembly with Fixed Seats: One (1) space for each four (4) seats.
- (o) Theatres, Auditoriums, and Places of Assembly Without Fixed Seats: One (1) parking space for each four (4) people, based upon the designed maximum capacity of the building.
- (p) Warehouse, Storage and Wholesale Establishments: One (1) parking space per 1000 square feet of gross floor area dedicated to the same. (Revised Ordinance No. 1884)
- (q) All Other Business and Commercial Establishments Not Specified Above: One (1) parking space for each two hundred and fifty (250) square feet of floor area. (Revised, Ordinance No. 1561)

- (r) Shopping Centers: One (1) parking space per 150 square feet of gross floor area. (Revised, Ordinance No. 2276)

**3. Other Uses:**

- (a) Adult Entertainment Business Uses: One (1) parking space for each two (2) occupants based on maximum occupancy as determined by the building and fire codes. (Revised, Ordinance No. 1605)
- (b) Churches: One (1) parking space for each five (5) seats based upon the maximum designed seating capacity, including choir lofts.
- (c) Elementary, Junior High and Equivalent Parochial and Private Schools: Two (2) spaces for each classroom.
- (d) High Schools, Colleges, Universities and Other Similar Public or Private Institutions of Higher Learning: Eight (8) parking spaces for each classroom.
- (e) Hospitals: One (1) parking space for every two (2) beds.
- (f) Laundromats: One (1) space for each two (2) washing machines.
- (g) Nursery Schools and Day Care Centers, Public or Private: One (1) parking space for each employee.
- (h) Fraternal Associations: One (1) parking space for each four (4) seats, based upon the design maximum seating capacity.

**4. Required Handicapped Spaces:**

- (a) Business, Commercial and Industrial Uses: One (1) handicapped parking space is required for every 25 parking spaces or fraction thereof. Reference Section 4.1.2, Appendix B of the Americans With Disabilities Act Handbook. (Revised Ordinance No. 1884)
- (b) Multiple-Family Housing: For developments with 20 residential units or less, no handicapped parking spaces are required; for developments with 21 to 99 units, one (1) handicapped parking space is required; and for developments with 100 or more units, one (1) handicapped parking space is required for the first 100 units and an additional space is required for every 100 units thereafter or fraction thereof. (Revised, Ordinance No. 1534)

**SECTION 6. LOADING AND UNLOADING REGULATIONS:** Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses or warehouses, manufacturing or other uses, involving the receipt or distribution of materials or merchandise by motor vehicles. The loading and unloading space or spaces shall be located so as to avoid undue interference with public use of streets, alleys and walkways. The Development Review Team will determine, on a case-by-case basis, if off-street loading and unloading space will be required. (Revised Ordinance No. 1884, 12/20/99)

1. For all uses in the “C-S”, “C-1”, “C-2”, “I-1” and “I-2” Districts, loading facilities shall be provided in accordance with the following table:

GROSS FLOOR AREA OF ESTABLISHMENTS IN THOUSANDS OF SQ. FT.	REQUIRED NUMBER AND SIZE OF LOADING BERTHS
1 – 10	1 – (10’ x 25’)
10 – 40	1 – (10’ x 70’)
40 – 100	2 – (10’ x 70’ each)

2. For each additional one hundred thousand (100,000) square feet of gross floor area or any fraction thereof over one hundred thousand (100,000) square feet of gross floor area, one (1) additional berth shall be provided. Each such additional berth shall be at least ten (10) feet in width by seventy (70) feet in length.

**SECTION 7: OFF-SITE PARKING:** For any new use, structure or building which, because of the site or location of the parcel, the required amount of off-street parking spaces cannot be provided on such parcel, part or all of such required off-street parking may be provided on other property of the same or less restrictive zoning classification provided all parking spaces on the other property are located within five hundred feet of the parcel on which the new use, structure or building is located. In all cases, such parking spaces located on other property shall conform to the City Ordinances and use regulations of the zoning district in which such other property is located. Such other property shall be subject to appropriate deed or easement restrictions approved by the City and recorded in the office of the Register of Deeds of the County in which such other property is located, binding such other property and the owners and assigns thereof to maintain a specified area of such other property exclusively for the use as parking spaces for the said new use, structure, or building throughout the existence of such new use, structure, or building in which such parking spaces are necessary or until an equal area or number of such parking spaces are provided elsewhere. (Revised, Ordinance No. 1561)

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## ARTICLE XXIV

### NONCONFORMITIES

**SECTION 1. GENERAL:** Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses.

1. **Nonconforming Lot of Record:** A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located. (Revised Ordinance No. 1884)
2. **Nonconforming Structure:** An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.
3. **Nonconforming Use:** An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

**SECTION 2. NONCONFORMING LOTS OF RECORD:** The Building Official may issue a building permit for any nonconforming lot of record when:

1. Said lot is shown by recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations;
2. Said lot has remained in ownership separate and individual from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations; and
3. Said lot can meet all yard regulations for the district in which it is located.

### **SECTION 3. NONCONFORMING STRUCTURES:**

1. **Authority to Continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
2. **Enlargement, Repair, Alteration:** Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall create any additional non-conformity or increase the degree of existing non-conformity of any part of such structure.
3. **Damage or Destruction:** In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its appraised value, such structure shall not be restored unless it shall thereafter conform to all regulations for the zoning district in which it is located. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its fair market value, such structure shall

not be restored unless it shall thereafter conform to all regulations of the zoning district in which it is located. (Revised, Ordinance No. 1630)

4. **Moving:** No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

#### **SECTION 4. NONCONFORMING USES:**

1. **Authority to Continue:** Any lawfully existing nonconforming use of part or all of a structure of any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.
2. **Ordinary Repair and Maintenance:**
  - (a) Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use.
  - (b) Nothing in these regulations shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.
3. **Extension:** A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, but not be limited to:
  - (a) Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations or on the effective date of subsequent amendments hereto that cause such use to become nonconforming.
  - (b) Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations or on the effective date of subsequent amendments hereto that cause such use to become nonconforming; provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
4. **Enlargement:** No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
5. **Damage or Destruction:** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its fair market value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is fifty percent (50%) or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is begun within one (1) year

after the date of such partial destruction and is diligently pursued to completion. (Revised, Ordinance No. 1630)

6. **Moving:** No structure that is devoted in whole or in part to a non-conforming use and no non-conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to a regulation of the zoning district in which it is located after being so moved.
7. **Abandonment or Discontinuance:** When a nonconforming use is discontinued or abandoned, for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
8. **Nonconforming Accessory Uses:** No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
9. **Nonconforming Residential Uses:** Notwithstanding the provisions of Article XXIV, Sections 4.,3. and 4.,4. any structure which is devoted to a residential use may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
10. **Communication Towers in the R-1 Zoning District:** Communication towers existing in the R-1, Single-Family Residential zoning district as of May 7, 2001, which shall obtain a Special Use Permit, under Article XXVII, Section 4 (12), before November 1, 2001, are not subject to the regulations of this Article and may continue as legal conforming uses until such time as such Special Use Permit expires or is revoked. Such uses may be expanded, enlarged or replaced only in compliance with the Special Use Permit. (Revised Ordinance No. 1928)

#### **SECTION 5. STATUS OF SPECIAL USES:**

1. **Status of Existing Special Uses:** Where a use exists on the effective date of these regulations and is permitted by these regulations as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such district.
2. **Status of Future Special Uses:** Any use for which a special use permit has been issued, as provided in these regulations, shall not be deemed to be a non-conforming use, but shall, without further action, be deemed a lawful conforming use.

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## ARTICLE XXV

### AMENDMENTS

#### SECTION 1. GENERAL PROVISIONS:

1. **Authority:** The Bonner Springs Governing Body may by ordinance supplement, change, revise or amend these regulations and the district boundaries. (Revised, Ordinance No. 1630)
2. **Proposal of Amendments:** Amendments may be initiated by the Governing Body, the Planning Commission or, if such proposed amendment is not a general revision of the existing zoning regulations and affects specific property, upon application by the owner of the property affected. Any such amendment, if in accordance with the land use plan or the land use element of the City's duly adopted comprehensive plan, shall be presumed to be reasonable.
3. **Applications:** When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the Planning Department. Said application shall be completed in its entirety and filed with the Planning Department so that a public hearing date can be established. All such applications shall first be submitted to the Planning Commission for recommendation and report.
4. **Ownership List:** If a proposed amendment is not a general revision of existing ordinances and will affect specific property, it shall be accompanied by an ownership list with the names and addresses of the owners of all property located within two hundred (200) feet of the boundaries of the property for which the zoning amendment is requested. If any boundary of the area proposed for the zoning amendment is located adjacent to or outside the City Limits, said ownership list shall include the names and addresses of the owners of all property in the unincorporated area within one thousand (1,000) feet of the boundaries of the property to be rezoned. (Revised, Ordinance No. 1630)
5. **Fees:** For the purposes of wholly or partially defraying the costs of the amendment proceedings, a fee as prescribed by separate ordinance shall be paid upon the filing of each application for a change of district boundaries.
6. **Matters to be Considered When Approving or Disapproving a Rezoning Request:** The following factors shall be considered by the Planning Commission and Governing Body when considering a rezoning request:
  - (a) Character of the neighborhood;
  - (b) The zoning and uses of properties nearby;
  - (c) The suitability of the subject property to its present use;
  - (d) The extent to which removal of the present zoning will detrimentally affect nearby property;
  - (e) The length of time the subject property has remained vacant;

- (f) The relative gain to the public health, safety, and welfare due to the denial of the application as compared to the hardship imposed on the landowner, if any, as a result of denial of the application;
- (g) The recommendations of the City's permanent or professional staff;
- (h) The conformance of the requested zoning change to the duly adopted Bonner Springs Comprehensive Plan;
- (i) The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include but are not limited to, sanitary and storm sewers, water, and electrical service, police and fire protection, schools, parks and recreation facilities;
- (j) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property;
- (k) The environmental impacts the proposed use will generate, including but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting, or other environmental harm;
- (l) The ability of the Applicant to satisfy any requirements (e.g., site plan, etc.) applicable to the specific use imposed pursuant to the zoning district regulations in this zoning ordinance or other applicable ordinances. (Revised, Ordinance No. 1630)

## **SECTION 2. HEARINGS:**

1. **Public Hearing:** The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. Such public hearing shall be set by the Secretary of the Planning Commission and may be adjourned from time to time. (Revised, Ordinance No. 1630)
2. **Notice of Hearing:** Public notice of a hearing on a proposed amendment shall be published at least once in the official City newspaper and at least twenty (20) days shall elapse between the date of the publication and the date set for such hearing.
3. **Posting Notice of Hearing:**
  - (a) The sign(s) shall be placed on the subject property at least twenty (20) days prior to the scheduled public hearing;
  - (b) If the property has more than one (1) abutting street, a sign shall be placed facing all streets;
  - (c) The sign(s) shall be firmly affixed on the property in a place visible from the adjoining street(s);
    - a. The sign(s) shall be placed on the subject property; and
    - b. The sign(s) shall be positioned to have no visual obstructions and be readily visible by passersby.
4. **Sign Placement:** The sign shall be placed by the Planning Department and shall only be removed after the public hearing by the Planning Commission. (Once posted, signs that are misplaced or removed shall have no affect on the outcome of the public hearing); and

5. **Cost:** All costs associated with procurement and posting of the sign(s) shall be added to the costs for the requested action(s).
6. **Notice Requirements:** Such notice shall state the date, time and place of the hearing and shall contain a general statement regarding the proposed change in regulations or restrictions, or the zoning classification of any property, or the boundaries of any zoning district. Such publication notice shall also include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. If a proposed amendment is not a general revision of existing regulations and affects specific property, such notice shall contain the legal description and the street address or general street location of such property, its present zoning classification and the proposed classification. In addition to such publication notice, the Planning Commission shall mail a written notice of the proposed amendment at least twenty days before the hearing to the owners of record of all property within two hundred (200) feet of the boundaries thereof. If any boundary of the property proposed for the rezoning is located adjacent to or outside the City Limits, the area of the notification of the City's action shall be extended to at least one thousand feet (1,000) into the unincorporated area. Such written notice shall include the information required in the published notice. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body.
7. **Lesser Change:** Such notice is sufficient to permit the Planning Commission to recommend amendments to these regulations which affect only a portion of the land described in the notice or which give a portion of land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice; provided, that recommending a zoning classification of lesser change than that set forth in the notice shall be valid without republication and, where necessary, remailing. The following, Table of Lessor Change, established by the Planning Commission and adopted by the Governing Body as part of these regulations, designates what zoning classifications are lesser changes authorized within the published zoning classifications. The Table of Lessor Change lists zoning classifications in descending order from the least intense zoning classification to the most intense zoning classification. The Planning Commission may recommend and the Governing Body may adopt a change in zoning which is a lesser change from the one requested, provided that the more restrictive district is in the same residential, commercial or industrial grouping as the district for which the change was requested. In no case may a change to a residential district be approved if the application is for a commercial or industrial district and in no case may a commercial district be approved if the application is for an industrial district. Applications for Agricultural districts may not be changed to another category unless a new application is filed. A planned district shall be equally restrictive to its equivalent district. Provided, the Governing Body, may refer any such application back to the Planning Commission for further consideration, if, in its judgment, it deems such referral advisable and in the best interest of the public and the applicant. (Revised, Ordinance No. 1630 & 1636)

“AG”	Agricultural District
“A-1”	Agricultural District
“R”	Rural Residential District
“R-S”	Suburban Residential District
“R-1”	Single-Family Residential District
“R-1A”	Residential Special District
“M-H”	Manufactured Home Subdivision District
“M-P”	Manufactured Home Park District
“R-2”	Duplex Residential District
“R-3”	Multi-Family Residential District
“MX”	Mixed Use District
“C-1”	Commercial Business District
“C-2”	General Business District
“C-S”	Highway Business District
“I-1”	Light Industrial District
“I-2”	Heavy Industrial District

(Revised, Ordinance No. 2386)

8. **Conduct of Hearing:** The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, or by agent, representative or attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof should be available to the applicant and any other interested persons and should be available for review in the offices of the Planning Department at least three (3) days before the date set for the public hearing.

### **SECTION 3. ACTION BY THE PLANNING COMMISSION:**

1. **Quorum:** For action on zoning amendments, a quorum of the Planning Commission is more than one-half of all the members.
2. **Recommendations:** Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Governing Body. A vote either for or against an amendment by a majority of all of the Planning Commissioners present and voting at the hearing constitutes a recommendation of the Planning Commission; whereas a vote either for or against an amendment by less than a majority of all of the Planning Commissioners present constitutes a failure to recommend. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval. (Revised, Ordinance No. 1630)

### **SECTION 4. ACTION BY THE GOVERNING BODY:**

1. **Adoption of Amendments:** When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the Governing Body may: (1) adopt such recommendation by ordinance; (2) override the Planning Commission's recommendation by two-thirds (2/3)

majority vote of the membership of the Governing Body; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, a simple majority therefore, may adopt or may revise or amend and adopt such recommendation by ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

If such amendment shall affect the boundaries or any zone or district, the ordinance shall describe the boundaries as amended, or if the City has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or boundary as amended, shall order the official map to be changed to reflect such amendment, and shall amend the section of the ordinance incorporating the same and reincorporate such map as amended. (Revised, Ordinance No. 1630)

2. **Protest:** Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a written protest against a proposed amendment shall be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the hearing on a proposed amendment, which protest is duly signed and acknowledged by the owners of record of twenty percent (20%) or more of the property proposed to be rezoned, or by the owners of record of twenty percent (20%) or more of the total area required to be notified by these regulations, excepting public streets and ways, then such proposed amendment shall not be passed except by a three-fourths (3/4) vote of all of the members of the Governing Body. (Revised, Ordinance No. 1630)

**SECTION 5. PUBLICATION:** If the Governing Body approves an application, it shall adopt an ordinance to that effect, but said request shall not become effective until its publication in the official City newspaper.

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## ARTICLE XXVI

### BOARD OF ZONING APPEALS

**SECTION 1. APPOINTMENTS:** A Board of Zoning Appeals is hereby created. The term 'Board' when used in this Ordinance shall mean and refer to the Board of Zoning Appeals. The Board shall consist of five (5) members of the Planning Commission to be appointed by the Mayor with the approval of the City Council. The members of the Board shall serve without compensation. All of the members of the Board shall be residents of the City of Bonner Springs. However, if the Governing Body enacts zoning regulations which affect land outside the corporate limits of the City, at least one (1) member of the Board shall be a resident of the area outside the City's Limits. The members shall be appointed for a term of three (3) years to coincide with their term on the Planning Commission.

