

Colwich Planning Com Approved Oct 25, 71
Colwich City Council Adopted Jan 31, 1972

Public Hearing Dec 16, 1972
Ord 157

Called to the attention of MAPC 4/13/72

ACTION

DATE

COMMITTEE _____

M.A.P.C. _____

R.C.C./B CO. C. _____

Our Right to Know

LEGAL NOTICES

- a permanent record -

COLWICH LEGAL PUBLICATION

(Published in Mainz This Week the 16th day of March, 1972)

ORDINANCE NO. 157

AN ORDINANCE ADOPTING THE RECOMMENDATIONS OF THE COLWICH CITY PLANNING COMMISSION CONCERNING THE NATURE AND NUMBER OF BUILDING AND LAND USE ZONES INTO WHICH THE CITY SHOULD BE DIVIDED AND PROVIDING FOR THE REGULATION AND RESTRICTIONS ON THE USE OF BUILDINGS AND LAND WITHIN THE VARIOUS ZONES, AND PROVIDING FOR THE ADOPTION BY REFERENCE OF THE "ZONING ORDINANCE FOR THE CITY OF COLWICH, KANSAS".

WHEREAS, the governing body did by Ordinance No. 151 of the Ordinances of the City of Colwich, Kansas, create the Colwich Planning Commission as authorized by K.S.A. 12-701; and

WHEREAS, said Planning Commission did undertake and make comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and other elements necessary to the preparation of a comprehensive plan, including maps, charts and other descriptive matter, all as provided by K.S.A. 12-704; and

WHEREAS, said Planning Commission did, on May 17, 1971, after due and proper notice thereof and the holding of a public hearing held on May 11, 1971, all as provided by K.S.A. 12-704, approve for adoption a comprehensive plan, including maps, charts and other material made a part of such plan, for the development of the City and the unincorporated territory outside the City which forms a part of the total community of which the City is a part; and

WHEREAS, certified copies of such approved plan were thereafter submitted to the governing body of the City and all other legislative and administrative agencies affected thereby; and

WHEREAS, after consideration of such comprehensive plan by the governing body of the City and other legislative and administrative agencies affected thereby, and the receipt by the Planning Commission of their statements containing the recommendations regarding the same, such proposed plan was adopted as the official plan of the City; and

WHEREAS, attested copies of the plan were thereafter certified to all legislative and administrative agencies affected by the plan; and

WHEREAS, the governing body of the City did require the Planning Commission to recommend the nature and number of zones, for zoning purposes, as provided by K.S.A. 12-708, and the boundaries of the various zones and appropriate regulations and restrictions to be enforced therein, based upon the comprehensive plan (including a land use plan); and

WHEREAS, upon the development of tentative recommendations, the Planning Commission, upon proper notice as provided by K.S.A. 12-708, held a public hearing upon such tentative recommendations, and upon conclusion of such public hearing the Planning Commission adopted the same in the form of a proposed Zoning Ordinance and submitted the same, together with a written summary of the public hearing, to the governing body of the City; and

WHEREAS, the governing body does approve such recommendations of the Planning Commission and desires to adopt the same; and

WHEREAS, the City Planning Commission has caused said Zoning Ordinance to be codified as provided by K.S.A. 12-3901; and

WHEREAS, the governing body is desirous of adopting by reference, as provided by K.S.A. 12-3009, et seq, and 12-3902, said zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLWICH, KANSAS:

SECTION 1. That the "Zoning Ordinance for Colwich, Kansas" prepared, compiled and codified by the Colwich Planning Commission in, pursuant to K.S.A. 12-3008, et seq and 12-3902, hereby adopted by reference thereto as the Zoning Ordinance for the City of Colwich, Kansas, said ordinance being dated November, 1971 and approved by the Planning Commission on October 25, 1971.

SECTION 2. That not less than three (3) copies of each Zoning Ordinance shall be marked or stamped "Official Copy as incorporated by Ordinance No. 157" shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours, and such official copies shall have attached thereto a copy of this incorporating ordinance.

SECTION 3. If any section or sections, or part of a section, of this ordinance shall be, for any reason, held to be ultra vires, void, unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect and be in force from and after its publication once in the official city paper, Mainz This Week.

PASSED AND APPROVED by the governing body the 81st day of January, 1972.

Virgil D. Fugh, Jr.
Approved By The Mayor

ATTEST:
Thomas J. Heiserman
City Clerk

(Ses)

July 28, 1971

Mr. Jack Beebe
Wilson & Company
631 East Crawford
P. O. Box 28
Salina, Kansas

Dear Jack:

In response to your inquiry yesterday as to the percolation test required in Sedgwick County for platting in suburban areas, attached is a copy of our Subdivision Regulations that are in force in Wichita and Sedgwick County, excepting small incorporated communities.

In regard to single-family uses that are permitted in the "A-L" district, this could be expanded as follows:

- "2. Single-family dwellings, provided that subject property is platted in accordance with the Subdivision Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission; is in at least one acre lots; and provided that there is a percolation test made for each lot or such number of lots as may be specified by the Wichita-Sedgwick County Department of Community Health. The lot shall be satisfactory if there is a percolation rate of 90 minutes or less (with a percolation test being accomplished by the subdivider under the supervision of and the percolation rate determination being made by the Wichita-Sedgwick County Department of Community Health."

This information is found on page 46 of the attached regulations.

Although I am not certain where in your proposed ordinance it would best fit, you might call attention to the above mentioned regulation and make sure the Colwich Planning Commission, and

Page 2 - Mr. Jack Beebe
July 28, 1971

City Council and their future enforcing officer is aware of the platting requirements which are under our jurisdiction. There are exceptions as to platting found in Article 3 3-105.

If we can furnish additional information, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Attachment

Colwich ordinance

Street Network - designation by whom?

4 P.D. districts R, C, I, MP.

Fees for signs in Z. Ordin.?

Minimum Bldg. Reqmts? Sect. XXI

7/26/71

Colwich Zoning Proposals Heard

About 50 Colwich area citizens attended a public hearing Monday night to hear the proposed city zoning ordinance.

Prepared by Ralph B. Rickels Jr., and Jack Bebe, of Wiso Wilson & Co., Salina, the proposed zoning ordinance is part of a city comprehensive plan started in February 1970 and is the first of its kind for the city of 925.