While the members shall serve on both the Planning Commission and the Board of Zoning Appeals they shall hold a separate meeting, which may be a time of their choosing, as the Board of Zoning Appeals.

A member of such Board, once qualified, can thereafter be removed during the term of office, only for cause and after public hearing. In the event of the death, resignation or removal of any such member before the expiration of the term, a successor shall be appointed by the Mayor and confirmed by the City Council to serve the unexpired term.  
(Revised, Ordinance No. 2397 – April 16, 2015)

**SECTION 2. OFFICERS:** The Board shall annually elect a chairman, a vice-chairman and secretary. The secretary may be an officer or employee of the City. The chairman, or in his or her absence, the vice-chairman, shall preside at all meetings, and shall decide all points of order or procedure.

**SECTION 3. POWERS AND JURISDICTION:** The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, regulations or ordinances. 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, the findings of fact by the Board, the decision of the Board, and the vote upon each question. Records of all official actions of the Board shall be filed in the office of the Planning Department and shall be public record.

The Board shall have the following powers and jurisdictions:

1. **Appeals:** The Board of Zoning Appeals shall administer the details of appeals from or other matters referred to it regarding the application of these regulations as hereinafter provided. The Board shall have the power to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Planning Department in the enforcement of these regulations. (Revised, Ordinance No. 1630)
  - (a) Appeals to the Board may be taken by any person aggrieved, or by any officer of the City of Bonner Springs, or by any governmental agency or body affected by any decision of the Planning Department administering the provisions of the zoning ordinance. Such appeal shall be filed with the Planning Department within a reasonable time, and the appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing notice of appeal specifying the

grounds thereof and payment of fee required therefore. The Planning Department Official from whom the appeal is taken, when notified by the Board or its agent, shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from is taken. (Revised, Ordinance No. 1630)

- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Department certifies to the Board, after the Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

2. **VariANCES:** When deemed necessary by the Board of Zoning Appeals, the Board may authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, and provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances shall not permit any use not permitted by the zoning regulations in such district. (Revised, Ordinance No. 1630)

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

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

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

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

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

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

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

- (c) The Board may vary the height of outside storage screening or may waive the requirement for such screening where the Board finds the conditions described in Article XVIII, "I-1" Light Industrial District, Section 6, Paragraph 2(e). (Revised, Ordinance No. 1539)

3. **Condition of Determinations:** In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a building permit.

A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirements, decision or determination of the Planning Department or to decide in favor of the applicant upon any matter which it is required to pass under these regulations, or to affect any variation in such regulation.

#### **SECTION 4. APPLICATIONS:**

1. The procedure for requesting a hearing before the Board shall be as follows:
  - (a) All applications to the Board shall be in writing on forms provided by the Board.
  - (b) The Board shall fix a reasonable time for the hearing of an application, and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the Governing Body) at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party to the appeal and to the Planning Commission.
  - (c) An application shall be accompanied by a filing fee as prescribed.
2. In addition to the above requirements, certain applications require additional information as follows:
  - (a) **Appeals:**
    - (1.) An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the Planning Department.
    - (2.) A copy of the order, requirement, decision or determination of the Planning Department which the applicant believes to be in error shall be submitted with the application for appeal.
    - (3.) A clear and accurate description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.
    - (4.) Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.
  - (b) **Variances:**
    - (1.) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions as set out in Section 3.2.(b) of this article.

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

**SECTION 5. WHO MAY APPEAL FROM THE BOARD DECISION:** Any person, persons, official or department of the government, jointly or separately aggrieved by any decision of the Board, may present a petition to the District Court having jurisdiction. Such appeal shall be filed within thirty (30) days of the final decision of the Board. (Revision, Ordinance No. 1630)

## ARTICLE XXVII

### SPECIAL USES

**SECTION 1. DEFINITION:** Special uses are those type of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts, specific uses may be permitted only after additional requirements are complied with as established within this section.

**SECTION 2. PROCEDURE:** The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body. A site plan will be required for consideration in the review process of a special use permit application which includes the following minimum information:

1. The legal dimensions of the tract to be used;
2. The location of all proposed improvements including curb-cut access, off-street parking and other such facilities as the applicant proposes to install;
3. Grade elevations;
4. Building setbacks from all property lines;
5. Front, side and rear elevations of all improvements to be erected;
6. The location and type of plantings, screening, and/or other buffers proposed; and
7. Such other items as the Planning Commission shall deem reasonably necessary to properly process the application.

**SECTION 3. MINIMUM REQUIREMENTS:** A special use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations, unless specifically exempted by the provisions of these regulations;
2. The proposed special use at the specified location will contribute to and promote the welfare or convenience of the public;
3. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

- (a) The location, nature and height of buildings, structures walls and fences on the site, and
  - (b) The nature and extent of landscaping and screening on the site.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;
  6. Adequate utility, drainage, and other such necessary facilities have been or will be provided; and
  7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

**SECTION 4. ADDITIONAL REQUIREMENTS:** In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be a requirement for the approval of the following special uses:

1. **Day Care Centers:** Day care centers and preschools for more than ten (10) children under sixteen years of age, including the children of the provider under the age of sixteen and with a limited number of children under kindergarten age, shall comply with the regulations established by the Kansas Department of Health and Environment.
2. **Kennels, Breeding and Boarding:**
  - (a) The minimum lot size shall not be less than one acre;
  - (b) No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line; and
  - (c) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall six (6) feet high and having a density of not less than eighty percent (80%) per square foot.
3. **Attached Single-Family Dwellings:** Single-family dwellings on separate lots, but attached to adjacent dwellings by means of a common wall, shall conform to the following standards:
  - (a) The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall;
  - (b) No unit shall have a common wall on more than two (2) sides;
  - (c) No unit shall have a depth greater than three (3) times its width;
  - (d) Any exterior wall which is not a common wall must meet all yard requirements;
  - (e) Each lot must have direct access to a public street;

- (f) The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings; and
  - (g) The minimum lot width shall not be less than twenty (20) feet and the minimum lot area shall be at least 3,000 square feet.
4. **Zero Lot-Line Dwellings:** Single-family detached dwellings with one side yard equal to one (1) foot or less shall be conditionally permitted and conform to the following standards:
- (a) Zero lot-line dwellings shall meet all front and rear yard requirements;
  - (b) For any zero lot-line dwelling, the lot-line wall, defined as that wall of the dwelling on the side lot line, shall have no windows, doors, vents or other openings nor shall any window on any wall face that side lot line;
  - (c) The side yard requirements for a zero lot-line dwelling on the side opposite the lot-line wall shall be twice the normal side yard requirement of the zone or twelve (12) feet, whichever is smaller;
  - (d) No two zero lot-line dwellings shall have their lot-line wall along the same side lot line, nor shall any zero lot-line dwelling have its lot-line wall adjacent to any lot or tract of land not developed for zero lot-line dwellings;
  - (e) No lot line wall shall be located on a side lot-line adjacent to any public right-of-way;
  - (f) The required yard setbacks for each zero lot-line lot shall be either shown on the subdivision plat or recorded as a restrictive covenant on the property deed; and
  - (g) The minimum lot width shall not be less than forty (40) feet.
5. **Temporary/Portable/Pre-manufactured buildings for other than residential, sleeping or overnight accommodations:**
- (a) The maximum time for which a facility may be allowed to operate, either with a single permit or series of renewable permits, is three years (provided, however, that public facilities, such as temporary, overflow classroom additions, may be extended beyond the three-year period upon approval of the Governing Body);
  - (b) All such facilities shall be inspected annually by both the Bonner Springs Fire Chief and Building Official;
  - (c) A schedule identifying the installation of permanent facilities and removal of temporary facilities shall be submitted together with the Request for a Special Use Permit; and
  - (d) A completed building permit application shall be filed with the Codes Administrator and submitted to the Planning Commission as a final development plan six months prior to the beginning of construction of the permanent facility. (Revised, Ordinance No. 1515)
6. **Outdoor Advertising Signs (Billboards):** (Revised Ordinance No. 2258)
- (a) Area: No sign shall exceed 300 square feet in area nor 30 feet in height;
  - (b) Spacing: Spacing between signs shall be spaced no closer than 1,500 feet between signs as measured along the same side of the street;

- (c) Location: No sign shall be constructed nearer than 150 feet of a noncommercial use nor in any zoning district other than I-1 or I-2; and
- (d) Signs in the I-1 and I-2 Zoning Districts are permitted by special use.

**7. Off-Site Development Signs:**

- (a) Number and Size: Two (2) Off-Site Development Signs are permitted per development. Size of sign shall be based on the speed limit consistent with Real Estate Signs (Sign Regulations) in the zoning district in which sign is located;
- (b) Duration: Signs must be removed within five (5) years or upon completion of seventy-five (75%) percent of the development, whichever is earlier;
- (c) Permission: Written lease, contract or permission with or by property owner must be submitted with the application; and
- (d) Term: The term of such document shall be clearly stated. Sign permits shall not be issued for a period longer than the term of such document. (Revised, Ordinance 1710)

**8. Off-Site Commercial Directory for the C-1 Central Business District:**

- (a) Number and Size: Off-site commercial directory signs shall be permitted pursuant to the approval of a Special Use Permit for each sign. Sign shall not exceed 100 square feet per side and twenty (20) feet in height; (Revised Ordinance 1949)
- (b) Permission: Written lease, contract or permission with or by property owner must be submitted with the application; and
- (c) Term: The term of such document shall be clearly stated. Sign permits shall not be issued for a period longer than the term of such document.

**9. Barbed Wire:** Fencing in the front, side and rear yards in C-S Commercial Service Districts is permitted at a height of six feet and may be topped with barbed wire on slanted arms installed at a forty-five degree angle upward and shall be slanted to the interior after obtaining a special use permit. (Revised Ordinance No. 1710)

**10. Stable, Commercial:**

- (a) The number of horses per acre will be determined by the merits of each individual application; and
- (b) Special Use Permit period not to exceed 10 years. (Ordinance 1801)

**11. Telecommunication Towers:**

- (a) Federal Requirements: All towers must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate towers and antennas;
- (b) Building Codes/Safety Standards: The owner of a tower shall ensure that the tower is constructed and maintained in compliance with standards contained in applicable local building and electrical codes, as amended from time to time;

- (c) Amateur Radios and Receive Only Antennas: This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas;
- (d) Inspection: The tower shall be inspected, at least every twenty four (24) months, by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers. A copy of such inspection record shall be provided to the City;
- (e) Underground Placement of Cables, Wires and Facilities: Operators shall also place all cables, wires, or other similar facilities underground;
- (f) Radio Frequency Radiation: The applicant shall provide the analysis assuring that FCC RF radiation standards will be maintained after all planned antennas are installed;
- (g) Interference with Public Safety Communications: The communication tower and antennas shall be operated in a manner that shall not cause interference with or disruption to public safety communications, including but not limited to police or fire departments. In the event that the communication tower or antennas approved by the Special Use Permit cause such an interference or disruption, the applicant shall be the responsible party to either 1) immediately (within 24 hours) remedy the problem, or 2) cease operation of the communication tower and antennas until such time as they remedy the problem;
- (h) Zoning Districts: All wireless communication antennas, repeaters and support structures proposed in any zoning district shall be permitted only through Special Use Permit;
- (i) Visual Impact: All towers and accessory facilities shall be sited to have the least practical adverse visual affect on the environment. Facility colors and designs should be architecturally compatible with surrounding buildings and/or land uses in the area or those likely to exist in the area as shown on the Comprehensive Plan and should prevent the facility from dominating the surrounding area;
- (j) Lighting: Towers shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA) or Federal Communication Commission (FCC). Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting requirements. If tower lighting is required, the Planning Commission and City Council may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way;
- (k) Height and Location: The location of new wireless communications antennas and repeaters are encouraged to be located on existing structures, including buildings, utility poles and equipment and wireless communications support structures designed for co-location. Sites for new installation of support structures are encouraged to be as visually unobtrusive as possible by locating near existing trees, utility poles or towers, or similar elements that serve to screen or divert attention from the new support structure and locating outside of

primary views along major roads. Sites for new installation of support structures are encouraged to be as compatible as possible with surrounding land uses by avoiding locations in or near residential areas and locating in rear services areas, or other low visibility areas of business parks and intensely commercialized areas whenever possible;

- (1.)Height: Wireless antennas and associated structures should be installed at the lowest possible height to meet signal coverage needs, while still supporting the goal of co-location for at least two additional facilities. Alternative Locations: For any proposed new tower site, evidence shall be submitted to City Staff stating that all existing communication towers and possible existing structures have been approached for co-location and that all alternatives have been exhausted.
  - (2.)Tower Separation: Towers shall not be located within one mile (5,280 feet) of existing towers unless the Planning Commission determines that clustering towers in certain locations is beneficial for the applicant and/or the City of Bonner Springs. If the applicant wishes to deviate from this requirement, it is the burden of the applicant to present information to the Planning Commission which describes the nature and reasons for the deviation.
- (l) Co-Location: All towers shall be designed to accommodate at least three two-way antennas for every 150 feet, or portion thereof, of tower height for co-location by other providers.
- (1.)Tower owners shall offer lease able space at reasonable rates to other carriers. The denial of space or unreasonable rates is justification for the revocation of the Special Use Permit.
  - (2.)The term of the Special Use Permit for all providers co-located upon one tower shall expire on the same date.
- (m)Antennas on Structures Other Than Towers: Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen;
- Multiple antennas mounted on a single support structure should be coordinated in design, and spaced and balanced to give a planned and uncluttered appearance.
- (n) Accessory Equipment Storage: Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication tower, unless repairs to the tower are being made. Ground level equipment used in direct support of a tower facility shall either be fully enclosed in a building meeting architectural compatibility standards with surrounding buildings, or screened based on location and appearance;
- (o) Removal of Abandoned Towers: Any tower that is no longer in use or has not been used for a continuous period of twelve (12) months for it's original communications purpose shall be removed at the owner's expense and the Special Use Permit revoked. The owner shall provide the City with a copy of the notice to the FCC of intent to cease operations and shall be given ninety (90)

days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. (Revised, Ordinance No. 1803)

**12. Mini-Storage/Self-Storage Facilities:**

- (a) A minimum six (6) foot high opaque screening fence, shall be provided for all outside storage areas visible any zoning district and street right-of-way; and
- (b) Outside storage areas shall be paved with an all weather, dust free surface.

**SECTION 5. EXPIRATION:** All special use permits shall be valid for the length of time set forth in the approving ordinance; provided, however, that all such permits shall expire: (Revised, Ordinance No. 1710, 12/5/94)

- 1. When the land upon which such use is carried on shall be sold, if leased, termination of such lease for the land, or (Revised, Ordinance No. 1710, 12/5/94)
- 2. When the operation of such use by the operator designated in the permit is discontinued.

**SECTION 6. ASSIGNMENT:** Special use permits may not be assigned, conveyed or transferred.

**SECTION 7. RECORDING:** (Repealed, Ordinance No. 2295, 12/13/10)

**SECTION 8. REVOCATION OF SPECIAL USE PERMITS:** Special use permits may be revoked by the Governing Body of the City:

- 1. For a violation of the ordinances of this City including, but not limited to, the Zoning Ordinance;
- 2. For a violation of the district regulations; and
- 3. For a violation or non-compliance with the conditions, limitations or requirements contained in the special use permit or this ordinance.

**SECTION 9. CORRECTIVE ACTION:** Upon completion of an investigation, if the Planning Commission determines that the provisions of the special use permit are being violated, the Planning Commission shall make findings as to the manner in which, or the specific performance standards which are being violated and may:

- 1. Grant a specified period of time within which the owner or operator of the property shall take corrective action; and
- 2. Hold a public hearing and make its report and recommendations to the Governing Body of the City. Such hearing shall follow the same procedure as to publication notice, notice to the property owners, and in all other procedural respects as the State laws and zoning ordinances of this City require for amendments to the zoning ordinance of Bonner Springs. (Revised, Ordinance No. 1630)

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## ARTICLE XXVIII

### RULES AND REGULATIONS

**SECTION 1. RULES:** In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number, and words in the plural number include the singular number.
3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
4. The word "shall" is mandatory
5. The word "may" is permissive
6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
7. The word "Board" means the Bonner Springs Board of Zoning Appeals.
8. Unless otherwise specified, all distances shall be measured horizontally.
9. The word "City" means the City of Bonner Springs, Kansas.
10. The abbreviation N/A means not applicable
11. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

### **SECTION 2. INTERPRETATION:**

1. **Minimum Requirements:** In interpretation and application, the application of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. **Overlapping or Contradictory Regulations:** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
3. **Private Agreements:** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provision of these regulations shall govern.
4. **Unlawful Uses:** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason

of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

**SECTION 3. DEFINITIONS:** For the purpose of the zoning regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

**Accessory Building:** A subordinate building which serves as a function clearly incidental to or customarily found in connection with and located on the same lot as that of the main use. Customary accessory buildings include garages, carports, and small storage sheds. (Revised Ordinance No. 1884)

**Accessory Use:** A subordinate use which serves an incidental function to or customarily found in connection with and on the same lot as the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

**Adult Entertainment Business:** See Adult Entertainment Code for the definition and specific requirements for the issuance of a special use permit.