The proposed ordinance would place Colwich and a three-mile circle around the city into the jurisdiction of Colwich Planning Commission.

Rickels explained the plan

he and Bebe recommended to the city council includes 11 zoning districts, including agricultural, single-family dwelling, multi-family dwelling, two mobile home districts, two commercial districts and three industrial.

Bebe said zoning "is to protect individual property owners and to enhance proper growth of the community."

The proposed ordinance also recommends establishment of a five-member Board of Zoning Appeals, four members coming from the city and the fifth from the three-mile area. All appointments would be made by the city council.

**NOTICE OF HEARING
BY
COLWICH CITY PLAN-
NING COMMISSION**

Notice is hereby given that a public hearing will be held by the Colwich City Planning Commission to consider for approval and adoption a Zoning Ordinance. Such proposed plan shall show the Commission's recommendation for general zoning, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary within a 3-mile radius of the City of Colwich.

The public hearing will be held in the public community room in the Co-op Building on Monday, the 19th day of July 1971 at 8:00 P.M.

A hearing will be granted to any and all persons desiring to be heard on the matter of the zoning ordinance.

Signature—Arlene Winter
Secretary, Colwich City
Planning Commission

RECOMMENDED
ZONING ORDINANCE
FOR
COLWICH, KANSAS

OFFICE COPY
DO NOT REMOVE

(PRELIMINARY DRAFT)

FEBRUARY 1971
(70-135)

WILSON
& COMPANY
ENGINEERS
& ARCHITECTS

D25

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FOREWORD

GENERAL

The zoning ordinance is one of the most important elements of the comprehensive community plan. It is one of the major methods by which the goals and objectives set forth in the plan can be attained. Too often, the simple routine of administering the zoning ordinance allows the administrative official to forget the comprehensive plan. The zoning ordinance, although very important, is not an end in itself, simply a means to the end.

Zoning regulations must be very carefully drafted because they involve private property and the individual's right to use his property, as well as the individual's use of his property as it affects the community as a whole. The interpretation and enforcement of such regulations must be undertaken in a very judicious manner. The individuals or parties charged with such interpretation and enforcement assume a serious responsibility, because their decisions will largely determine the future character of the community.

EXISTING ZONING

Neither the City of Colwich nor the Colwich Planning Area has any zoning ordinance applicable at this time.

ZONING ORDINANCE

The recommended zoning ordinance establishes 11 zoning districts within the City of Colwich and the Colwich Planning Area. Four of the districts established in the ordinance are termed "floating zones." It is the intent of these specific districts to permit some degree of flexibility in the development of residential, commercial and industrial areas. Prior to placing these districts on the official zoning district maps, the developer prepares and submits his plans to the Planning Commission for their review. A public hearing is held to amend the officially adopted zoning district maps, and after public hearing, the change, if approved, is recommended to the governing body for adoption by ordinance and resolution.

If properly executed, the development carried out with the use of the floating zone concept can be attractive and utilitarian. The major advantage is brought about by introducing more flexibility in land use regulations, which is necessary to accommodate modern development and construction techniques.

Another concept used in this zoning ordinance is known as "exclusive use." Under this type of zoning, residential uses are not allowed to

accumulate in commercial districts, and residential and commercial uses are not permitted in industrial districts. This concept of zoning permits compatible land uses to be grouped together and avoids a mixed land use pattern which is typical of communities of the size of Colwich.

This ordinance has a range of land use restrictions with agricultural and residential districts being the most restrictive and industrial districts being the least restrictive, thereby permitting a wide variety of uses that would be undesirable if located in any other district.

The ordinance is logically constructed with the purpose and intent of all zoning districts clearly defined; therefore, the ordinance can be easily interpreted.

ZONING ORDINANCE

CITY OF COLWICH, KANSAS

A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF COLWICH, KANSAS AND THE COLWICH PLANNING AREA IN SEDGWICK COUNTY, AS SHOWN ON THE ZONING DISTRICT MAPS, INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING ZONING DISTRICT MAPS OF COLWICH, KANSAS, AND THE COLWICH PLANNING AREA IN SEDGWICK COUNTY, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ZONING APPEALS; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID ORDINANCE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED by the Governing Body that:

ARTICLE I

TITLE

SECTION 1: This ordinance shall be known and may be cited as the Zoning Ordinance for the City of Colwich, Kansas.

ARTICLE II

INTERPRETATION AND SCOPE

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 III

RULES AND DEFINITIONS

SECTION 1. RULES: For the purpose of this Ordinance the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used plurally shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory.
4. The words "use," "used," "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.

SECTION 2: DEFINITIONS: For the purpose of interpreting the provisions of this Ordinance, certain terms or words used herein are defined as follows:

1. ACCESSORY BUILDING: A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises.
2. ACCESSORY USE: A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
3. ALLEY: A public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.
4. ALTERATIONS: (See STRUCTURAL ALTERATIONS.)
5. APARTMENT: (See DWELLING, MULTIPLE-FAMILY.)
6. ANIMAL HOSPITAL OR CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care, by a Doctor of Veterinary Medicine. This does not include open kennels or runs.
7. BASEMENT: A story having part, but not less than one-half of its height below grade.
8. BOARDING HOUSE: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding 20 persons.
9. BUILDING: Any structure designed, or intended for the enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

10. **BUILDING HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
11. **BUILDING OFFICIAL:** The person or persons designated by the Governing Body to administer this Zoning Ordinance, whether such person or persons be entitled Building Official, Building Inspector, Administrative Official or Administrative Officer.
12. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
13. **CELLAR:** A story having more than one-half of its height below grade.
14. **CHILD CARE:** (See DAY NURSERY)
15. **CLINIC:** (See MEDICAL, DENTAL OR HEALTH CLINIC.)
16. **CLUB OR LODGE:** A nonprofit association or organization formed for either fraternal, social, educational, philanthropic or other similar purposes, including unions and professional organizations.
17. **COMPREHENSIVE PLAN:** The duly adopted comprehensive plan for the development of the community.
18. **COLWICH PLANNING AREA:** All land within the City of Colwich, Kansas, and that land lying outside the City in Sedgwick County, Kansas, but within three miles of the nearest point of the city limits of Colwich, Kansas, the exceptions being shown on Zoning District Map No. 1. ✓
19. **DAY NURSERY:** An establishment, other than a public or parochial school, which provides day care and education for four or more unrelated children aged five years and under.
20. **DISTRICT:** A section or sections of the City of Colwich and the Colwich Planning Area for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
21. **DUMP:** A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.
22. **DWELLING:** Any building or portion thereof which is designed and used exclusively for residential purposes.

23. DWELLING, SINGLE-FAMILY: A building having accommodations for and occupied exclusively by one family. This may include modular homes, single-family.
24. DWELLING, TWO-FAMILY: A building having accommodations for and occupied exclusively by two families. This may include modular homes, two-family.
25. DWELLING, MULTIPLE-FAMILY: A building having accommodations for and occupied exclusively by more than two families. This may include modular homes, multiple-family.
26. DWELLING UNIT: A room or group of rooms with culinary and sanitary facilities which are designed or intended for occupancy by a single-family.
27. EXCEPTION: An exception shall mean the allowance of a use within a given district by the Board of Zoning Appeals. Exceptions shall be limited to only those specifically authorized and listed in the Board of Zoning Appeals Section of this Zoning Ordinance.
28. FAMILY: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel or motel.
29. FLOOR AREA: Floor area shall mean the gross floor area of the building of the several floors in the building.
30. FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
31. GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
32. GARAGE, PUBLIC: A building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.
33. GARAGE, STORAGE: A building, or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.
34. GOVERNING BODY: The City Council of the City of Colwich, Kansas.

35. **HOME OCCUPATION:** An occupation or activity carried on in the principal building which meets all the following conditions:

- (a) The occupation is carried on by a member or members of the immediate family residing on the premises.
- (b) The occupation is customarily incidental to the use of the premises as a dwelling place.
- (c) Not more than one nonilluminated nameplate is used. The nameplate shall be attached to the building and shall not exceed one square foot in area.
- (d) The occupation does not occupy more than 25 percent of the floor area of one floor of the principal building.
- (e) No display will indicate from the exterior of the building that the premises are being used in part for any purpose other than a dwelling.
- (f) There is no commodity displayed or stored on the premises except that which is prepared on the premises.
- (g) No mechanical equipment is used except of a type that is normally used for purely domestic or household purposes.
- (h) The use or occupation is one of the following:
 - (1) Office for the emergency consultation and treatment but not the general practice of a physician, surgeon, dentist, lawyer, clergyman and other recognized professions.
 - (2) Dressmaking, sewing, millinery and similar occupations.
 - (3) The giving of voice, piano or other musical instrument lessons limited to one pupil at a time.
- (i) A consent agreement is filed with the building official which has been signed by 75 percent of all the owners of land located within 200 feet of the boundaries of the property on which the home occupation is located. The consent by the building official to use a premise for a home occupation shall be personal to the applicant thereof and shall not be assignable.

36. **HOSPITAL:** An establishment used primarily for in-patient care and provides health, medical, mental, and surgical care of the sick or injured.

37. **HOTEL:** A building used as an abiding place for more than 20 persons who are being lodged for compensation with or without meals.
38. **INSTITUTION OF HIGHER LEARNING:** A college, university or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses and other student housing which are constructed on campus shall be considered accessory buildings.
39. **INSTITUTION (NONPROFIT):** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
40. **JUNK OR SALVAGE YARD:** A lot, parcel or tract of land, including buildings, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or other discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.
41. **KENNEL:** An establishment used for keeping more than two domesticated animals, commonly considered to be household pets, more than three months old.
42. **LABORATORY, MEDICAL:** An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.
43. **LAUNDRY (SELF-SERVICE):** An establishment equipped with individual coin-operated washing, drying or dry cleaning machines.
44. **LAUNDRY:** An establishment where commercial laundry and dry cleaning work is undertaken.
45. **LODGING HOUSE:** A building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.
46. **LOT AREA:** The total area within the property lines of the lot, plot or tract.
47. **LOT OR PLOT:** A parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this ordinance. A lot or plot may include more than one platted lot.

48. **LOT, CORNER:** A lot, as defined above, abutting upon two or more streets at their intersection. (See illustration at the end of this Article.)
49. **LOT COVERAGE:** The total area of building expressed as a percentage of the total lot, plot or tract.
50. **LOT, INTERIOR:** A lot other than a corner lot which has frontage on one street only. (See illustration at the end of this Article.)
51. **LOT, DEPTH OF:** The mean horizontal distance between the front and the rear lot lines. (See illustration at the end of this Article.)
52. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two nonintersecting streets as distinguished from a corner lot. (See illustration at the end of this Article.)
53. **LOT OF RECORD:** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.
54. **MANUFACTURE:** Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.
55. **MEDICAL, DENTAL OR HEALTH CLINIC:** Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, psychiatrists, and podiatrists; and in which no patients are lodged overnight.
56. **MOBILE HOME:** A mobile home shall include any complete structure used for living, sleeping, business or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses, or skirting; and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include trailer home, camp car and house car. This definition shall not apply to any vehicle lawfully operated upon fixed rails. The term "mobile home" shall include two or more separately towed units which are bolted or otherwise fastened together to form a complete living unit. Other mobile home terms are as follows:

- (a) Dependent Mobile Home: A mobile home which does not have a flush toilet and bath or shower.
 - (b) Independent Mobile Home: A mobile home which has a flush toilet and a bath or shower.
 - (c) Licensee: Any person licensed to operate and maintain a mobile home park under the provisions of this ordinance.
 - (d) Mobile Home Space: A plot of ground within a mobile home park designed for the accommodation of one mobile home.
 - (e) Natural or Artificial Barrier: Any river, pond, canal, railroad, levee, embankment, or major street.
 - (f) Permittee: Any person to whom a permit is issued to maintain or operate a mobile home park under the provisions of this ordinance.
 - (g) Person: Any individual, firm, trust, partnership, association or corporation.
 - (h) Street: Any recognized thoroughfare in the City.
57. MOBILE HOME PARK: Any park, court, camp, area, piece, parcel, tract or plot of ground upon which mobile home sites are leased or used, whether for compensation or not, including all accessory use thereof.
58. MODULAR HOME: A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of pre-selected, prefabricated units or modules, and 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; and also in contradistinction to a mobile home, either single-wide, double-wide or of multiple width, located on a permanent foundation and permanently connected to public utilities.
59. NONCONFORMING BUILDING: The use of a building or portion thereof lawfully existing at the time of the passage of this zoning ordinance and amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.
60. NONCONFORMING USE: Any land lawfully occupied by a use, at the time of the passage of this ordinance or amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