**Agricultural Districts:** Shall include "AG" and "A-1" uses. (Revised Ordinance No. 1636)

**Agricultural Use:** The use of a tract of land of not less than five (5) acres for the growing of crops, pasturage, nursery, or the raising of poultry, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed there- on, and the family thereof, but such use shall not include feedlots as defined by the Kansas Statutes Annotated.

**Alley:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.

**Alteration:** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.

**Alternative Tower Structure:** This shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers. (Revised, Ordinance No. 1803)

**Antenna:** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omni-directional antennas, such as whips but not including satellite earth stations. (Revised, Ordinance No. 1803)

**Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (Revised, Ordinance No. 1803)

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy. (Revised, Ordinance No. 1803)

**Apartment:** A room or suite of rooms in a multiple-dwelling intended or designed for use as a residence by a single family.

**Basement:** A story of a building having more than one-half of its height below grade and which serves as substructure or foundation for the remainder of the building.

**Bed & Breakfast:** The use of an existing residential dwelling wherein short term lodging with one or more meals for compensation is provided and the living space is shared with the family in residence. (Revised, Ordinance No. 1681)

**Board of Zoning Appeals:** That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

**Building:** Any structure used or intended for supporting or supporting or sheltering any use or occupancy. (Revised, Ordinance No. 1710)

**Building, Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

**Building Inspector:** The person or persons authorized and empowered by the City Manager to administer the requirements of these zoning regulations.

**Cellar:** A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height regulations.

**Cell Site:** A tract or parcel of land that contains the cellular communication antenna, its support structure, accessory buildings and parking, and may include other uses associated with an ancillary to cellular communication transmission. (Revised, Ordinance No. 1803)

**Cellular Telecommunications:** A Commercial Low Power Mobile Radio Service licensed by the Federal Communication Commission (FCC) in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area. (Revised, Ordinance No. 1803)

**Cellular Telecommunications Facility:** A cellular telecommunications facility consists of the equipment and structures involved in receiving telecommunications or radio signals from mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines. (Revised, Ordinance No. 1803)

**Co-Location:** Locating wireless communications equipment from more than one provider on a single site. (Revised, Ordinance No. 1803)

**Commercial Districts:** Shall include “C-1”, “C-2”, and “C-S” uses. (Revised, Ordinance No. 1636)

**Common Carrier:** A public radio service in which a single licensee provides one-way or two-way service to multiple users. (Revised, Ordinance No. 1803)

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

**Communication Tower:** A guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. (Revised, Ordinance No. 1803)

**Communications Facility:** A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communications facilities include structures or towers and accessory buildings. (Revised, Ordinance No. 1803)

**Communications Transmission System or Communications System:** A wired communications transmission system, open video system or wireless communications transmission system. (Revised, Ordinance No. 1803)

**Condominium:** A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multiple-family dwelling.

**Contractor Equipment:** Equipment used in the operation of a construction business including but not limited to bobcats, backhoes, forklifts, tractors, generators, welders, sprayers, and commercial mowers. (Revised, Ordinance No. 2276)

**Contractor Trailer:** A trailer with a Gross Vehicle Weight (GVW) in excess of 2,000 lbs. including but not limited to gooseneck, dual axle, tandem, dump, fifth-wheel or equipment trailers. (Revised, Ordinance No. 2276)

**Day Care Center:** A building or structure where care, supervision, custody or control is provided for more than ten (10) unrelated children under the age of sixteen years for less than twenty-four (24) hours. (Revised, Ordinance No. 1745)

**Day Care Home:** A single family residence where care, supervision, custody or control is provided as a home occupation for a maximum of ten children under sixteen years of age, including the children of the provider under the age of sixteen years and with a limited number of children under kindergarten age, in compliance with county and state regulations. (Revised, Ordinance No. 1745)

**Disability:** A condition, with respect to a person, which means: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. Such terms do not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802). (Revised, Ordinance No. 1630)

**District:** A section of the City of Bonner Springs for which the regulations governing the use of land and buildings are uniform.

**Dwelling:** A building or portion thereof, not including manufactured homes, which is designated and used exclusively for residential purposes. (Revised ordinance No. 1636)

**Dwelling for the Elderly and/or Disabled:** A two-family or multiple-family residential building having accommodations for and occupied exclusively by elderly or disabled residents and attendant maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Disabled persons are those with disability as defined in these regulations. For purposes of these regulations, a dwelling for elderly and/or disabled shall not be construed as a group home as defined herein. (Revised, Ordinance No. 1630)

**Dwelling, multiple:** A residential building designed for and occupied by more than two families, independently.

**Dwelling, Single-Family:** A residential building designed for and occupied by one family. For purposes of these regulations, residential-design manufactured homes and group homes shall be considered single-family dwellings. (Revised, Ordinance No. 1630)

**Dwelling, Single-Family Attached:** A portion of a residential building designed for and occupied by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

**Dwelling, Two-Family:** A residential building designed for and separately occupied by two families.

**Earth Sheltered Residence:** A residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.

**Effective Radiated Power (ERP):** The product of the antenna power input and the numerically equal antenna power gain. (Revised, Ordinance No. 1803)

**Encroachment:** Any architectural or structural feature which projects into the setback and is measured at grade. Chimneys, balconies, roof overhangs, etc. two feet above grade and not extending more than three (3) feet into the setback. (Revised, Ordinance No. 1710)

**Enhanced Specialized Mobile Radio (ESMR):** A specialized mobile radio network which utilizes the integrated digital enhanced network. (Revised, Ordinance No. 1803)

**Exterior Lighting:** Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to illuminate outside areas. Fixtures that are installed indoors that are intended to illuminate something outside are considered exterior lighting for the intent of this Ordinance. (Revised, Ordinance No. 2068)

**FAA:** Shall mean the Federal Aviation Administration (Revised, Ordinance No. 1803)

**Family:** One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit, plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel, motel or commune.

**FCC:** Shall mean the Federal Communications Commission. (Revised, Ordinance No. 1803)

**Fence:** A protective, confining or decorative barrier separate from any building and not including any living plant material.

**Fixture:** The assembly that holds the lamp in a lighting system. It includes the elements designed to give output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment hardware. (Revised, Ordinance No. 2068)

**Floor Area:** For Computing Off-Street Parking Requirements: Shall mean the gross floor area of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- The basement floor area;
- The area of each floor of the structure; and
- The attic space having headroom of seven feet or more.

**Foot-candle:** The ratio of the quantity of light, measured in lumens to the surface area in square feet on which the lumens are falling. One foot-candle = One lumen per square foot. Foot-candle light densities are measurable with an illuminance meter. (Revised, Ordinance No. 2068)

**Foster Home:** A residence or building in which more than twelve (12) hour care is provided to no more than five (5) children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.

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

**Garage, Porch or Yard Sales:** All general sales, open to the public, conducted from or on a residential premise in any residential district for the purpose of disposing of personal property. Garage sales shall include "lawn", "yard", "attic", "porch", "room", "back yard", "patio", and "rummage" sales. This definition shall not include a situation where no more than five (5) specific items are held out for sale, and all advertisement of such sale specifically names those items to be sold.

**Gasoline Service Station:** A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced. Self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, major overhaul, motor replacement, body and fender repair or spray painting.

**Glare:** Intense light that results in discomfort and/or reduction of visual performance and visibility. (Revised, Ordinance No. 2068)

**Governing Body:** The Mayor and City Council of Bonner Springs, Kansas. (Revised, Ordinance No. 1630)

**Group Home:** Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state. For purposes of these regulations, group homes shall be considered single-family dwellings. (Revised, Ordinance No. 1630)

**Home Occupation:** A business, profession, service or trade conducted for gain or support entirely within a residential building. See Article XXII, Section 6.

**Hospital:** A building, or group of buildings, having room facilities for one or more abiding patients, used for providing services for the inpatient, medical or surgical care of ill or injured humans, and which may include related 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.

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

**Industrial Districts:** Shall include “I-1” and “I-2” uses. (Revised Ordinance No. 1636)

**Interference:** Disturbances in reception caused by intruding signals or electrical current. (Revised, Ordinance No. 1803)

**Kennel:** Any place, area, building, or structure where dogs or cats or other household domestic pets are boarded, bred, housed, cared for, fed, or trained by other than the owner. The occasional raising and sale of a litter of kittens or puppies or other household domestic pets shall not constitute a kennel.

**Lattice Tower:** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment. (Revised, Ordinance No. 1803)

**Light Trespass:** Unwanted light emitted by a luminary, falling beyond the boundary of the property, that exceeds the standards contained herein. (Revised, Ordinance No. 2068)

**Lodging or Boarding House:** A dwelling or part thereof where meals and/or lodging are provided for compensation for two (2) or more persons, not transients, and where there are not more than twelve (12) sleeping rooms, nor sleeping spaces for more than twenty-four (24) people.

**Lot:** A piece, parcel or tract of land which is located within a single block fronting on a dedicated public street and is occupied or utilized, or designated to be occupied, developed, or utilized, as a unit under single ownership or control for a principal use and uses accessory thereto, together with such open spaces as are required by this ordinance. A lot may be subsequently divided into two (2) or more lots; provided, that each new lot complies fully with this ordinance and any ordinances pertinent thereto at the time of division. A lot, therefore, may or may not coincide with a lot shown on the official tax maps or on any recorded subdivision or deed.

**Lot Area:** The product of the width multiplied by the length of a lot.

**Lot, Corner:** A lot abutting upon two or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.

**Lot Depth:** The mean horizontal distance between the front and the rear lot lines.

**Lot Double Corner:** A lot having two corners with two intersecting streets. (Revised Ordinance No. 1779).

**Lot, Double Frontage:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot

**Lot of Record:** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds in the county in which the lot is located; or a parcel of land described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds prior to the adoption of this regulation.

**Lot, Reverse Corner:** A corner lot or double corner lot on which the front yard does not front the same direction as the other lots in the same block. (Revised, Ordinance No. 1779)

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

**Manufactured Home:** A manufactured home is a prefabricated structure, transportable in one or more sections which in the traveling mode is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. A manufactured home is constructed in conformance with the Federal Manufactured Housing Construction and Safety Standards as evidenced by an affixed certification label. For purposes of these regulations, a manufactured home is not a mobile home. Manufactured homes which are not subject to the City's construction codes are not to be confused with a modular home (see definition) which is also a prefabricated structure. Manufactured homes are subject to the City of Bonner Springs' zoning regulations. (Revised, Ordinance No. 1630)

**Manufactured Home Districts:** Shall include "M-H" and "M-P" uses. (Revised Ordinance No. 1636)

**Manufactured Home, Residential-Design:** A manufactured home on a permanent foundation which has (a) minimum dimensions of twenty-two (22) feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes. For purposes of these regulations, residential-design manufactured homes shall be considered single-family dwellings. (Revised Ordinance No. 1630)

**Manufactured Home Lot:** A plot of ground within a manufactured home park which can accommodate one manufactured home and which provides the necessary utility services for water, sewerage and electricity.

**Manufactured Home Park:** Any area, piece, parcel, tract or plot of ground equipped and required for support of manufactured homes and used or intended to be used by one or more occupied manufactured homes, but under no circumstance shall the manufactured home spaces be sold or offered for sale individually. The term "manufactured home park" does not include sales lots on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale. (Revised, Ordinance No. 1630)

**Manufacturing:** Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product. (Revised, Ordinance No. 1710)

**Massage Therapy (Therapeutic):** See massage Therapy Ordinance for the definition and specific requirements for the issuance of a special use permit. (Revised Ordinance No. 2133)

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

**Mobile Home:** 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, and air-conditioning and electrical systems contained therein. The definition 'mobile home,, does not include any structure which is subject to the Federal Manufactured Housing Construction and Standards. For purposes of these regulations, a mobile home is not a manufactured home of residential design, manufactured home, nor is it considered a single-family dwelling. Mobile homes are subject to the City of Bonner Springs zoning regulations. (Revised, Ordinance No. 1630)

**Modular Home:** A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of preselected, prefabricated units or modules that conform to the City of Bonner Springs' current construction codes (building, plumbing, electrical, mechanical) transported to and/or assembled on the site of its permanent foundation, in contradistinction to a dwelling structure which is custom built on the site of its permanent location.

**Monopole Tower:** A communication tower consisting of a single pole, constructed without guy wires and ground anchors. Also known as a Self-Supporting Tower. (Revised, Ordinance No. 1803)

**Motel:** A building or group of buildings including either separate units or a row or rows of units which (1) contain living or sleeping accommodations primarily for transient occupancy, and (2) provide one off-street parking space on the same lot for each individual living or sleeping unit.

**Municipal Safety Services:** Police, fire, ambulance services of municipal government in which the primary function is to protect the safety and welfare of the general public.

**Nonconformance:** A lawful condition of a structure or land which does not conform to the regulations of the district in which it is situated. This shall include, but is not limited to, failure to conform to use, height, area, coverage, or off-street parking requirements.

**Nonconforming Use:** A structure or land lawfully occupied by a use that does not conform to regulations of the district in which it is located. Types of nonconforming uses are described below:

- **Nonconforming Buildings, Structures and Uses Thereof:** Nonconforming buildings, structures and uses thereof shall be deemed to include any building or structure, all or substantially all of which building or structure is designed and constructed for a use not permitted in the district in which it is located, and the uses thereof, including any nonconforming use of land accessory thereto.
- **Nonconforming Uses of Buildings or Structures:** Nonconforming uses of buildings or structures shall be deemed to include any nonconforming use or part or all of a building or structure designed and constructed primarily for a use permitted in the district in which it is located, and any nonconforming use of land accessory thereto.
- **Nonconforming Uses of Land:** Any nonconforming use of land where no building or structure is located on the land; and nonconforming use of land where the use of a building or structure is accessory to such nonconforming use; or any nonconforming use of land where a building or structure occupies a portion of the land, and the nonconforming use of land is not accessory to a use of the building or structure.

**Nursing Homes or Convalescent Homes:** An institution or agency licensed by the State of Kansas for the reception, board, care or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**Mixed Use District:** Shall include “MX” uses. (Revised, Ordinance No. 2386)

**Parking Area:** An area devoted to off-street parking of five (5) or more vehicles on any one lot for public or private use with an all weather surface (bituminous or concrete). All outside areas used for display or storage shall be considered parking areas and require an all weather surface. (Revised, Ordinance 1779, 4-7-97)

**Parking Space:** A permanent all weather surface (bituminous or concrete) area for parking motor vehicles with all weather driveway connecting the parking lot to a street or alley for ingress and egress. Refer to parking and loading regulations. (Revised, Ordinance No. 1779)

**Partially Shielded:** The lamp of the fixture is shielded by a translucent material and is only partially visible from the outside structure. Light may be emitted at the horizontal level of the lamp. (Revised, Ordinance No. 2068)

**Personal Communications Services (PCS):** Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network. (Revised, Ordinance No. 1803)

**Personal Property:** Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

**Planning Commission:** The Planning Commission of Bonner Springs, Kansas.

**Premises:** A lot, together with all buildings and structures thereon.

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

**Recreational Vehicle (RV) and Equipment:** Any type of vehicle used primarily for recreational pleasure, which is either self propelled, mounted on, or pulled by another vehicle. Examples include but are not limited to travel trailer, motor home, camping trailer, truck or van camper, boat, snowmobile or personal water craft. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

**Rehabilitation Home:** A building or use with the occupancy limited by the requirements of the building code as adopted for the explicit purpose of short term (no more than sixty (60) days per each individual) rehabilitation treatment due to addiction to controlled substances. (Revised, Ordinance No. 1745)

**Repeater:** A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell. (Revised, Ordinance No. 1803)

**Residence, Single-Family:** A single-family dwelling.

**Residential Districts:** Shall include “R”, “R-S”, “R-1”, “R-1A”, “R-2”, and “R-3” uses. (Revised, Ordinance No. 1636)

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

**Restaurant, Drive-In:** An establishment whose primary purpose is the sale, dispensing of service of food, refreshments or beverage in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.