61. NURSING HOMES: An establishment or agency licensed by the State of Kansas for the reception, board, care or treatment of three or more unrelated elderly individuals.
62. PARKING SPACE: An area surfaced for the purpose of storing one parked automobile. For the purpose of this ordinance one parking space shall have a minimum width of nine feet and a minimum length of 20 feet. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.
63. PLANNING COMMISSION: The City Planning Commission of Colwich, Kansas.
64. PLACE OR COURT: An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.
65. PROFESSIONAL OFFICE: Any building or part thereof used by one or more persons engaged in the practice of law, medicine, accounting, architecture, engineering or other occupation customarily considered as a profession.
66. PUBLIC UTILITY: Any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, or water, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.
67. RESTAURANT: A public eating establishment at which the primary function is the preparation and serving of food.
68. RESTAURANT, DRIVE-IN: An eating establishment, where for compensation, food is prepared and dispensed, having only incidental consumption within the principal building on the premises.
69. ROOMING HOUSE: Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals.
70. SCHOOL: A public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.
71. SERVICE STATION: An establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs or major overhaul.

Union Journal

72. **SET BACK:** The distance between the lot line and building line. (See ARTICLE XXII, SECTION 1 for measurement.)
73. **SIGN:** A sign shall include any sign or other device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business, but shall not include any display of official notice or official flag.
- (a) **Sign, Advertising:** A sign which directs the attention of the public to any goods, merchandise, property, business service, entertainment, or amusement, conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed.
- (b) **Sign, Sandwich:** An advertising or business ground sign which is constructed in such a manner to form an "A" or a tentlike shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.
- (c) **Sign, Business:** A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" sign or a "For Rent" sign relating to the property on which it is displayed shall be deemed a business sign.
- (d) **Sign, Flashing:** Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this Ordinance, any revolving illuminated sign shall be considered a flashing sign.
- (e) **Sign, Illuminated:** A sign designed to give forth artificial light, or designed to reflect light derived from any source.
74. **STREET:** A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
75. **STREET LINE:** A dividing line between a lot, tract or parcel of land and the contiguous street.

76. STREET NETWORK:

- (a) Arterial Street: A street which provides for through traffic movement between and around areas and across the city with direct access to abutting property; subject to necessary control of entrances, exits and curb uses.
- (b) Collector Street: A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.
- (c) Local Street: A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial or residential areas.

77. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences.

78. STRUCTURAL ALTERATIONS: Any change or rearrangement of 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 ordinance, the following shall not be considered structural alterations.

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

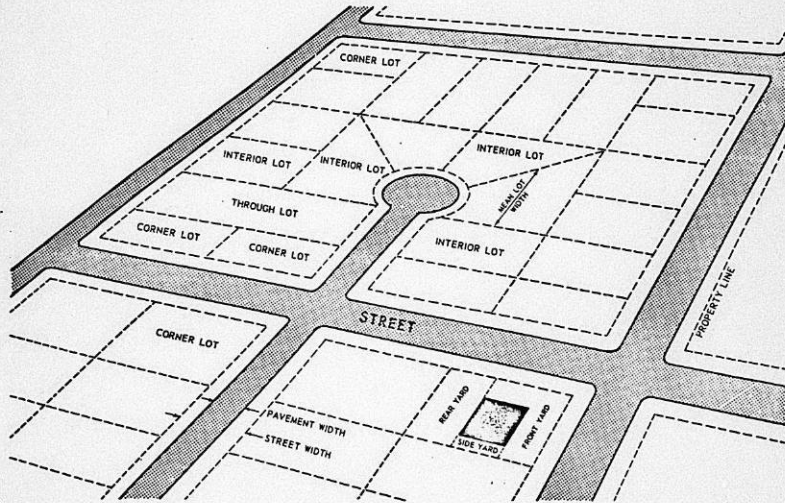
79. SUBDIVISION: The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes resubdivision and the term "resubdivision," as used herein,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

80. TAVERN: An establishment in which the primary function is the public sale and serving of cereal malt beverages.

81. **THIS ORDINANCE:** The document duly approved and adopted by the City Council of the City of Colwich, Kansas, which establishes zoning requirements.
82. **TRACT:** A plot or parcel of land, other than a lot in a subdivision which is recorded in the office of the Register of Deeds.
83. **TRAILER:** (See MOBILE HOME)
84. **USE:** The specific purpose for which land or a building is used. The term "permitted use," or its equivalent, shall not be deemed to include any illegal nonconforming use.
85. **VARIANCE:** The authorization, by the Board of Zoning Appeals, of a variance from the specific terms of this Zoning Ordinance. Variances are limited to those authorized in the powers and duties of the Board of Zoning Appeals defined in this Ordinance.
86. **YARD:** A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.
87. **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building line. (See illustration at the end of this Article.)
88. **YARD, REAR:** A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an alley is platted at the rear of the lots, one-half the width of the alley may be included in the rear yard requirements. (See illustration at the end of this Article.)
89. **YARD, SIDE:** A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building. (See illustration at the end of this Article.)
90. **ZONE OR DISTRICT:** A portion, area or section of the City of Colwich and the Colwich Planning Area, for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open spaces about buildings are herein established.

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

BLOCK DIAGRAM SHOWING LOT TYPES AND TERMS . . .



ARTICLE IV
DISTRICTS AND BOUNDARIES

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

"A-L" Agricultural District
"R-1" Single-Family Dwelling District
"R-P" Community Unit Plan District
"M-H" Mobile Home District
"M-P" Mobile Home Park District
"C-P" Planned Shopping District
"C-S" Highway Service District
"C-1" Retail Business District
"I-P" Industrial Park District
"I-1" Light Industrial District
"I-2" Heavy Industrial District

SECTION 2. ZONING DISTRICT MAPS: The boundaries of the zoning districts are shown on the maps and/or sections thereof attached hereto and made a part of this ordinance, which maps are designated as the "Zoning District Map No. 1" and "Zoning District Map No. 2". The Zoning District Maps and all the notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described herein. Copies of the Zoning District Maps are properly attested and are on file with the City of Colwich, Kansas.

SECTION 3. ANNEXATION RULE: All territory which may hereafter be annexed to the City shall be annexed as "R-1" Single-Family Dwelling District until or unless otherwise changed by ordinance. Territory added to the three-mile planning area as a result of zoning district jurisdiction extension by the City of Colwich, shall be classified "A-L" Agricultural District, until or unless otherwise changed by ordinance.

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

1. The district boundaries are the centerline of either streets, alleys, roads or highways, unless otherwise shown.

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

ARTICLE V

"A-L" AGRICULTURAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "A-L" Agricultural District is established for the purpose of protecting agricultural uses in the county by restricting and regulating density, land coverage and land use.

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

SECTION 3. USE REGULATIONS:

1. General agricultural operations. This shall not include or permit:
 - (a) The spreading, accumulation, feeding or use of garbage in any form on the surface of the land.
 - (b) Any activity within 300 feet of a dwelling district which activity is noxious or offensive by reason of dust, odor or noise.
2. Single-family dwellings on a tract of land one acre or larger.
3. Churches and similar places of worship and parish houses.
4. General farm operations.
5. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
6. Greenhouses, nurseries, and garden centers.
7. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
8. Public parks, playgrounds, recreational areas and community buildings owned and operated by a public agency.
9. Public or parochial elementary, junior high and high schools and private schools with equivalent curriculum.
10. Stands for sale of agricultural products or commodities raised on the premises.

11. Customary accessory uses and structures located on the same tract with the principal use, including barns, sheds, tennis courts, swimming pools, private garages, garden houses, barbecue ovens, fireplaces and similar uses.
12. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
13. The renting of not to exceed two sleeping rooms with a total occupancy of not to exceed three persons for whom board may be furnished but with the prohibition of separate culinary accommodations for such tenants.
14. The following uses may be allowed by (special use permit) when submitted, reviewed and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose.
- (a) Any public building erected or land used by any department of the City, County, State or Federal Government.
 - (b) Airport or heliport.
 - (c) Cemetery or crematory.
 - (d) Drive-in theaters.
 - (e) Mineral extraction.
 - (f) Nursing homes and homes for the aged on a tract of land three acres or larger.
 - (g) Seasonal or temporary uses such as recreational camps and similar activities.
 - (h) Telephone exchange, electric and gas substations and regulator stations.
 - (i) Animal feed lots which are licensed by the State of Kansas and meet acceptable sanitation and odor practices.

6
exceptions of Appeals

SECTION 4. INTENSITY OF USE REGULATIONS. Tracts in this district shall be one acre or larger.

SECTION 5. HEIGHT REGULATIONS: Except as otherwise provided in the additional height, area and use regulations of this ordinance, no building or structure shall exceed the following height restrictions.

1. When a building or structure is within 150 feet of a dwelling district zone, said building or structure shall not exceed 35 feet in height.
2. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed ~~30~~ ⁶⁰ feet in height.

SECTION 6. YARD REGULATIONS:

1. Front Yard:
 - (a) There shall be a front yard having a depth of not less than 40 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)
 - (b) Where a lot or tract has double frontage, the required front yard shall be provided on both streets.
 - (c) Where a lot or tract is located at the intersections of two or more streets, there shall be a front yard on each street side of said lot or tract. No accessory building shall project beyond the front yard line on either street.
2. Side Yard: There shall be a side yard on each side of every building or structure which side yard shall not be less than 15 feet.
3. Rear Yard. Except as hereinafter provided in the additional height, area and use regulations of this ordinance, there shall be a rear yard having a depth of not less than 40 feet.

SECTION 7. PARKING REGULATIONS:

1. Dwellings: One off-street parking space shall be provided for each dwelling unit.
2. Schools: Schools shall provide off-street parking spaces as follows:
 - (a) Elementary School: Two parking spaces for each classroom.
 - (b) Junior High School: Four parking spaces for each classroom.
 - (c) High School: Eight parking spaces for each classroom.
3. Churches and Other Places of Public Assembly: One off-street parking space shall be provided for each five seats, based on maximum seating capacity of the main assembly room or sanctuary.

SECTION 8. SIGN REGULATIONS: The following-listed signs will be permitted.

1. Unilluminated "For Sale" and "For Rent" single- or double-faced business signs subject to the following regulations:
 - (a) Only one sign shall be permitted per lot.
 - (b) No sign shall exceed four square feet in area.
 - (c) Signs shall be located no closer than five feet from any property line and shall not obstruct traffic.
 - (d) When said sign is affixed to a building, it shall not project higher than 10 feet above the ground level.
 - (e) Ground signs shall not project higher than three feet above the ground grade.
2. Bulletin boards and signs for churches and other public institutions subject to the following regulations:
 - (a) One sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - (b) If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - (c) No sign or bulletin board shall exceed 24 square feet in area.
 - (d) No sign shall be located closer than eight feet from any side or rear property line.
 - (e) A sign or bulletin board located in the front yard shall be no closer to the street line than one-half the required front yard.
 - (f) A sign or bulletin board affixed to a building shall not project higher than 10 feet above the ground level.
 - (g) Ground signs shall be permanently anchored to the ground and shall not exceed a height of six feet above normal grade.
 - (h) Buildings constructed on the property line prior to the adoption of this ordinance shall be allowed one identification sign providing said sign is a flat wall sign and is permanently attached to the building.
 - (i) On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.

ARTICLE VI

"R-1" SINGLE-FAMILY DWELLING DISTRICT

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

SECTION 2. DISTRICT REGULATIONS: In District "R-1," no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Single-family dwellings, but not including trailer houses or mobile homes.
2. Churches and similar places of worship and parish houses.
3. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
4. Hospitals for people only on a lot, plot or tract of land five acres or larger.
5. Nursing Homes on a lot, plot or tract of land five acres or larger.
6. Public parks, playgrounds, recreational areas.
7. Raising of crops, trees, shrubs and grasses not sold on the premises.
8. Schools - public or parochial, elementary, junior high and high schools and private schools with equivalent curriculum.
9. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.

10. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

SECTION 4. INTENSITY OF USE REGULATIONS: Every lot shall have an area of not less than 6,000 square feet and an average width of not less than 65 feet.