**Retail:** The sale of goods, commodities or merchandise in small quantities to the general public. (Revised, Ordinance No. 1710)

**Roof and/or Building Mount Facility:** A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof or building face. (Revised, Ordinance No. 1803)

**Salvage Yard:** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or prepared for recycling, which shall include auto wrecking yards, but shall not include retail secondhand furniture stores or the purchase and storage of used or salvage materials as a part of a manufacturing operation.

**Seasonal:** Relating to or varying in occurrence according to the season, but shall not mean for a period exceeding six months. (Revised, Ordinance No. 1710)

**Shielded:** When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The lamp is not visible from outside the fixture with a shielded light fixture, and no light is emitted above the horizontal plane of the fixture. Also considered a full cut-off fixture. (Revised, Ordinance No. 2068)

**Sight Triangle:** Refer to Article XXII, Supplementary District Regulations, Section 9, Minimum Sight Triangles (Revised, Ordinance No. 1710)

**Sign:** Any device, surface, display or fixture that uses any color, form, graphic, illumination, symbol or writing to advertise, announce or identify the purposes of a person or entity or to communicate information of any kind to the public. (Revised, Ordinance No. 1710)

**Stable, Commercial:** A commercial establishment for boarding, breeding, training or raising four (4) or more horses, including rental of horses for riding or other equestrian activities. (Revised, Ordinance No. 1801)

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

**Street Line:** A dividing line between a lot, tract, or parcel of land and the contiguous street.

**Street Network:**

- **Arterial:** A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.
- **Collector:** A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- **Expressway:** A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
- **Local:** A street which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

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

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

**Structure:** That which is built or constructed, edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Revised, Ordinance No. 1710)

**Tavern:** An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises.

**Temporary Lighting:** Lighting that is intended to be used for a special event for seven (7) days or less. (Revised, Ordinance No. 2068)

**Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular towers, alternative tower structures and the like. (Revised, Ordinance No. 1803)

**Up Lighting:** Lighting that is intended in such a manner as to emit light rays above the horizontal plane. (Revised, Ordinance No. 2068)

**Wholesale:** The sale of goods or products in large quantities to retail customers for resale. (Revised, Ordinance No. 1710)

**Wind Energy Conversion Systems (WECS):** Any device commonly or technically referred to as a wind charger, windmill, wind turbine, or wind generator which converts wind energy to a form of usable energy. These terms shall include all associated support structures. (Revised, Ordinance No. 2223)

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

**Yard, Front:** A yard across the full width of the lot extending from the front line of the building to the front lot line of the lot. (Revised, Ordinance No. 1800)

**Yard, Rear:** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear building line. (Revised, Ordinance 1710)

**Yard, Side:** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.

**Zone or District:** A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open space are herein established.

**Zoning Area:** The area to be zoned as set out on the official Zoning District map filed of record.

**Zoning Regulations:** The term "zoning regulations" or "this or these regulations" shall mean the requirements stipulated in the regulations herewith attached.

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## **ARTICLE XXIX**

### **ADMINISTRATION**

#### **SECTION 1. PLANNING DEPARTMENT**

1. Authorization: The Planning Department shall be responsible for the enforcement of these regulations. The City Manager shall appoint the Planning Director who may assign the duties of the Department to appropriate City personnel.
2. Duties of the Planning Department: The Planning Director shall enforce these regulations and in addition thereto and in furtherance of said authority, he or she shall:
  - (a) Receive, file, and forward to the Board of Zoning Appeals the records in all appeals and variances, and to the Planning Commission all applications for special uses;
  - (b) Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, special uses, variances, exceptions, appeals and applications therefore and records of hearing thereon; and
  - (c) Maintain for distribution to the public a supply of copies of the zoning map, the compiled text of the zoning regulations, and the rules of the Board of Zoning Appeals.

#### **SECTION 2. BUILDING PERMITS:**

1. Building Permits: Unless a building permit shall first have been obtained from the Building/Codes Department:
  - (a) The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced; and
  - (b) The improvement of land preliminary to any use of such land shall not be commenced until an Earth Change Permit has been applied for and approved by the Planning Director.

Any building permit issued in conflict with the provisions of these regulations shall be null and void.

- (a) Application for Building Permit: Every application for a building permit shall include (3) plot plans drawn to scale showing the location, ground area, height and bulk of all present and proposed structures, drives and parking lots, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Building Official for the proper enforcement of these regulations; and
2. Issuance of Building Permit: No building permit shall be issued unless all the zoning requirements of this ordinance are met.

3. Period of Validity: A building permit shall become null and void six (6) months after the date on which it is issued unless within such six-month period grading, construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

### **SECTION 3. OCCUPANCY CERTIFICATES:**

1. No structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any purpose; and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the Building Official certifying that the proposed use or occupancy complies with all the provisions of these zoning regulations.

Issuance of Occupancy Certificate: No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the Building Official to be in full and complete compliance with the plans and specifications upon which the building permit was issued. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the Building Official to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed 90 days from its occupancy of the premises.

An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten (10) days after the receipt of an application therefore, or after the Building Official is notified in writing that the structures or premises are ready for occupancy.

**SECTION 4. ENFORCEMENT:** It shall be the duty of the Building Official or other designated officer to enforce these regulations through proper legal channels and to refuse to issue any permit for any building or structure or the use of any premises which would violate any of the provisions hereof. Appeal from the decision of the Building Official or other designated officer may be made to the Board of Zoning Appeals, as provided for herein.

**SECTION 5. VIOLATION AND PENALTY:** Any person, firm or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any plan submitted and approved hereunder shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense.

**SECTION 6. DEVELOPMENT RIGHTS:**

1. Development rights in single family residential developments shall vest upon recording the plat. If construction is not commenced upon such land within five (5) years of recording the plat, the developmental rights in such shall expire. In the event applicant fails to commence construction within such five (5) year period the development rights shall expire.
2. Development rights in other than single family developments shall vest upon the issuance of all permits required for such use by the city and construction has begun and substantial amounts of work have been completed under a validly issued permit. If such development rights do not vest within twenty-four (24) months of the approval of the Final Development Plan such Plan shall expire unless extended by the Governing Body after review by the Planning Commission.

**SECTION 7. SEVERABILITY:** It is hereby declared to be the intention of the City that the several provisions of these regulations are severable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations; and
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.  
(Revised, Ordinance No. 2076)

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## ARTICLE XXX

### LANDSCAPE REGULATIONS

**SECTION 1. PURPOSE:** The purpose of landscape improvements are: (a) to compliment architecture, provide shade, focus attention, add natural elements to paved surfaces, and improve the visual quality of site design; (b) to blend and replenish native tree stock where possible and, in all cases, to utilize low maintenance species common to this region; (c) to buffer and screen unsightly views and incompatible uses of the land and/or development; and (d) to maintain and improve the environment by air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, and noise, glare and heat abatement.

**SECTION 2. GENERAL PROVISIONS:** All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade and planted with turf or native grass or other appropriate ground cover and trees as specified in Section 5. In addition to the minimum number of trees to be planted, as set forth in Section 5, the appropriate number or amount of shrubs, ground cover, and/or turf area plantings that shall be included within each project shall be determined by the design criteria as they relate to visual safety, species used, and landscape function.

**SECTION 3. LANDSCAPE PLAN REQUIRED:** All plans submitted in support of a site plan, final development plan or residential subdivisions abutting a collector or arterial street, except for any individual residential lot or tract in the R, RS, R-1, R-1A Zoning Districts shall include a landscape plan signed by a registered architect or landscape architect. Property located within the AG or A-1 Agricultural Districts are exempt from these requirements. All landscape plans shall include the following information:

1. North arrow and scale;
2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection;
3. The location, size, and surface of materials of all structures and parking areas;
4. The location, size and type of all above-ground and underground utilities and structures with property notation, where appropriate, as to any safety hazards to avoid during landscape installation;
5. The location, type, size and quantity of all proposed landscape materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen Standards;
6. The location, size and common name of all existing plant materials to be retained on the site;
7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key;
8. Location of hose connections and other watering sources, and/or irrigation plan; and
9. The location of all trees, 12-inch caliper or larger measured at 4-1/2 feet above ground level on sites that are proposed for removal.

**SECTION 4. MINIMUM TREE REQUIREMENTS PER ZONING DISTRICT:**

1. **R, R-S, R-1, R-1A and R-2:** Two trees per dwelling unit shall be required within the landscape setback abutting said street frontage. All residential subdivisions abutting collector or arterial streets shall be required to provide one tree per forty (40) feet or

portion thereof of street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

2. **R-3:** One tree per forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one (1) tree shall also be required for every dwelling unit. These trees may include the trees required in parking lots, as set out in Section 6.

3. **M-P and M-H:** One tree for every forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one tree shall also be required for every 3,000 square feet of landscape open space. These trees may include the trees required in parking lots, as set out in Section 6.

4. **MX, C-1, C-2 and C-S:** One tree for every forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one tree shall also be required for every 3,000 square feet of landscape open space. These trees may include the trees required in parking lots, as set out in Section 6.

5. **I-1 and I-2:** One tree per forty (40) feet or portion thereof of street frontage, public or private, shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 40-foot intervals.

In addition to the required trees, based upon street frontage, one tree shall also be required for every 4,000 square feet of landscape open space. These trees may include the trees required in parking lots, as set out in Section 6.

Supplementary to the minimum number of trees required, as outlined in this Section, existing trees saved on the site during construction may be credited toward the minimum number, as specified for each zoning category. Those existing trees shall be a minimum of four-inch caliper as measured 4-1/2 feet above ground for medium and large deciduous species. Minimum size for ornamental and evergreen species shall be three (3) feet in height. All existing plant material saved shall be healthy and free of injury.

**SECTION 5. MINIMUM PLANTING REQUIREMENTS:** The minimum planting requirements shall be as follows:

1. Medium and Large Deciduous Shade Trees – Two (2) inch caliper, as measured 6 inches above the ground as specified by the American Association of Nurserymen.
2. Small Deciduous or Ornamental Trees – Six (6) feet in height as specified by the American Association of Nurserymen, with the exception of true dwarf species.
3. Conifers – 5 to 6 feet in height.

4. Upright Evergreen Trees – 4 feet in height as specified by the American Association of Nurserymen, except for true dwarf varieties.
5. Shrubs (Deciduous and Conifer Including Spreader and Globe Tree Forms) - Size optional as determined by applicant.
6. Ground Cover Plants - Crowns, plugs, containers in a number as appropriate by species to provide fifty percent (50%) surface coverage after two growing seasons.
7. Turf and Native Grass - Seed as appropriate to provide complete coverage within the first growing season.
8. Sod - As necessary to provide coverage and soil stabilization.

**SECTION 6. PLANTING REQUIREMENTS WITHIN PARKING AND VEHICULAR USE AREAS:** The intent of this section is to require site landscaping within vehicular parking areas, to provide relief from the reflected glare and heat and provide shade in large expanses of pavement or parking areas.

All parking areas in the R-3, MX, C-1, C-2, C-S, I-1, I-2 and Planned Districts shall include the following as minimum requirements:

1. Not less than six percent (6%) of the interior of a parking lot shall be landscaped and/or a minimum of one (1) tree per ten (10) parking spaces, whichever is greater;
2. The landscaping and planting areas shall be reasonably dispersed throughout the parking lots, with a minimum of sixty percent (60%) of the landscape in the front and side yards of the property;
3. The interior dimensions of any planting area or planting median shall be sufficient (in most cases not less than 36") to protect the landscaping materials planted therein and to insure proper growth. Each area shall be protected by concrete vertical curbs, or similar structures;
4. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan;
5. In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements in Section 5;
6. All landscape materials shall not be placed in zones of ingress or egress at street corners, or in the intersection of a public right of way that the Planning Department determines is an obstruction to visibility, extends into sight lines or is a traffic hazard and in compliance with Article XXII Supplementary District Regulations, Section 9, Minimum Sight Triangles; and
7. Parking Lot Setbacks - A minimum of four (4) foot setback from the property line shall be required.

**SECTION 7. COMPLIANCE:** All landscape material shall be healthy and in place prior to issuance of a Certificate of Occupancy. A temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.

**SECTION 8. MAINTENANCE:** The trees, shrubs and other landscape materials depicted on plans approved by the City shall be considered elements of the project in the same manner as parking, building materials and other details. The developer, his successor and/or subsequent owners and their agents, shall be responsible for maintenance of landscaping on property on a continuing basis for the life of the development. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season. Should landscaping not be installed, maintained and replaced as needed to comply with the approved landscape plan, the owner and their agent or agents shall be considered in violation of the terms of the Certificate of Occupancy. The Planning Department is empowered to enforce the terms of these regulations.

**SECTION 9. DEFINITIONS:**

1. **Deciduous Trees** - Generally those trees which shed their leaves annually, such as Ash, Sycamore, Willow, etc.
2. **Evergreen Trees** - Generally those trees which do not shed their leaves annually, such as Pine, Spruce, Juniper, etc.
3. **Ground Cover** - Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.
4. **Landscape Material** - Shall consist of such living material as trees, shrubs, ground cover/vines, turf grasses, and nonliving material such as: rock, pebbles, sand, mulch, brick pavers, earth berms (excluding pavement), and/or other items of a decorative or embellishment nature such as: fountains, pools, walls, fencing, sculpture, etc.
5. **Landscape Open Space** - All land area within the property lines not covered by building or pavement.
6. **Large Trees** - Generally include those species of trees that reach a height of seventy feet or taller at maturity.
7. **Medium Trees** - Generally thirty to seventy feet in height at maturity.
8. **Native Grasses** - Species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.
9. **Private Street Setback** - That distance of open area between the curb line and the building setback line.
10. **Public Street Setback** - That distance of open area between the street right of way line and the building setback line.
11. **Shrubs** - Any self-supporting, woody plant of a species which normally grows to an overall height of less than fifteen (15) feet in this region.
12. **Small Trees** - Generally thirty feet or less in height at maturity, including ornamental flowering trees and "patio" trees.
13. **Trees** - Any self-supporting, woody plant of a species which normally grows to an overall minimum height of fifteen (15) feet in this region.
14. **Turf Grass** - A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from these species grown for agricultural or commercial used purposes.

**SECTION 10. RECOMMENDED TREE / SHRUB LIST:** A recommended list of trees and shrubs is available at the Planning Department.

## ARTICLE XXXI

### SIGN REGULATIONS

**SECTION 1. PURPOSE:** The purposes of the Sign Regulations are: to encourage the effective use of signs as a means of communications in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of the Sign Regulations.

**SECTION 2. APPLICABILITY – EFFECT:** A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of these Regulations. The effect of these Regulations as specifically set forth herein is:

1. To establish a permit system to allow for a variety of types of signs for office, commercial and industrial districts and a limited variety of signs in agricultural and residential districts, subject to the standards and permit procedures;
2. To prohibit all signs not expressly permitted; and
3. To provide for the enforcement of the provisions of these Regulations.

**SECTION 3. ADMINISTRATION:** The Planning Department is hereby designated as the reviewing, issuing and enforcing authority for all sign permits and shall approve the construction method for all freestanding signs. All illuminated signs shall require the issuance of an electrical permit along with the sign permit and shall be inspected and approved by the Building Official.

#### **Permit Required:**

1. Sign Permits are required for all On-Premise Advertising, Freestanding, Projecting, Wall and Off-Premise Advertising Signs and Banners.
2. No sign, except those signs specifically listed in Section 9 (1-14), may be constructed or erected within the City without first receiving an approved sign permit from the Planning Department. The permitted use of a sign by a business, on its own premises, shall not be altered to any other use without first applying for and receiving a permit for such sign use. Applications for sign permits shall include the following:
  - (a) Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed;
  - (b) A scaled copy of the site drawings showing the proposed sign location and all structures and easements and driveways;
  - (c) Scaled building elevations for all wall signs or banners;
  - (d) A scaled site plan is also required for all freestanding signs and directional signs;
  - (e) The proposed dimensions of the sign and a description of the method of supporting the sign;
  - (f) All freestanding signs shall be designed, engineered, signed and sealed by a licensed professional engineer;
  - (g) Copy of the proposed sign elevation;
  - (h) The name and business address of the licensed contractor and the licensed electrical contractor if the sign is to be illuminated; and
  - (i) The name and contact information of the sign owner.