SECTION 5. LOT COVERAGE: The principal building and accessory buildings shall not cover more than 30 percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No building shall exceed 35 feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard:

- (a) There shall be a front yard having a depth of not less than 25 feet except as required for arterial and collector streets in Article XXII.
- (b) Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- (c) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this ordinance shall not be reduced to less than 35 feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard: Except as hereinafter required in the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than 10 percent of the width of the lot with a minimum of six feet on each side of the principal building.

3. Rear Yard: There shall be a rear yard having a depth of not less than 25 feet.

SECTION 8. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 9. PARKING REGULATIONS: (See ARTICLE XVII.)

ARTICLE VII

"R-P" COMMUNITY UNIT PLAN DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "R-P" Community Unit Plan District is intended for the purpose of permitting the grouping or clustering of residential and some customarily accessory nonresidential uses in courts or similar arrangements.

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

SECTION 3. GENERAL REQUIREMENTS:

1. The tract for use as a Community Unit Plan District shall be not less than five acres in area and shall be under single or joint ownership.
2. An applicant for a change in zoning to "R-P" Community Unit Plan District must satisfy the Planning Commission that he has the ability to carryout the proposed plan and shall prepare and submit a schedule for construction.
3. Such applicant also shall prepare and submit a preliminary development plan for review and approval by the Planning Commission which shall include:
 - (a) A topographic map showing contours at intervals of two feet.
 - (b) A plot plan showing:
 - (1) Building locations on the tract.
 - (2) Access for streets.
 - (3) Parking arrangement and number of spaces.
 - (4) Interior drives and service areas.
 - (5) Area set aside for public open space.
 - (c) Location map showing the development and zoning of the adjacent property within 200 feet, including the location and the type of buildings and structures thereon.
 - (d) The full legal description of the boundaries of the properties to be included in the area to be zoned "R-P" District.

- (e) A map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the area to be zoned "R-P" District.
 - (f) A map showing location of proposed sewer, water and other utility lines.
 - (g) A description of general character of proposed buildings.
4. Upon approval of the preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. Alterations in the preliminary schedule of construction shall be submitted at this time. The final development plan and the Planning Commission's recommendation shall be forwarded to the Governing Body for their review and final action.
 5. In the event that, within 18 months following approval by the Governing Body, the applicant does not proceed with construction in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property. A public hearing, as required by law, shall be advertised and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the Governing Body.

SECTION 4. USE REGULATIONS:

1. Dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof.
2. Nonresidential uses of a religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the Community Unit Plan District only.
3. No commercial use, nor any building devoted primarily to commercial use, shall be built or established prior to the construction and occupancy of 50 percent of the residential buildings in the "R-P" District zone.

SECTION 5. INTENSITY OF USE REGULATIONS: The total ground area occupied by buildings and structures shall not exceed 40 percent of the total ground area of the Community Unit Plan District. For the purpose of this regulation, total ground area shall include all areas to be devoted to public open spaces, sidewalks or open courts. The total number of dwelling units permitted in this district shall be determined by dividing the net development area by 2,000.

SECTION 6. HEIGHT REGULATIONS: No building or structure shall exceed 45 feet in height except as otherwise permitted in the additional height, area and use regulations of this ordinance.

SECTION 7. YARD REGULATIONS:

1. Where buildings front or side on, or are across the street from, other residential zoned properties, the front or side yards shall be the same as those of the adjoining zones.
2. Where buildings front or side on an arterial or collector street, they shall conform with the requirements in the additional height, area and use regulations of this ordinance.

SECTION 8. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 9. PARKING REGULATIONS: (See ARTICLE XVII.)

ARTICLE VIII

"M-H" MOBILE HOME DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is intended that this district be established to permit mobile homes on permanent foundations where a lot or a group of lots is owned by the mobile home owner.

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

SECTION 3. USE REGULATIONS:

1. Mobile home on permanent foundations used by one family.
2. Community recreation areas and buildings.
3. Public parks, and playgrounds.
4. Schools - public or parochial elementary, junior high and high school and private schools with equivalent curriculum.
5. Accessory uses customarily incident to the principal use.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A tract for a Mobile Home District shall not be less than five acres in area.
2. A mobile home in a Mobile Home District shall be located on a lot which contains an area of not less than 5,000 square feet.

SECTION 5. LOT COVERAGE: A mobile home and accessory buildings shall not cover more than 40 percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No mobile home shall exceed 35 feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard: There shall be a front yard having a depth of not less than 25 feet except as required for arterial and collector streets in ARTICLE XXI.

2. Side Yard: There shall be a side yard on each side of the mobile home which shall not be less than five feet.

3. Rear Yard: There shall be a rear yard having a depth of not less than 25 feet.

SECTION 8. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 9. PARKING REGULATIONS: (See ARTICLE XVII.)

ARTICLE IX

"M-P" MOBILE HOME PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is the intent of the "M-P" Mobile Home Park District to permit low density mobile home uses in a park-like atmosphere. The mobile home park district is intended for those areas where the owner proposes to develop and rent or lease individual sites.

SECTION 2. DISTRICT REGULATIONS: In District "M-P," no building shall be used and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Independent mobile homes located on a well-drained concrete slab.
2. Parks and playgrounds.
3. Mobile home service buildings such as coin operated washers and driers, for exclusive use of residents of the mobile home park.
4. Office for manager of the mobile home park.
5. Storage building for vehicles used to tow mobile homes.
6. Storage building for blocks, skirts, pipe and other material and equipment required to set up a mobile home.
7. Accessory uses and buildings including swimming pools, bath houses, patios etc., for exclusive use of mobile home residents.

SECTION 4. GENERAL REQUIREMENTS:

1. The tract to be used for a mobile home park shall be not less than five acres.
2. The applicant for a zoning change to permit a mobile home park must satisfy the Planning Commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence with a period of one year following the approval by the Planning Commission and shall be completed within a period of two years.
3. The applicant for a mobile home park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present three copies of the plan for review

and approval by the Planning Commission. The plot plan shall show topography and the location and size of:

- (a) Mobile home sites
 - (b) Service buildings
 - (c) Off-street parking areas
 - (d) Electrical outlets
 - (e) Sewer outlets
 - (f) Water outlets
 - (g) Water lines
 - (h) Sewer lines
 - (i) Recreational areas
 - (j) Landscaped areas and walls or fences
 - (k) Roadways
 - (l) Sidewalks
4. The mobile home park shall conform with the following requirements:
- (a) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (b) Mobile home parks shall have a maximum density of eight (8) trailers per gross acre and a minimum space of 3,000 square feet for each trailer.
 - (c) Each mobile home space shall be at least 35 feet wide and clearly defined.
 - (d) Mobile homes shall be so located on each space that there shall be at least 20 feet of clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than 20 feet but shall not be less than 15 feet. No mobile home shall be located closer than 25 feet from any building within the park or from any property line bounding the park.