3. Abandoned signs for businesses that have relocated or closed shall have the sign or signs removed, covered or replaced with a blank within 90 days of relocation or closure.

**Sign Permit Fees:**

Each sign type, as referenced in these Regulations that requires a sign permit, shall pay the permit fee as determined in accordance with the City Service Fee Schedule. Payment of a sign permit shall only occur after all information is received by the Planning Department and the permit is approved.

**Installation of Signs:**

All signs, which are permitted under these Regulations or any future amendments thereto, shall be installed by licensed sign contractors in accordance with the locations and plans submitted at the time of the application and subsequently approved by the Planning Department.

**Sign Contractors:**

Any contractor desiring to construct signs for others within the city limits shall first obtain an Occupational License for their business name, business owner, address, phone number or other contact information, with the City Clerk's Office. Contractors who fail to obtain an Occupational License, or who fail to use licensed electricians, shall be subject to the penalties listed below.

**SECTION 4. ENFORCEMENT:** The Planning Department is hereby designated as the enforcement officer of these Regulations and shall have the following duties and powers:

1. Conduct Inspections: During the course of normal duties, shall observe to ensure compliance with the provisions of this Regulation;
2. Issue Notices of Violation: Issue notices of violation to owners, agent or person having the beneficial interest in the building or the premises on which a sign is located which is found to be in non-compliance with one (1) or more of the provisions of this Regulation; and
3. Cause Removal of Certain Signs: After due notice, cause for the removal of certain signs which are found to be in non-compliance with one (1) or more provision of this Regulation.

**SECTION 5. VIOLATION AND PENALTY:** Any person, firm or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any plan submitted and approved hereunder shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense. (Revised Ordinance No 2301)

**SECTION 6. REGULATIONS SPECIFIC TO MIXED USE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS:**

1. **Wall Signs:** in the MX and C-1 districts shall have an aggregate display area not to exceed one (1) square foot for each linear foot at the front building wall of the building. Wall signs in the C-2, C-S, I-1 and I-2 districts shall have an aggregate display area not to exceed two (2) square foot for each linear foot at the front building wall of the building or no more than twenty-five (25) percent of the area on the wall on which the signage is placed. Wall signs include canopy or awning signs.

2. **Freestanding Signs:** no more than one sign per one hundred fifty (150) feet of highway frontage, arterial street frontage, collector street frontage or a fraction thereof. On lots with multiple street frontages (i.e. corner lots, double frontage lots), the street frontage is not cumulative. All freestanding signs shall be of a monument type where the base supporting structure shall be covered at least 30% of the overall sign width.
3. **Electronic Message Centers:** freestanding signs are allowed by permit with the following restrictions: (Revised Ordinance No. 2257)
  - (a) Freestanding signs, which function as an electronic message center shall not exceed a total display area of thirty-two (32) square feet. This display area will be subtracted from the total display area allowed;
  - (b) All existing freestanding signs, which function as an on-premise sign, that do not comply with the 30% cover requirement, shall be retrofitted into a monument type sign when an electronic message center is requested to be added to an existing pole sign;
  - (c) No electronic message center shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken; and
  - (d) Electronic message centers shall be turned off no later than 10:00 p.m. if located within one hundred (100) feet of a residentially zoned district.
4. **Setbacks:**
  - (a) No sign shall be erected, constructed, placed, or projected into or over any public right-of-way except that in the C-1 districts, Projecting Signs may extend into the right-of-way provided there is a vertical clearance of at least eight (8) feet above the sidewalk and the sign does not extend past the sidewalk. For locations adjacent to arterial streets, the right-of-way shall be defined as the ultimate right-of-way planned for the area as shown by the adopted Comprehensive Plan "Master Street Plan";
  - (b) Except for Directional Signs, no permanent Freestanding Signs, Projecting Signs, On-Premises Advertising Signs or Wall Signs shall be located within fifty (50) feet of any residentially zoned district;
  - (c) Any sign located within one hundred (100) feet of a residentially zoned district shall be limited to a maximum height of eight (8) feet and shall not exceed sixty-four (64) square feet of display area, regardless of set-back;
  - (d) Except for Standard Public Signs, no signs shall be located within thirty-five (35) feet of the point of intersection of the right-of-way of two or more public streets, nor within fifty-five (55) feet of the intersection of a public street right-of-way and a private street or driveway;
  - (e) All Freestanding Signs or Projecting Signs shall maintain a minimum separation of one hundred fifty (150) feet from any other Freestanding or Projecting Sign. Wall Signs or Projecting Signs shall not exceed the height of the parapet of the building to which they are attached. Provided, where architectural features of the building will not permit a Wall Sign of at least three (3) feet in height, a Wall Sign may be extended above the parapet of the building wall a distance sufficient to permit a sign of three (3) feet in height; and
  - (f) Outdoor Advertising Signs (Billboards) shall be permitted in accordance with Article XXVII, Special Uses; Section 4(6).

5. **Height:**

- (a) The height of Freestanding Signs shall be measured from the grade where the sign is located and shall not exceed twenty (20) feet in height except as modified by the following: additional height may be granted for additional setbacks, measured from the ultimate right-of-way line on a one (1) foot vertical to a two (2) foot horizontal basis, to a maximum of thirty (30) feet;
- (b) On lots that abut a designated turnpike right-of-way, the height of the sign may be increased to forty (40) feet using the formula herein stated measured from the right-of-way line provided the sign is located within one-hundred (100) feet of the turnpike right-of-way line;
- (c) Any sign that projects over a pedestrian walkway shall have a minimum of eight (8) feet of clearance; and
- (d) Any sign that projects over a vehicular access area shall have a minimum of fourteen (14) feet of clearance.

6. **Size:**

- (a) No sign shall exceed two hundred (200) square feet of display surface area if being used by multiple users, or one hundred (100) square feet if used by a single user. Multiple users shall mean three (3) or more tenants on the premises or users on the Sign. Provided however, the identification plaque, decal or other device that identifies the owner of the Sign shall not be considered in the calculation of the multiple users;
- (b) Single sign per lot with turnpike right-of-way frontage shall not exceed an aggregate display surface area of three (3) square feet per each linear foot of turnpike frontage. However, no sign shall exceed two hundred (200) square feet of display area;
- (c) Multiple signs per lot with turnpike right-of-way frontage shall not exceed an aggregate display surface area of two (2) square feet per each linear foot of limited access highway or turnpike frontage. However, Outdoor Advertising Signs (Billboards) shall not exceed three hundred (300) square feet of display area;
- (d) All other signs per lot shall comply with the following standards except as otherwise provided:
  - i. Lots with one (1) Freestanding Sign shall not exceed an aggregate display area of two (2) square feet per lot frontage;
  - ii. Lots with multiple Freestanding Signs shall not exceed an aggregate display area of one (1) square foot per lot frontage; and
  - iii. Wall Signs and Projecting Signs may utilize an aggregate display surface area of two (2) square feet per building frontage.
- (e) Only one side of a Double-Sided sign shall be included in the computation of display service area. Double-Sided signs may be separated, as long as the separation of the two display surfaces shall not exceed ten (10) feet; and
- (f) In computing the permitted display surface area for signs, the linear footage of an abutting secondary residential street shall not be combined with the linear footage of any collector street, arterial street, or turnpike, which is being used to calculate the permitted display surface area.

7. **Banners, Temporary Promotional Business Signs:** a sign permit is required for all Banner or Temporary Promotional Business Signs prior to displaying the Banner or Temporary Promotional Business Sign(s).
8. **Duration and Location:**
  - (a) A Banner or Temporary Promotional Business Sign(s) shall be permitted only as provided herein, and such permits shall be limited to no more than four (4) periods per calendar year. Such Banner or Temporary Promotional Business Sign(s) may be used for a period of no more than thirty (30) days on any one occasion;
  - (b) No Banner or Temporary Promotional Business Sign(s) shall be placed in a manner, which will interfere with the flow of vehicular and/or pedestrian traffic, or create traffic visibility hazards such as being placed in the sight triangles of the intersection of two (2) streets or the intersection of streets and driveways. Banner or Temporary Promotional Business Signs must be anchored to the selected location sufficient to keep it from being moved by wind or storm;
  - (c) No Banner or Temporary Promotional Business Sign(s) shall be permitted to be located upon public street right-of-way or within any required parking spaces or loading berths, nor shall it otherwise be located in such a manner to obstruct vehicular and/or pedestrian access or circulation;
  - (d) Except for Standard Public Signs, Banner or Temporary Promotional Business Sign(s) shall not exceed forty-eight (48) square feet of display surface area; and
  - (e) All new or relocating businesses within the City will be allowed to post for a maximum of thirty (30) days, by permit, no charge for a grand opening banner and three (3) temporary off-premise directional signs with written approval from the property owner(s). These temporary off-premise directional signs shall be a maximum of eight (8) square feet. No signs shall be allowed within street rights-of-way.

**SECTION 7. REGULATIONS SPECIFIC TO RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS:**

1. **Freestanding Signs:** which function as a building or center identification sign shall not exceed a total display area of thirty-two (32) square feet. Illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet from the source of light. The maximum height of Freestanding Signs shall be measured from the grade where the sign is located and shall not exceed ten (10) feet in height.
2. **Subdivision Signs:** shall be allowed on each side of a subdivision entrance where the subdivision entrance intersects an adjacent arterial street or another subdivision. Signs shall not exceed thirty-two (32) square feet of display surface nor ten (10) feet in height. Illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured at a distance of two (2) feet from the source of light. Where the entrance of a subdivision is by way of a boulevard with a divided median, the identification sign may be placed within the traffic island, as long as the sign is located at least twenty-five (25) feet from the point of intersection of the arterial street right-of-way.
3. **Electronic Message Centers:** freestanding signs are allowed by permit for those properties with a valid special use permit with the following restrictions: (Revised Ordinance No. 2257)
  - (a) Freestanding signs, which function as an electronic message center shall not exceed a total display area of thirty-two (32) square feet;

- (b) The maximum height of all signs shall not exceed (10) feet in height;
  - (c) All existing freestanding signs, which function as an on-premise sign, that do not comply with the 30% cover requirement, shall be retrofitted into a monument or monument type sign when an electronic message center is requested to be installed on an existing pole sign;
  - (d) No electronic message center shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken; and
  - (e) Electronic message centers shall be turned off no later than 10:00 p.m. in all residentially zoned districts.
4. **Temporary Construction Signs:** during the period of construction, for a multi-lot development, a Temporary Construction Sign may be erected on each perimeter street leading to the interior development, as long as the sign does not exceed thirty-two (32) square feet of display surface and ten (10) feet in height and illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet.

During the period of construction, for a single lot development, a Temporary Construction Sign not exceeding six (6) square feet of display surface area may be erected by the owner or occupier of each property. However, the sign may not be placed within the boundaries of any public street, nor any utility easement, or within the site triangle of the intersection of two (2) streets or the intersection of a street and driveway. Such signs may not be used for commercial purposes within the residential zoning district.

**SECTION 8. FORBIDDEN LIGHTS AND REPRESENTATIONS:** No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred (100) feet of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy (70) foot candles as measured at a two (2) foot distance from the source of the illumination.

**SECTION 9. PROHIBITED SIGNS:** The following signs are prohibited except as stated below or as otherwise specifically provided hereafter:

- 1. Outdoor advertising such as off-premise advertising signs (billboards) except as provided under Section 6, paragraph 8(g);
- 2. Attention-attracting devices with moving parts, flashing and moving lights, and signs using beacons;
- 3. Snipe signs, portable signs or similar signs that are not permanently affixed to a building, structure or the ground, other than temporary election signs, temporary construction or real estate signs and garage/yard sale signs;
- 4. Pole signs;
- 5. Roof signs; and
- 6. Signs in the public right-of-way; except for governmental signs or standard public signs or approval of the Governing Body.

**SECTION 10. SIGNS ALLOWED (NO PERMIT REQUIRED):** The following types of signs shall be allowed by these Regulations if located outside the right-of-way, and further, these types of signs will not be included in the computation of aggregate display surface area for other permitted signs:

1. One nameplate attached to the face of the wall of a building, not exceeding four (4) square feet in surface area;
2. Temporary Construction or Real Estate Signs, placed upon property that indicates said property is for sale or rent, not exceeding six (6) square feet of surface area in residential zoned areas and not exceeding thirty-two (32) square feet of surface area in agricultural, office, commercial, and industrial zoned areas;
3. Signs that are not visible from a public street;
4. Tablets built into the wall of a building or other structure utilized for inscriptions, memorials or similar historic or dedicatory purposes;
5. Signs of a warning, directive or instructional in nature erected by any unit of government or any franchised utility;
6. Legal notices required by law to be posted;
7. Sandwich Board Signs: (Revised Ordinance No. 2324)
  - (a) Sandwich board signs shall be permitted on the sidewalk that abuts the building of the business;
  - (b) Sandwich board signs may be used during business hours only;
  - (c) No sandwich board sign may contain lights of any kind;
  - (d) Only one (1) sandwich board sign per business shall be allowed;
  - (e) Sandwich board signs shall not exceed nine (9) square feet of display area;
  - (f) The minimum unobstructed path on the sidewalk shall not be less than 36 inches; and
  - (g) Sandwich board signs are allowed only in the Mixed Use and Commercial zoning districts.
8. Special Event Signs: (Revised Ordinance No. 2324)
  - (a) Special event signs shall be permitted for a maximum period of four (4) days;
  - (b) Special event signs shall not exceed forty-eight (48) square feet of display surface area; and
  - (c) Special event signs shall not be placed within any public right-of-way or on any public sign or utility pole.
9. Temporary Election Signs: (Revised Ordinance No. 2358)
  - (a) Election signs shall be permitted only for a period of forty-five (45) days prior to an election and shall be removed within ten (10) days following the election;
  - (b) Election signs shall not exceed eight (8) square feet of display surface area and shall not exceed forty-two (42) inches in height, provided that these restrictions shall not apply to lawfully established off-premise signs; and
  - (c) Election signs shall not be placed within any public right-of-way or on any utility poles.
10. Signs located inside a building and either oriented to be primarily visible from inside the building only, or located more than fifteen (15) inches from the window. Signs erected by private parties of a warning, directive or instructional nature and not exceeding three (3) square feet of display surface area, including entrance, exit and restroom signs;

11. Signs attached by the manufacturer and function as labels of commodities;
12. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen (15) square inches or less for each piece of equipment or structure. By way of example and not by limitation, equipment may include satellite dishes, air conditioners, fence components and similar items;
13. Street address numbers painted on the curb at the property owner's discretion;
14. Directional (i.e. entrance/exit) signs that are less than four (4) square feet; and
15. Garage and/or yard sale signs:
  - (a) Garage/yard sale signs shall be permitted only for a period of three (3) days prior to the sale and shall be removed within two (2) days following the sale;
  - (b) Garage/yard sale signs shall not exceed eight (8) square feet of display surface area and shall not exceed forty-two (42) inches in height; and
  - (c) Garage/yard sale signs shall not be placed within any public right-of-way or on any public signs or utility poles.

**SECTION 11. SPECIAL EXEMPTIONS FROM REGULATIONS:** Signs that have not been issued a sign permit shall not be located in any zoning district of the City. Provided, that signs which were permitted by the City under previous sign regulations prior to the adoption of these Regulations, or signs which were permitted by the County under previous regulations prior to annexation may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty (50) percent of its value, at which time such sign must be relocated in full conformity with the requirements of this ordinance. Provided however, any non-conforming sign existing within the corporate City limits at the time of the adoption of these Regulations, which use is not otherwise discontinued or the sign is not damaged or destroyed as provided herein, shall conform to the provisions of these Regulations. Any Sign previously permitted by the County and located on property that is annexed into the corporate City limits subsequent to the adoption of these Regulations shall have ten (10) years from the date of annexation to conform to these Regulations.

**SECTION 12. DEFINITIONS:** Words and phrases used in these Regulations shall have the meaning set forth in this Section. Words and phrases not defined in this section, but defined in other Ordinances of the City, shall be given the meanings set forth in such Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

**Abandoned Sign:** a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, owner, activity conducted or product available on the premises where such sign is displayed.

**Awning:** a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

**Banner:** any sign of lightweight fabric or similar material that is mounted to a pole, building, fence or other structure at one (1) or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

**Blinking or Flashing Sign:** a sign where the light illumination alternates suddenly between fully illuminated, fully non-illuminated, and then fully illuminated more than once in a time frame of less than a second.

**Canopy Sign:** any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door or entrance, window or outdoor service area. A marquee is not a canopy.

**Directional (Informational) Sign:** A sign providing no advertising of any kind, which provides direction and/or orientation for pedestrian and vehicular traffic.

**Display Surface Area:** the net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations.

**Dissolve:** a mode of message transition on an electronic message center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

**Double-Faced Sign:** a sign with two (2) faces, essentially back-to-back.

**Double-Sided Signs:** shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions.

**Electronic Message Center:** a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**Fade:** a mode of message transition on an electronic message center accomplished by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**Frame:** a complete, static display screen on an electronic message center.

**Frame Duration:** the amount of time a frame is displayed before changing.

**Frame Effect:** a visual effect on an electronic message center applied to a single frame to attract the attention of viewers.

**Freestanding Signs:** shall mean a sign that is principally supported by a structure affixed to the ground, not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. All freestanding signs shall be of a monument type where the base supporting structure shall be covered at least 30% of the overall sign width.

**Identification Sign:** sign that identifies a building(s) use or name.

**Illegal Sign:** a sign which does not meet the requirements of these regulations and which has not received legal nonconforming status.

**Name Plate:** a sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.

**Obscene:** material is obscene when “(a) the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest, (b) the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.” Miller v. California, 413 US 15 (1973).

**Outdoor Advertising Signs (Billboards):** shall mean a freestanding sign erected, maintained or used in the outdoor environment for the purposes of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sales or lease of, the property on which it is displayed.

**On-Premises Advertising Signs:** shall mean a sign erected, maintained or used in the outdoor environment for the purposes of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Projecting Signs:** shall mean a display sign that is attached directly to a building wall that extends more than fifteen (15) inches from the face of the wall.

**Sandwich Board Signs:** a temporary, portable sign that is not secured or attached to the ground or surface upon which it is located.

**Special Event Signs:** includes, but is not limited to, signs for sidewalk sales, grand openings or any other special events that do not exceed four (4) days in duration.

**Standard Public Signs:** shall mean any sign erected by the federal highway department, state highway department, Turnpike Authority, county highway department, or the City.

**Temporary Construction Signs:** shall mean a construction sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Construction Sign shall be located upon the property where the construction work is taking place.

**Temporary Election Signs:** shall mean a political election sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Election Sign shall be located upon private properties only and shall not be placed in the public right-of-ways.

**Temporary Promotional Business Sign:** shall mean a promotional business sign that promotes a sale or other promotion by a business. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Promotional Business Sign shall be located upon private properties only and shall not be placed in the public right-of-ways.

**Temporary Real Estate Sign:** shall mean a real estate sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Real Estate Sign shall be located on the property for which it is advertising for sale or lease.

**Transition:** a visual effect used on an electronic message center to change from one message to another.

**Wall Signs:** shall mean a sign that is painted on or attached directly to the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the wall.

## **APPENDIX A**

### **PERMITTED AND SPECIAL USES**

#### **BY ZONING DISTRICT**

##### **AG AGRICULTURAL DISTRICT (PERMITTED USES)**

- ACCESSORY USES SUCH AS NON-COMMERCIAL REPAIR SHOPS, GARAGES, BARNs, ETC. NOT INCLUDING PROCESSING OF AGRICULTURE PRODUCTS
- BEEKEEPING
- COMMERCIAL FORESTRY
- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE-FAMILY DETACHED
- FARMERS MARKET
- FARMING
- FARMING, EXPERIMENTAL & DEMONSTRATION
- FISH FARMS & HATCHERIES
- FUR ANIMALS, BREEDING AND RAISING FOR ANY COMMERCIAL OR LABORATORY PURPOSE
- GREENHOUSES & HORTICULTURE
- HOME OCCUPATIONS
- KENNELS - BOARDING AND BREEDING
- MUNICIPAL SAFETY SERVICES
- NURSERY STOCK FARMS
- ORCHARDS AND VINEYARDS
- PARKS AND PLAYGROUNDS, PUBLIC
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- WIND ENERGY CONVERSION SYSTEMS (WECS)

##### **AG AGRICULTURAL DISTRICT (SPECIAL USES)**

- ART GALLERIES & ARTIST STUDIOS
- AUCTIONS, LIVESTOCK
- AVIATION FIELDS OR AIRPORTS
- BED & BREAKFAST
- CEMETERIES & MAUSOLEUMS
- CHURCHES, SYNAGOGUES AND TEMPLES
- COUNTRY CLUBS & ATHLETIC CLUBS
- DAY CARE CENTERS AND NURSERY SCHOOLS
- FLEA MARKET
- GOLF COURSES, TENNIS & SWIMMING CLUBS (NOT LESS THAN 5 ACRES)
- HOSPITALS & MEDICAL CLINICS (NOT LESS THAN TEN ACRES)
- LIBRARIES
- LIVESTOCK - WHOLESALE
- MONASTERIES & CONVENTS
- MUSEUMS
- NURSING, CONVALESCENT AND REST HOMES
- REHABILITATION HOME
- RIDING STABLES
- SCHOOLS PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- SHOOTING RANGES INDOORS
- SHOOTING RANGES OUTDOOR
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- THEATERS, OUTDOOR MOTION PICTURE (NOT LESS THAN 5 ACRES)
- TRANSMITTING STATIONS & TOWERS - RADIO & TELEVISION
- WATER & SEWER TREATMENT PLANTS AND STORAGE
-

#### **A-1 AGRICULTURAL DISTRICT (PERMITTED USES)**

- ACCESSORY USES SUCH AS NON-COMMERCIAL REPAIR SHOPS, GARAGES, BARNs, ETC. NOT INCLUDING PROCESSING OF AGRICULTURE PRODUCTS
- CEMETERIES & MAUSOLEUMS
- COMMERCIAL FORESTRY
- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE-FAMILY DETACHED
- FARMING
- FISH FARMS & HATCHERIES
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- NURSERY STOCK FARMS
- ORCHARDS AND VINEYARDS
- PARKS AND PLAYGROUNDS, PUBLIC
- POULTRY HATCHERY SERVICES
- WIND ENERGY CONVERSION SYSTEMS (WECS)

#### **A-1 AGRICULTURAL DISTRICT (SPECIAL USES)**

- AMPHITHEATERS
- AUCTIONS, LIVESTOCK
- AUDITORIUMS & EXHIBITION HALLS
- AVIATION FIELDS OR AIRPORTS
- BED & BREAKFAST
- BEEKEEPING
- CAMP GROUNDS
- CHURCHES, SYNAGOGUES & TEMPLES
- COUNTRY CLUBS & ATHLETIC CLUBS
- DAY CARE CENTERS & NURSERY SCHOOLS
- FARMERS MARKET
- FEEDS, GRAINS & HAY - RETAIL
- FERTILIZER - RETAIL
- FLEA MARKET
- GAS & PETROLEUM (CRUDE) DRILLING
- GOLF COURSES, TENNIS & SWIMMING CLUBS
- HUNTING & FISHING CLUBS
- KENNELS - BOARDING & BREEDING
- LIVESTOCK - WHOLESALE
- MARINAS & BOAT RENTALS
- MONASTERIES & CONVENTS
- MUSEUMS
- NURSING, CONVALESCENT & REST HOMES
- PRISON AND CORRECTIONAL FACILITIES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- REHABILITATION HOME
- RESORTS, RETREATS & DUDE RANCHES
- RIDING STABLES
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- SHOOTING RANGES - INDOOR
- SHOOTING RANGES - OUTDOOR
- STADIUMS
- TELECOMMUNICATION TOWERS
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- TRANSMITTING STATIONS & TOWERS - RADIO & TELEVISION
- TRAP & SKEET SHOOTING RANGES
- VETERINARY SERVICES, INDOORS AND OUTDOORS
- ZOOS, AQUARIUMS & BOTANICAL GARDENS

**R RURAL RESIDENTIAL DISTRICT (PERMITTED USES)**

- ACCESSORY USES SUCH AS NON-COMMERCIAL REPAIR SHOPS, GARAGES, BARNs, ETC.
- BEEKEEPING
- COMMERCIAL FORESTRY
- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE FAMILY DETACHED
- FARMERS MARKET
- FARMING
- FARMING - EXPERIMENTAL AND DEMONSTRATION
- FISH FARMS AND HATCHERIES
- FUR ANIMALS, BREEDING & RAISING FOR ANY COMMERCIAL OR LABORATORY PURPOSE
- GREENHOUSES AND HORTICULTURE
- HOME OCCUPATIONS
- KENNELS - BOARDING AND BREEDING
- MUNICIPAL SAFETY SERVICES
- NURSERY STOCK FARMS
- ORCHARDS AND VINEYARDS
- PARKS AND PLAYGROUNDS - PUBLIC
- PUBLIC UTILITY SUBSTATIONS AND PUMPING STATIONS
- SEE EXCEPTION IN ARTICLE VI-A "R" RURAL RESIDENTIAL DISTRICT, SECTION 2
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**R RURAL RESIDENTIAL DISTRICT (SPECIAL USES)**

- ART GALLERIES AND ARTISTS STUDIOS
- AVIATION FIELDS OR AIRPORTS
- BED AND BREAKFAST
- CEMETERIES AND MAUSOLEUMS
- CHURCHES, SYNAGOGUES AND TEMPLES
- COUNTRY CLUBS & ATHLETIC CLUBS
- DAY CARE CENTERS AND NURSERY SCHOOLS
- FLEA MARKET
- GOLF COURSES, TENNIS & SWIMMING CLUBS (NOT LESS THAN 5 ACRES)
- HOSPITALS & MEDICAL CLINICS (NOT LESS THAN 10 ACRES)
- LIBRARIES
- LIVESTOCK - WHOLESALE
- MONASTERIES AND CONVENTS
- MUSEUMS
- NURSING, CONVALESCENT & REST HOMES
- REHABILITATION HOME
- SCHOOLS, PRIMARY & SECONDARY - GENERAL INSTRUCTION
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- THEATERS, OUTDOOR MOTION PICTURE (NOT LESS THAN 5 ACRES)
- TRANSMITTING STATIONS & TOWERS - RADIO AND TELEVISION
- WATER AND SEWER TREATMENT PLANTS AND STORAGE

**R-S SUBURBAN RESIDENTIAL DISTRICT (PERMITTED USES)**

- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE-FAMILY DETACHED
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**R-S SUBURBAN RESIDENTIAL DISTRICT (SPECIAL USES)**

- BED AND BREAKFAST
- CHURCHES, SYNAGOGUES & TEMPLES

- DAY CARE CENTERS & NURSERY SCHOOLS
- MONASTERIES & CONVENTS
- NURSING, CONVALESCENT & REST HOMES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- REHABILITATION HOME
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (PERMITTED USES)**

- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE-FAMILY DETACHED
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (SPECIAL USES)**

- BED AND BREAKFAST
- CEMETERIES AND MAUSOLEUMS
- CHURCHES, SYNAGOGUES & TEMPLES
- DAY CARE CENTERS & NURSERY SCHOOLS
- MASSAGE THERAPY (THERAPEUTIC)
- MONASTERIES & CONVENTS
- NURSING, CONVALESCENT & REST HOMES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- REHABILITATION HOME
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- TELECOMMUNICATION TOWERS

**R-1A RESIDENTIAL SPECIAL DISTRICT (PERMITTED USES)**

- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE-FAMILY DETACHED
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**R-1A RESIDENTIAL SPECIAL DISTRICT (SPECIAL USES)**

- BED AND BREAKFASTS
- BOARDING AND ROOMING HOUSES
- CHURCHES, SYNAGOGUES & TEMPLES
- DAY CARE CENTERS AND NURSERY SCHOOLS
- DWELLING, MULTI-FAMILY (4 UNITS MAXIMUM)
- DWELLING, SINGLE-FAMILY ATTACHED
- DWELLING, SINGLE-FAMILY DETACHED-ZERO LOT LINE
- DWELLING, TWO-FAMILY
- MASSAGE THERAPY (THERAPEUTIC)
- NURSING, CONVALESCENT & REST HOMES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- REHABILITATION HOME
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**R-2 DUPLEX RESIDENTIAL DISTRICT (PERMITTED USES)**

- DWELLING, MANUFACTURED HOME RESIDENTIAL DESIGN
- DWELLING, SINGLE-FAMILY ATTACHED
- DWELLING, SINGLE-FAMILY DETACHED
- DWELLING, TWO-FAMILY
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**R-2 DUPLEX RESIDENTIAL DISTRICT (SPECIAL USES)**

- CHURCHES, SYNAGOGUES & TEMPLES
- NURSING, CONVALESCENT & REST HOMES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**R-3 MULTI-FAMILY RESIDENTIAL DISTRICT (PERMITTED USES)**

- BOARDING AND ROOMING HOUSES
- DORMITORIES, COLLEGE
- DWELLING, MULTI-FAMILY
- FRATERNITY & SORORITY HOUSES
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**R-3 MULTI-FAMILY RESIDENTIAL DISTRICT (SPECIAL USES)**

- CHURCHES, SYNAGOGUES & TEMPLES
- NURSING, CONVALESCENT & REST HOMES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**M-P MANUFACTURED HOME PARK DISTRICT (PERMITTED USES)**

- DWELLING, MANUFACTURED HOME NOT ON PERMANENT FOUNDATION
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**M-P MANUFACTURED HOME PARK DISTRICT (SPECIAL USES)**

- CHURCHES, SYNAGOGUES & TEMPLES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**M-H MANUFACTURED HOME SUBDIVISION DISTRICT (PERMITTED USES)**

- DWELLING, MANUFACTURED HOME ON PERMANENT FOUNDATION
- HOME OCCUPATIONS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**M-H MANUFACTURED HOME SUBDIVISION DISTRICT (SPECIAL USES)**

- CHURCHES, SYNAGOGUES & TEMPLES
- NURSING, CONVALESCENT & REST HOMES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- SCHOOLS, PRIMARY & SECONDARY (GENERAL INSTRUCTION)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**MX MIXED USE DISTRICT (PERMITTED USES)**

- ANTIQUE SHOPS
- ART STUDIOS (DANCE, DRAMA, PHOTOGRAPHY, MUSIC, PROFESSIONAL WORK, ETC)
- ART SUPPLY SALES
- BAKERIES - RETAIL
- BARBER & BEAUTY SERVICES
- BOOK STORE (NEW OR USED BOOKS)
- BUSINESS & FINANCIAL INSTITUTIONS
- BUSINESS SERVICES
- COFFEE SHOPS
- COMMUNICATION SERVICES
- CONFECTIONARY STORE
- CONSTRUCTION CONTRACTORS OFFICES WITH NO OUTSIDE STORAGE
- DRUG STORES
- DRY CLEANING & LAUNDERING SERVICES
- DWELLING, MULTI-FAMILY
- DWELLING, SINGLE-FAMILY ATTACHED
- DWELLING, SINGLE-FAMILY, DETACHED
- DWELLING, TWO-FAMILY
- FLORIST SHOPS
- HAIR CARE ESTABLISHMENTS
- HEALTH AND ATHLETIC CLUBS
- HOSPITALS AND MEDICAL CLINICS
- LIBRARIES
- MASSAGE THERAPY (THERAPEUTIC)
- MUNICIPAL SAFETY SERVICES
- MUSEUMS
- OFFICES (BUSINESS, PROF., MEDICAL, PUBLIC OR PRIVATE UTILITY COMPANIES)
- PARKS AND PLAYGROUNDS, PUBLIC
- PET SUPPLIES, GROOMING AND TRAINING (NO OVERNIGHT BOARDING)
- PHOTOCOPYING & BLUEPRINTING SERVICES
- PROFESSIONAL OFFICES
- QUICK COPY OR DUPLICATING CENTER
- READING ROOM
- RESTAURANTS
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**MX MIXED USE DISTRICT (SPECIAL USES)**

- CHILD/ELDERLY CARE AND DEVELOPMENT CENTERS (NO OVERNIGHT ACCOM.)
- CHURCHES, SYNAGOGUES & TEMPLES
- DAY CARE CENTERS & NURSERY SCHOOLS
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- SCHOOLS, GENERAL INSTRUCTION (PUBLIC OR PRIVATE)
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