- (e) All mobile home spaces shall front upon a private roadway of not less than 31 feet in width, which shall have unobstructed access to a public street, alley or highway.
- (f) Walkways, not less than 30 inches wide, shall be provided from the mobile home spaces to service buildings.
- (g) All roadways and walkways within the mobile home park shall be hard surfaced and adequately lighted at night with electric lamps.
- (h) Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.
- (i) At least one electrical service outlet supplying at least 120 volts, and at least one electrical service outlet supplying at least 240 volts, shall be provided for each mobile home space.
- (j) A recreational area shall be provided at a central location in the mobile home park at the rate of 200 square feet for each trailer space.
- (k) A solid fence or wall and a 10 foot landscaped buffer area shall be provided between the Mobile Home Park District and any adjoining property zoned for residential purposes. The solid fence or wall shall not be 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.
- (l) Off roadway parking shall be provided at the rate of at least one space for each mobile home space.

SECTION 5. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 6. PARKING REGULATIONS: (See ARTICLE XVII.)

SECTION 7. TRAFFIC REGULATIONS: (See ARTICLE XIX.)

SECTION 8. WATER SUPPLY: An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park. Each mobile home space shall be provided with a cold water tap at least four inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.

ARTICLE X

"C-P" PLANNED SHOPPING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is the intent of the "C-P" Planned Shopping District to allow retailing of convenience commodities and personal services which are needed for day-to-day living. Building setback, landscaped areas and ratio of parking area to floor area used in the district regulations are intended for the purpose of regulating traffic and to make uses allowed more compatible with adjoining residential uses.

SECTION 2. DISTRICT REGULATIONS: In district "C-P" no building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 4 below.

SECTION 3. GENERAL REQUIREMENTS:

1. The tract for use as a planned neighborhood shopping center shall be not less than four acres in area.
2. An applicant for a change in zone to "C-P" Planned Shopping District must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction. The proposed construction shall begin within a period of 18 months following approval by the Governing Body and 40 percent of the total planned construction shall be completed within a period of three years following such approval.
3. Such applicant also shall prepare and submit a rezoning application and a preliminary development plan for review and approval by the Planning Commission, which plan shall include:
 - (a) A topographic map showing contours at intervals of one foot.
 - (b) A plot plan showing:
 - (1) Building locations on the tract to conform with the yard requirements in SECTION 7 below.
 - (2) Access from streets.
 - (3) Parking arrangements and number of spaces (all parking shall be off-street) to conform with SECTION 8 below.

- (4) Interior drives and service areas.
 - (5) Landscaped buffer strips to conform with SECTION 7 below.
 - (c) Location map showing the development and zoning of the adjacent property within 200 feet, including the location, and the type of buildings and structures thereon.
 - (d) The full legal description of the boundaries of the properties to be included in the area to be zoned as a "C-P" district.
 - (e) A map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the area to be zoned "C-P" district.
 - (f) A map showing location of proposed sewer, water and other utility lines.
 - (g) A description of the general character of proposed buildings.
4. Upon approval of the preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. The final development plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
5. In the event that, within 18 months following approval by the Governing Body, the applicant does not proceed with construction in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property. A public hearing, as required by law, shall be advertised and held, at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and an appropriate recommendation to the Governing Body for official action.

SECTION 4. USE REGULATIONS: The following uses shall be permitted in District "C-P."

- 1. Artists' studios
- 2. Bakery and pastry shops (retail only)
- 3. Banks and other savings and lending institutions
- 4. Barber and beauty shops.

5. Book and stationery stores
6. Clothing or ready-to-wear stores
7. Candy stores
8. Drug stores
9. Dry goods or notion stores
10. Cleaning or laundry collection offices
11. Fix-it shops for radio, television and small appliances
12. Florists or gift shops
13. Grocery, fruit or vegetable stores
14. Hardware stores
15. Ice cream stores (excluding "drive-ins")
16. Jewelry stores
17. Laundry and dry cleaning establishments, coin-operated
18. Meat markets or delicatessens
19. Medical, dental and health clinics (for people only)
20. Music studios
21. Offices
22. Photographic studios and shops
23. Public parking lots or stations for passenger cars or taxicabs
24. Restaurants or tea rooms (excluding "drive-ins")
25. Shoe stores or shoe repair shops
26. Service stations
27. Tailor shops
28. Accessory uses customarily incident to the uses enumerated above, including air-conditioning plants or towers and television and radio antennae.

SECTION 5. INTENSITY OF USE REGULATIONS: The area occupied by buildings in this district shall not exceed 25 percent of the net area of the district.

SECTION 6: HEIGHT REGULATIONS: No building or structure shall exceed 45 feet in height.

SECTION 7. YARD REGULATIONS:

1. All buildings shall setback not less than 50 feet from the right-of-way line of any street and from the boundary line of the district area. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission, for protection of the health, safety and general welfare of the community.
2. A solid fence or wall and a 15 foot landscaped buffer area shall be provided adjacent to any adjoining residential district and shall be maintained by the owner or owners of the "C-P" district.

SECTION 8. PARKING REGULATIONS:

1. There shall be at least three times as much area devoted to off-street parking, including access ways and parking stalls as there is ground floor area devoted to buildings.
2. The off-street parking space required above shall be provided in addition to any space to be used for commercial parking, taxicab stands, truck and bus parking, loading space or commercial delivery cars.
3. Ample off-street space for standard loading and unloading shall be provided within the development.
4. The location of any driveway and illumination of parking areas shall be subject to the recommendations of the Planning Commission. Lights used to illuminate the parking area shall be so placed that they will not reflect on adjoining residential properties.
5. Plans and Approval Required: Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the Building Official prior to issuing a building permit. Before approving the parking layout, the Building Official shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dustfree surface and all parking spaces shall be clearly marked.