## **C-1 CENTRAL BUSINESS DISTRICT (PERMITTED USES)**

- APPLIANCES, ELECTRIC AND ELECTRONICS REPAIR
- ARCADES
- ART GALLERIES & ARTISTS STUDIOS
- ART SUPPLY SALES
- AUTO REPAIR
- AUTOMOBILE PARTS & SUPPLIES - RETAIL
- BAKERIES - RETAIL
- BARBER & BEAUTY SERVICES
- BOOK STORE (NEW OR USED BOOKS)
- BUSINESS AND FINANCIAL INSTITUTIONS
- BUSINESS SERVICES
- CAR WASH
- CIVIC, SOCIAL & FRATERNAL ASSOCIATION
- CLOTHING/ACCESSORIES REPAIR
- COFFEE SHOPS
- COMMUNICATION SERVICES
- CONVENIENCE STORES
- DRUG STORES
- DRY CLEANING & LAUNDERING SERVICES
- DWELLING, SECOND STORY
- ELECT/HVAC/MECH/PLBG RETAIL & SERVICE
- EQUIPMENT, FURNITURE AND APPLIANCES RENTAL, SALES & LEASING SERVICES
- FARMERS MARKET – PUBLICLY OPERATED
- FITNESS CENTERS
- FLORIST SHOPS
- FUNERAL, MORTUARY & CREMATORY SERVICES
- FURNITURE REPAIR & REUPHOLSTERY SERVICES
- GASOLINE SERVICE STATIONS - RETAIL
- HAIR CARE ESTABLISHMENTS
- HEALTH AND ATHLETIC CLUBS
- HOSPITALS AND MEDICAL CLINICS
- JANITORIAL SERVICES
- LANDSCAPE NURSERIES AND GARDEN SUPPLIES/RETAIL
- LAWN CARE SERVICES
- LIBRARIES
- LOCKSMITH SERVICES
- MASSAGE THERAPY (THERAPEUTIC)
- MEDICAL & DENTAL, LABORATORY SERVICES
- MOTELS, HOTELS & TOURIST COURTS
- MUNICIPAL SAFETY SERVICES
- MUSEUMS
- OFFICES (BUSINESS, PROF., MEDICAL, PUBLIC OR PRIVATE)
- PARKS AND PLAY GROUNDS, PUBLIC
- PET SUPPLIES, GROOMING AND TRAINING (NO OVERNIGHT BOARDING)
- PHOTOCOPYING & BLUEPRINTING SERVICES
- PHOTO FINISHING SERVICES
- PHOTOGRAPHIC STUDIOS & SERVICES
- PRINTING & PUBLISHING (WALK IN CUSTOMERS)
- PRIVATE CLUBS
- PROFESSIONAL OFFICES
- QUICK COPY OR DUPLICATING CENTER
- RECEPTION HALLS
- RECYCLING COLLECTION POINTS
- RESTAURANTS
- RETAIL NOT OTHERWISE LISTED
- SCHOOLS, COLLEGES AND UNIVERSITIES
- SKATING RINKS

- SOCIAL CORRECTIONAL, TREATMENT & COUNSELING SERVICES
- TAVERNS
- THEATERS, INDOOR
- VETERINARY SERVICES, INDOOR ONLY
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**C-1 CENTRAL BUSINESS DISTRICT (SPECIAL USES)**

- ADULT ENTERTAINMENT BUSINESS
- AUCTIONS, CONSIGNMENT
- BUS PASSENGER TERMINALS
- COUNTRY CLUBS & ATHLETIC CLUBS
- DAY CARE CENTERS AND NURSERY SCHOOLS
- FARMERS MARKET
- FLEA MARKET
- MASSAGE SERVICES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- STADIUMS
- TELECOMMUNICATION TOWERS
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS

**C-2 GENERAL BUSINESS DISTRICT (PERMITTED USES)**

- APPLIANCES, ELECTRIC AND ELECTRONICS REPAIR
- ARCADES
- ART GALLERIES & ARTIST STUDIOS
- ART SUPPLY SALES
- AUTO REPAIR
- AUTOMOBILE PARTS & SUPPLIES - RETAIL
- BAKERIES - RETAIL
- BARBER & BEAUTY SERVICES
- BOOK STORE (NEW OR USED BOOKS)
- BUSINESS & FINANCIAL INSTITUTIONS
- BUSINESS SERVICES
- CAR WASH
- CARPENTRY & WOOD FLOORING SERVICES
- CIVIC, SOCIAL & FRATERNAL ASSOCIATIONS
- CLOTHING/ACCESSORIES REPAIR
- COFFEE SHOPS
- COMMUNICATION SERVICES
- CONVENIENCE STORES
- DRUG STORES
- DRY CLEANING & LAUNDERING SERVICES
- ELECT/HVAC/MECH/PLBG RETAIL & SERVICE
- EQUIPMENT, FURNITURE AND APPLIANCES RENTAL, SALES & LEASING SERVICES
- FITNESS CENTERS
- FLORIST SHOPS
- FUNERAL, MORTUARY & CREMATORY SERVICES
- FURNITURE REPAIR & REUPHOLSTERY SERVICES
- GASOLINE SERVICE STATIONS - RETAIL
- HAIR CARE ESTABLISHMENTS
- HEALTH AND ATHLETIC CLUBS
- HOSPITALS AND MEDICAL CLINICS
- JANITORIAL SERVICES
- LAWN CARE SERVICES
- LIBRARIES
- LOCKSMITH SERVICES
- MASSAGE THERAPY (THERAPEUTIC)
- MEDICAL & DENTAL LABORATORY SERVICES

- MOTELS, HOTELS & TOURIST COURTS
- MUNICIPAL SAFETY SERVICES
- MUSEUMS
- OFFICES (BUSINESS, PROF., MEDICAL, PUBLIC OR PRIVATE)
- PARKS AND PLAYGROUNDS, PUBLIC
- PET SUPPLIES, GROOMING AND TRAINING (NO OVERNIGHT BOARDING)
- PHOTOCOPYING & BLUEPRINTING SERVICES
- PHOTO FINISHING SERVICES
- PHOTOGRAPHIC STUDIOS & SERVICES
- PRINTING & PUBLISHING (WALK IN CUSTOMERS)
- PRIVATE CLUBS
- PROFESSIONAL OFFICES
- QUICK COPY OR DUPLICATING CENTER
- RECYCLING COLLECTION POINTS
- RESTAURANTS
- RETAIL NOT OTHERWISE LISTED
- SCHOOLS, COLLEGES AND UNIVERSITIES
- SKATING RINKS
- SOCIAL CORRECTIONAL, TREATMENT & COUNSELING SERVICES
- TAVERNS
- THEATERS - INDOOR
- VETERINARY SERVICES, INDOOR ONLY
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**C-2 GENERAL BUSINESS DISTRICT (SPECIAL USES)**

- ADULT ENTERTAINMENT BUSINESS
- AUCTIONS, CONSIGNMENT
- BUS PASSENGER TERMINALS
- COUNTRY CLUB & ATHLETIC CLUBS
- DAY CAR CENTERS AND NURSERY SCHOOLS
- FARMERS MARKET
- FLEA MARKET
- KENNELS - BOARDING AND BREEDING
- KENNELS - BOARDING AND BREEDING, INDOOR ONLY
- MASSAGE SERVICES
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- STADIUMS
- SHOOTING RANGES - INDOOR
- TELECOMMUNICATION TOWERS
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- ZOOS, AQUARIUMS, BOTANICAL GARDENS

**C-S HIGHWAY SERVICE DISTRICT (PERMITTED USES)**

- AUTO REPAIR
- AUTO SALES & SERVICE
- AUTOMOBILE PARTS & SUPPLIES - RETAIL
- BAIT SHOPS
- BAKERIES - RETAIL
- BOWLING CENTERS
- CAR WASH
- CONSTRUCTION CONTRACTORS OFFICES WITH NO OUTSIDE STORAGE
- CONSTRUCTION EQUIPMENT - RETAIL
- CONVENIENCE STORES
- DRY CLEANING & LAUNDERING SERVICES
- ELECT/HVAC/MECH/PLBG RETAIL & SERVICE LIMITED OUTDOOR STORAGE
- EQUIPMENT, FURNITURE AND APPLIANCES RENTAL, SALES & LEASING SERVICES
- FARM MACHINERY & EQUIPMENT - RETAIL

- FARM MACHINERY & EQUIPMENT - WHOLESALE
- FITNESS CENTERS
- GASOLINE SERVICE STATIONS - RETAIL
- GREEN HOUSES AND HORTICULTURE
- LANDSCAPE NURSERIES AND GARDEN SUPPLIES
- LUMBER YARDS & BUILDING MATERIALS - RETAIL
- MANUFACTURED HOMES & ACCESSORIES - RETAIL
- MINI-STORAGE/SELF-STORAGE FACILITIES (NO OUTSIDE STORAGE)
- MONUMENTS - RETAIL
- MOTELS, HOTELS & TOURIST COURTS
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- RESTAURANTS
- VETERINARY SERVICES, INDOOR ONLY
- WIND ENERGY CONVERSION SYSTEMS (WECS)

**C-S HIGHWAY SERVICE DISTRICT (SPECIAL USES)**

- ADULT ENTERTAINMENT BUSINESS
- AMUSEMENTS - OUTDOOR
- ARMED FORCES RESERVE CENTER
- AUCTIONS, CONSIGNMENT
- BUS PASSENGER TERMINALS
- FARMERS MARKET
- FERTILIZERS - RETAIL
- FLEA MARKET
- GOLF DRIVING RANGES
- KENNELS-BOARDING AND BREEDING
- LANDSCAPE CONTRACTING SERVICES
- MASSAGE SERVICES
- MINI-STORAGE/SELF-STORAGE FACILITIES (WITH OUTSIDE STORAGE)
- PUBLIC USES WITH LIMITED OUTDOOR STORAGE
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- RACE TRACKS & COURSES
- SHOOTING RANGES - INDOOR
- STADIUMS
- TAVERNS
- TELECOMMUNICATION TOWERS
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- THEATERS, OUTDOOR MOTION PICTURE, OUTDOOR (IN AG & R ON NOT LESS THAN FIVE ACRES)
- TRANSMITTING STATIONS & TOWERS - RADIO & TELEVISION
- ZOOS, AQUARIUMS & BOTANICAL GARDENS

**I-1 LIGHT INDUSTRIAL DISTRICT (PERMITTED USES)**

- AIRCRAFT & ACCESSORIES - RETAIL
- AUTO REPAIR
- BOAT BUILDING & REPAIR SERVICES
- CARPET & RUG CLEANING & REPAIR SERVICES
- CLEANING, POLISHING & SANITATION PREPARATION, EXCEPT SOAP MANUFACTURING
- CONCRETE PRODUCTS - MANUFACTURING
- CONSTRUCTION CONTRACTORS - WAREHOUSING AND OUTSIDE STORAGE
- ELECTRIC GENERATION PLANTS
- ELECT/HVAC/MECH/PLBG - WHOLESALE AND FABRICATION
- EXTERMINATING & DISINFECTING SERVICES
- FEEDS, GRAINS, HAY - RETAIL
- FERTILIZERS - RETAIL
- FITNESS CENTERS

- FOOD LOCKERS & REFRIGERATED STORAGE
- FREIGHT TERMINALS
- FURNITURE STRIPPING AND REFINISHING
- LANDSCAPE CONTRACTING SERVICES
- LINEN SUPPLY & INDUSTRIAL LAUNDRY SERVICES
- LUMBER YARDS & BUILDING MATERIALS - RETAIL
- MANUFACTURING NOT OTHERWISE LISTED
- MINI-STORAGE/SELF-STORAGE FACILITIES (WITH/WITHOUT OUTSIDE STORAGE)
- MUNICIPAL SAFETY SERVICES
- PARKS AND PLAYGROUNDS, PUBLIC
- PETROLEUM REFINING
- PRINTING & PUBLISHING
- PUBLIC USES WITH LIMITED OUTDOOR STORAGE
- RECLAIMING RUBBER
- RECYCLING COLLECTION POINTS
- ROAD & UTILITY MAINTENANCE YARDS
- TAXICAB DISPATCH AND MAINTENANCE
- TOW LOT
- WAREHOUSING NOT OTHERWISE LISTED
- WATER TREATMENT PLANTS & STORAGE
- WATER WELL DRILLING SERVICES
- WHOLESALE NOT OTHERWISE LISTED
- WIND ENERGY CONVERSION SYSTEMS (WECS)

#### **I-1 LIGHT INDUSTRIAL DISTRICT (SPECIAL USES)**

- BILLBOARDS OR OUTDOOR ADVERTISING SIGNS
- FARM MACHINERY & EQUIP - WHOLESALE
- MOTOR FREIGHT GARAGING & EQUIPMENT MAINTENANCE
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- SALVAGE YARD
- SHOOTING RANGES - INDOOR
- SOLID WASTE PROCESSING FACILITIES
- TELECOMMUNICATION TOWERS
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- WAREHOUSING NONHAZARDOUS PRODUCTS WITH LIVE IN GUARD

#### **I-2 HEAVY INDUSTRIAL DISTRICT (PERMITTED USES)**

- AGRICULTURAL PROCESSING
- AIRCRAFT & ACCESSORIES - RETAIL
- AIRCRAFT STORAGE & EQUIPMENT MAINTENANCE
- ANIMAL & MARINE FATS & OILS, RENDERING – MANUFACTURING
- ASBESTOS, ABRASIVE & MISC. NON-METALLIC MINERAL PRODUCTS - MANUFACTURING
- ASPHALT FELTS & COATINGS - MANUFACTURING
- BIOLOGICAL PRODUCTS - MANUFACTURING
- BOAT BUILDING & REPAIR SERVICES
- BUS GARAGING & EQUIPMENT MAINTENANCE
- CARPET & RUG CLEANING & REPAIR SERVICES
- CHEMICAL PRODUCTS MANUFACTURING
- CLEANING, POLISHING & SANITATION PREPARATION
- COFFEE ROASTING & COFFEE PRODUCTS – MANUFACTURING
- CONCRETE PRODUCTS - MANUFACTURING
- CONSTRUCTION CONTRACTORS - WAREHOUSING AND OUTSIDE STORAGE
- ELECTRIC GENERATION PLANTS
- ELECT/HVAC/MECH/PLBG WHOLESALE AND FABRICATION
- EXTERMINATING & DISINFECTING SERVICES
- FARM MACHINERY & EQUIPMENT - WHOLESALE
- FARM PRODUCTS WAREHOUSING & STORAGE EXCLUDING STOCKYARDS
- FARM PRODUCTS - WHOLESALE

- FEEDS, GRAINS & HAY - RETAIL
- FERTILIZER – RETAIL & WHOLESALE
- FOOD LOCKERS & REFRIGERATED STORAGE
- FREIGHT TERMINALS
- FURNITURE STRIPPING AND REFINISHING
- GAS PRODUCTION PLANTS
- GLASS & GLASSWARE - MANUFACTURING
- GRAIN MILL PRODUCTS - MANUFACTURING
- GUNS, AMMUNITION & ORDINANCE - MANUFACTURING
- LINEN SUPPLY & INDUS. LAUNDRY SERVICES
- LUMBER YARDS & BUILDING MATERIALS - RETAIL
- MANUFACTURING NOT OTHERWISE LISTED
- MATCHES - MANUFACTURING
- MINI-STORAGE/SELF-STORAGE FACILITIES (WITH/WITHOUT OUTSIDE STORAGE)
- MOTOR FREIGHT GARAGING & EQUIP. MAINTENANCE
- MOTOR VEHICLES AND EQUIPMENT – WHOLESALE
- MUNICIPAL SAFETY SERVICES
- OIL MILLING
- PAINTS, VARNISHES, LACQUERS, ENAMELS & ALLIED PRODUCTS MANUFACTURING
- PARKS AND PLAYGROUNDS, PUBLIC
- PETROLEUM REFINING
- PLUMBING & HEATING EQUIPMENT SUPPLIES - WHOLESALE
- PRINTING AND PUBLISHING
- PUBLIC USES WITH LIMITED OUTDOOR STORAGE
- PULP - MANUFACTURING
- RADIOACTIVE MATERIALS PROCESSING, STORAGE & DISPOSAL
- RAILROAD YARDS & TERMINALS
- RECLAIMING RUBBER
- RECYCLING COLLECTION POINTS
- ROAD & UTILITY MAINTENANCE YARDS
- SAWMILLS & PLANING MILLS, GEN. - MANUFACTURING
- SCRAP & WASTE MATERIALS, NON-METALLIC - WHOLESALE
- STEEL MANUFACTURING
- SUGAR REFINING - MANUFACTURING
- TAXICAB DISPATCH & MAINTENANCE
- TEXTILE GOODS - MANUFACTURING
- TOW LOT
- WAREHOUSING NOT OTHERWISE LISTED
- WATER TREATMENT PLANTS AND STORAGE
- WATER WELL DRILLING SERVICES
- WELDING & BLACKSMITH SERVICES
- WIND ENERGY CONVERSION SYSTEMS (WECS)

## **I-2 HEAVY INDUSTRIAL DISTRICT (SPECIAL USES)**

- AGRICULTURAL CHEMICALS AND FERTILIZERS - MANUFACTURING AND WHOLESALE
- ASPHALT MIXING PLANTS
- BILLBOARDS OR OUTDOOR ADVERTISING SIGNS
- BOTTLED GAS - RETAIL
- CONCRETE, READY-MIX PLANTS
- FUEL OIL - RETAIL
- GAS & PETROLEUM (CRUDE) DRILLING
- GAS STORAGE AND DISTRIBUTION PLANTS/POINTS
- LOGGING CAMPS & LOGGING CONTRACTORS
- METALS AND MINERALS, EXCEPT PETROLEUM PRODUCTS & SCRAP -WHOLESALE
- MINING
- PETROLEUM BULK STATIONS AND TERMINALS - WHOLESALE
- PUBLIC UTILITY SUBSTATIONS OR PUMPING STATIONS
- QUARRYING - STONE, SAND & GRAVEL
- SALVAGE YARD
- SOLID WASTE DISPOSAL AREAS OR PROCESSING FACILITIES
- TELECOMMUNICATION TOWERS
- TEMPORARY/PORTABLE/PRE-MANUFACTURED BUILDINGS FOR OTHER THAN RESIDENTIAL, SLEEPING OR OVERNIGHT ACCOMMODATIONS
- WAREHOUSING OF NONHAZARDOUS PRODUCTS WITH LIVE IN GUARD

## **APPENDIX B**

### **PERMITTED AND SPECIAL USES**

#### **ALPHABETICAL ORDER**

Amended Ordinance No. 1681 - January 3, 1994  
Amended Ordinance No. 1703 - September, 1994  
Amended Ordinance No. 1709 - December, 1994  
Amended Ordinance No. 1718 - December, 1994  
Amended Ordinance No. 1730 - July 17, 1995  
Amended Ordinance No. 1745 - December 18, 1995  
Amended Ordinance No. 1760 - December 2, 1996  
Amended Ordinance No. 1862 - July 19, 1999  
Amended Ordinance No. 1884 - December 20, 1999  
Amended Ordinance No. 1921 - November 20, 2000  
Amended Ordinance No. 1928 - May 7, 2001  
Amended Ordinance No. 1998 - February 25, 2003  
Amended Ordinance No. 2033 - February 23, 2004  
Amended Ordinance No. 2088 – March 14, 2005  
Amended Ordinance No. 2133 – June 26, 2006  
Amended Ordinance No. 2223 – July 14, 2008  
Reviewed & Amended – January 20, 2009  
Amended Ordinance No. 2244 – April 16, 2009  
Reviewed & Amended – November 9, 2011  
Amended Ordinance No. 2386 – May 15, 2014

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LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
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**A**

Accessory Uses Such as Non-Commercial	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*
Repair Shops, Garages, Barns, Etc.																
not including processing of AG Products																
Adult Entertainment Business	*	*	*	*	*	*	*	*	*	*	*	S	S	S	*	*
Agricultural Chem. & Fertilizers - Mfg. & Wholesale	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Agricultural Processing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Aircraft & Accessories - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Aircraft Storage & Equipment Maintenance	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Amphitheaters	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Amusements - Outdoor	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*
Animal & Marine, Fats & Oils, Rend. Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Antique Shops	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*
Appliance, Electric & Electronics Repair	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Arcades	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Armed Forces Reserve Center	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*
Art Studios(Dance,Drama,Photo,Music, Prof Work)	S	*	S	*	*	*	*	*	*	*	P	P	P	*	*	*
Art Supply Sales	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Asbestos, Abrasive & Misc. Non-Metallic	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Mineral Products - Mfg.																
Asphalt Felts & Coatings - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Asphalt Mixing Plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Auctions, Consignment	*	*	*	*	*	*	*	*	*	*	*	S	S	S	*	*
Auctions, Livestock	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Auditoriums & Exhibition Halls	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Auto Repair	*	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*
Auto Sales & Service	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Automobile Parts & Supplies - Retail	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Aviation Fields or Airports	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*

**B**

Bait Shops	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Bakeries - Retail	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*	*	
Barber & Beauty Services	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*	
Bed & Breakfast	S	S	S	S	S	S	*	*	*	*	*	*	*	*	*	*	
Beekeeping	P	S	P	*	*	*	*	*	*	*	*	*	*	*	*	*	
Billboards or Outdoor Advertising Signs	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	S	
Biological Products - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	
Boarding & Rooming Houses	*	*	*	*	*	S	*	P	*	*	*	*	*	*	*	*	
Boat Building & Repair Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	
Book Store (New or Used Books)	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*	
Bottled Gas - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	
Bowling Centers	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*	
Bus Garaging & Equipment Maintenance	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	
Bus Passenger Terminals	*	*	*	*	*	*	*	*	*	*	*	S	S	S	*	*	
Business & Financial Institutions	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*	
Business Services	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*	

LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
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C

Campgrounds	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Car Wash	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Carpentry & Wood Flooring Services	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*	*
Carpet & Rug Cleaning & Repair Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Cemeteries & Mausoleums	S	P	S	*	S	*	*	*	*	*	*	*	*	*	*	*
Chemical Products - Manufacturing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Child/Elderly Care & Development (No Overnight)	*	*	*	*	*	*	*	*	*	*	S	*	*	*	*	*
Churches, Synagogues & Temples	S	S	S	S	S	S	S	S	S	S	S	*	*	*	*	*
Civic, Social & Fraternal Associations	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Cleaning/Polishing/Sanitation Preparation	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Clothing/Accessories Repair	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Coffee, Roasting & Coffee Prod.-Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Coffee Shops	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Commercial Forestry	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*
Communication Services	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Communication Towers (Telecommunication)	*	S	*	*	S	*	*	*	*	*	*	S	S	S	S	S
Concrete Products - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Concrete, Ready-Mix Plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Confectionary Store	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*
Construction Contractors Offices	*	*	*	*	*	*	*	*	*	*	P	*	*	P	*	*
Construction Contractors Warehousing & Outside Storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Construction Equipment - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Convenience Stores	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Country Club & Athletic Clubs	S	S	S	*	*	*	*	*	*	*	*	S	S	*	*	*

D

Day Care Centers & Nursery Schools	S	S	S	S	S	S	*	*	*	*	S	S	S	*	*	*
Dormitories, College	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*
Drug Stores	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Dry Cleaning & Laundering Services	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*	*
Dwelling, Manufactured Home-Resid. Design	P	P	P	P	P	P	P	*	*	*	*	*	*	*	*	*
Dwelling, Manufactured Home-Not on a Permanent Foundation	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*
Dwelling, Manufactured Home-On Permanent Foundation	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*	*
Dwelling, Multi-Family	*	*	*	*	*	*	*	P	*	*	P	*	*	*	*	*
Dwelling Multi-Family (4 units maximum)	*	*	*	*	*	S	*	P	*	*	P	*	*	*	*	*
Dwelling, Second Story	*	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*
Dwelling, Single-Family Attached	*	*	*	*	*	S	P	*	*	*	P	*	*	*	*	*
Dwelling, Single-Family Detached	P	P	P	P	P	P	P	*	*	*	P	*	*	*	*	*
Dwelling, Single-Family Detached Zero Lot Line	*	*	*	*	*	S	*	*	*	*	*	*	*	*	*	*
Dwelling Two-Family	*	*	*	*	*	S	P	*	*	*	P	*	*	*	*	*

E

Electric Generation Plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
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LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
Electric/HVAC/Mech/Plbg Wholesale & Fabrication	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Electric/HVAC/Mech/Plbg Retail Service	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Equipment, Furniture and Appliances	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Rental, Sales & Leasing Services																
Exterminating & Disinfecting Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P

F

Farm Machinery & Equipment - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Farm Machinery & Equipment - Whole.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	S	P
Farm Products Warehousing & Storage Excluding Stockyards	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Farm Products - Whole.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Farmers Market - Publicly Operated	*	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*
Farmers Market	P	S	P	*	*	*	*	*	*	*	*	S	S	S	*	*	
Farming	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Farming-Experimental & Demonstration	P	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Feeds, Grains & Hay - Retail	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Fertilizers - Retail	*	S	*	*	*	*	*	*	*	*	*	*	*	*	S	P	P
Fertilizers - Wholesale	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Fish Farms & Hatcheries	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Fitness Centers	*	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*	*
Flea Market	S	S	S	*	*	*	*	*	*	*	*	S	S	S	*	*	
Florist Shops	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Food Lockers & Refrigerated Storage	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Fraternity & Sorority Houses	*	*	*	*	*	*	*	P	*	*	*	*	*	*	*	*	*
Freight Terminals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Fuel Oil - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Funeral, Mortuary & Crematory Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	
Fur Animals-Breeding & Raising for Any Commercial or Laboratory Purpose	P	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Furniture Repair & Reupholstery Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*	
Furniture Stripping & Refinishing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	

G

Gas & Petroleum (Crude) Drilling	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Gasoline Service Stations - Retail	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	
Gas Production Plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	
Gas Storage & Distribution Plants	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	
Gas Storage & Distribution Points	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	
Glass & Glassware Manufacturing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	
Golf Courses, Tennis & Swimming Clubs	S	P	S	*	*	*	*	*	*	*	*	*	*	*	*	*	
Golf Driving Ranges	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	
Grain Mill Products - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	
Green Houses & Horticulture	P	*	P	*	*	*	*	*	*	*	*	*	*	P	*	*	
Guns, Ammunition & Ordinance - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	

H

Hair Care Establishments	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
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LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
Health and Athletic Clubs	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Home Occupations	P	P	P	P	P	P	P	P	P	P	*	*	*	*	*	*
Hospitals and Medical Clinics (For AG & R -Not Less than 10 Acres)	S	*	S	*	*	*	*	*	*	*	P	P	P	*	*	*
Hunting & Fishing Clubs	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*

I, J

Janitorial Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
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K

Kennels - Boarding & Breeding	P	S	P	*	*	*	*	*	*	*	*	*	S	S	*	*
Kennels - Boarding & Breeding, Indoor Only	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*	*

L

Landscape Contracting Services	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P	*
Landscape Nurseries/Garden Supplies-Ret.	*	*	*	*	*	*	*	*	*	*	*	P	*	P	*	*
Lawn Care - Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Libraries	S	*	S	*	*	*	*	*	*	*	P	P	P	*	*	*
Linon Supply/Industrial Laundry Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Livestock- Wholesale	S	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*
Locksmith Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Logging Camps & Logging Contractors	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Lumber Yards & Bldg. Materials-Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P

M

Manufacturing Not Otherwise Listed	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Manufactured Homes & Accessories - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Marinas & Boat Rentals	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Massage Therapy (Therapeutic)	*	*	*	*	S	S	*	*	*	*	P	P	P	*	*	*
Matches - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Medical & Dental Laboratory Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Metals & Minerals, Except Petroleum	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Mining	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Mini-Storage/Self Storage (no outside storage)	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P	P
Mini-Storage/Self Storage (with outside storage)	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P	P
Monasteries & Convents	S	S	S	S	S	*	*	*	*	*	*	*	*	*	*	*
Monuments - Retail	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	*
Motels, Hotels & Tourist Courts	*	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Motor Freight Garaging & Equip. Maintenance	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P
Motor Vehicles & Equip - Wholesale	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Municipal Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Museums	S	S	S	*	*	*	*	*	*	*	P	P	P	*	*	*

N

Nursery Stock Farms	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*
Nursing, Convalescent & Rest Homes	S	S	S	S	S	S	S	S	*	S	*	*	*	*	*	*

LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
Nursery Schools	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*

O

Offices (Business, Prof, Medical, Public or Private)	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Oil Milling	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Orchards and Vineyards	P	P	P	*	*	*	*	*	*	*	*	*	*	*	*	*

P

Paints, Varnishes, Lacquers, Enamels & Allied Products - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Parks and Playgrounds, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pet Supplies, Grooming & Training (No overnight)	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Petroleum Bulk Stations & Terminals - Whole.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Petroleum Refining	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Photocopying & Blueprint Services	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Photofinishing Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Photographic Studios & Services	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Plbg. & Htg. Equip. & Supplies-Whole.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Poultry Hatchery Services	*	P	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Printing & Publishing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Printing & Publishing (Walk In Customers)	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Prison and Correctional Facilities	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Private Clubs	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Professional Services	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*
Public Uses with Limited Outdoor Storage	*	*	*	*	*	*	*	*	*	*	*	*	*	S	P	P
Public Utility Substation/Pumping Stations	P	S	P	S	S	S	S	S	S	S	S	S	S	S	S	S
Pulp - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P

Q

Quarrying - Stone, Sand & Gravel	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Quick Copy or Duplicating Center	*	*	*	*	*	*	*	*	*	*	P	P	P	*	*	*

R

Race Tracks & Courses	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	*
Radioactive Materials Processing/Storage and Disposal	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Railroad Yards & Terminals	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Abstracting Services																
Reception Halls	*	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*
Reclaiming Rubber	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Recycling Collection Points	*	*	*	*	*	*	*	*	*	*	*	P	P	*	P	P
Reading Room	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*
Rehabilitation Home	S	S	S	S	S	S	*	*	*	*	*	*	*	*	*	*
Resorts, Retreats & Dude Ranches	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Restaurants	*	*	*	*	*	*	*	*	*	*	P	P	P	P	*	*
Retail Not Otherwise Listed	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*

LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
Riding Stables	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Road & Utility Maintenance Yards	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P

S

Salvage Yard	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	S
Sawmills & Planing, Mills - Gen. Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Schools, General Instruction (Public/Private)	*	*	*	*	*	*	*	*	*	*	S	*	*	*	*	*
Schools, Colleges & Universities	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Schools, Primary/Secondary-Gen. Instr.	S	S	S	S	S	S	S	S	S	S	*	*	*	*	*	*
Scrap & Waste Mats., Nonmetallic-Whole.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Shooting Ranges - Indoor	S	S	*	*	*	*	*	*	*	*	*	*	S	S	S	*
Shooting Ranges - Outdoor	S	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Skating Rinks	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Social Correctional, Treatment & Counseling Services	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Solid Waste Processing Facilities	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	S
Solid Waste Disposal Areas	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S
Stadiums	*	S	*	*	*	*	*	*	*	*	*	S	S	S	*	*
Steel Manufacturing	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Sugar Refining - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P

T

Taverns	*	*	*	*	*	*	*	*	*	*	*	P	P	S	*	*
Taxicab Dispatch & Maintenance	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Telecommunication Towers	*	S	*	*	S	*	*	*	*	*	*	S	S	S	S	S
Temporary/Portable/Pre-Manuf. Buildings	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Other than Residential, Sleeping or Overnight Accommodations																
Textile Goods - Mfg.	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Theaters, Indoor	*	*	*	*	*	*	*	*	*	*	*	P	P	*	*	*
Theaters, Outdoor Motion Picture (For AG & R - Not Less than 5 Acres)	S	*	S	*	*	*	*	*	*	*	*	*	*	S	*	*
Therapeutic Massage Svcs (Licensed Only)	*	*	*	*	*	*	*	*	*	*	P	*	*	*	*	*
Tow Lot	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Transmitting Stations & Towers - Radio & Television	S	S	S	*	*	*	*	*	*	*	*	*	*	S	*	*
Trap & Skeet Shooting Ranges	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*

U, V

Veterinary Services, Indoor Only	*	S	*	*	*	*	*	*	*	*	*	P	P	P	*	*
Veterinary Services, Outdoor	*	S	*	*	*	*	*	*	*	*	*	*	*	*	*	*

W

Warehousing of Non-hazardous Products	*	*	*	*	*	*	*	*	*	*	*	*	*	*	S	S
With Live in Guard																
Warehousing Not Otherwise Listed	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Water & Sewer Treatment Plants & Storage	S	*	S	*	*	*	*	*	*	*	*	*	*	*	P	P

LAND USE	AG	A-1	R	R-S	R-1	R-1A	R-2	R-3	M-P	M-H	MX	C-1	C-2	C-S	I-1	I-2
Water Well Drilling Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Welding & Blacksmith Services	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P
Wholesale Not Otherwise Listed	*	*	*	*	*	*	*	*	*	*	*	*	*	*	P	P
Wind Energy Conversion Systems (WECS)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

X, Y, Z

Zoos, Aquariums & Botanical Gardens	*	S	*	*	*	*	*	*	*	*	*	*	S	S	*	*
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