6. Performance: In lieu of construction of the required parking lot, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvements within a specified time and the Governing Body may enforce such bond by all equitable means.

SECTION 9. TRAFFIC REGULATIONS:

1. Adequate entrances and exits for vehicles shall be located and designed as to result in a minimum interference with traffic on adjoining streets.
2. Right-of-way for streets shall be provided as may be necessary to comply with the approved comprehensive plan requirements.

SECTION 10. SIGN REGULATIONS: In District "C-P" no sign or bulletin board shall be constructed, erected, enlarged or arranged, intended or designed except those in conformance with the following:

1. Signs used to identify individual businesses shall be flat wall signs and shall be located on the face of the building or at the edge of a marquee or canopy.
2. The gross surface area, in square feet, of any sign identifying a business shall not exceed three times the lineal feet of frontage of the building. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
3. A directional informational sign shall be permitted, including "For Rent" or "For Sale" signs, when attached to a building in the district. Said sign shall contain no advertising matter and shall be limited solely to that of providing information or direction. Said sign shall not exceed 16 square feet in area.
4. If the planned shopping center is in single ownership or control, one additional sign may be erected to identify the center. The sign may be free standing or attached to the building wall. Said sign shall display no more than the name of the shopping center. The signs shall not exceed 150 square feet in area, and shall not exceed 20 feet in height. Said sign shall not be located in or extend over any public street, alley or other public-way. If lighted, the sign shall be a nonflashing sign.

5. Lights on all signs within 75 feet of a residential district zone shall be so arranged that they will not reflect or shine into the residential area.
6. A maximum of one sign shall be allowed for each business or profession conducted on the premises.
7. Plans for all signs shall be submitted to the Building Official to determine compliance with this regulation and with applicable city ordinances before construction will be permitted.

ARTICLE XI

"C-S" HIGHWAY SERVICE DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT:

The "C-S" Highway Service District is intended for the purpose of providing limited highway services grouped on a single tract. Floor area is restricted, off-street parking is required and landscaping is required in order to reduce possible adverse effects on adjacent properties.

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

SECTION 3. USE REGULATIONS: The following uses shall be permitted in District "C-S".

1. Automotive repair shops.
2. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses).
3. Electric and telephone substations.
4. Funeral homes and mortuaries.
5. Grocery stores.
6. Liquor stores.
7. Motels, including accessory service uses such as newsstands, messenger and telegraph stations, swimming pools, flower and gift shops, and similar uses for motel guests only.
8. Parks, playgrounds and community buildings.
9. Parking lots (customer and private).
10. Restaurants and tea rooms.
11. Service stations.
12. Taverns.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. Every lot shall have an area of 15,000 square feet and an average width of not less than 150 feet.

2. The total ground area occupied by buildings and structures shall not exceed 40 percent of the total ground area. For the purpose of this regulation, total ground area shall include all areas to be devoted to public open spaces, sidewalks or open courts.

SECTION 5. HEIGHT REGULATIONS: No building or structure shall exceed 45 feet in height.

SECTION 6. YARD REGULATIONS:

1. Front Yard:

- (a) There shall be a front yard having a depth of not less than 25 feet except as required for arterial streets and collector streets in ARTICLE XXII.
- (b) Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the front line of either street.

2. Side Yard and Rear Yard: Where a "C-S" Zone abuts a "R-1, ~~"R-1A", "R-2"~~ or "R-P" District Zone a side and/or rear yard of not less than 15 feet shall be provided.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 8. PARKING REGULATIONS: (See ARTICLE XVII.)

SECTION 9. LANDSCAPING REQUIREMENTS: (See ARTICLE XVIII.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XIX.)

ARTICLE XII

"C-1" RETAIL BUSINESS DISTRICT

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

SECTION 2. DISTRICT REGULATIONS: In District "C-1" no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below:

SECTION 3. USE REGULATIONS:

1. Adding machine and other small business machine repair, sales and service.
2. Amusement places.
3. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
4. Apparel and accessory stores.
5. Apartments on floors other than the ground floor.
6. Appliance stores.
7. Art and art supply stores.
8. Artist studios.
9. Auditoriums and similar places of public assembly.
10. Automobile accessory and supply stores.
11. Automobile sales and service.
12. Automobile parking lots and garages.
13. Bakery and pastry shops (retail only).
14. Banks and other saving and lending institutions.

15. Barber shops, beauty shops, and chiropody, massage or similar personal services.
16. Bicycle and motorcycle shops.
17. Books and stationery stores.
18. Bowling alleys and recreational buildings.
19. Business and technical schools including schools for photography, dancing and music.
20. Cigar and tobacco stores.
21. Clothing stores.
22. Clothing and costume rental shops.
23. Commercial recreational uses.
24. Custom dressmaking, millinery, tailoring and similar trades.
25. Delicatessens and catering establishments.
26. Department stores.
27. Drug stores and prescription shops.
28. Dry goods and notion stores (including coin shops and fabric shops).
29. Electric appliance sales and repair shops.
30. Electric substations, telephone exchange and utility regulator stations.
31. Fire stations, police stations, jails.
32. Fix-it shops (radio, television and small household appliances).
33. Florist shops and garden shops, retail only.
34. Funeral homes and mortuaries.
35. Furniture and home furnishing stores.
36. Garage and automobile repair shops, but not including automobile body and fender work and automobile painting.
37. Government buildings.
38. Grocery, fruit and vegetable stores (retail only).

39. Hardware stores.
40. Heating, and air conditioning shops, providing all merchandise is located in a building.
41. Hobby, stamp and coin shops.
42. Hotels and motels.
43. Household appliance stores.
44. Interior decorator's shop.
45. Jewelry and metal craft stores and shops.
46. Laundries and dry cleaning establishments.
47. Leather goods and luggage stores.
48. Libraries and museums (public).
49. Liquor stores.
50. Lock and key shops.
51. Mail order catalog stores.
52. Medical, dental and health clinics.
53. Medical and orthopedic appliance stores.
54. Meeting halls and auditoriums (including union halls, Elk's Lodge, American Legion Home, VFW, Masons, etc.).
55. Messenger and telegraph service stations.
56. Music instrument sales and repair shops.
57. Music stores and studios.
58. Newspaper offices.
59. Printing shops and printing supply stores.
60. Newsstands.
61. Offices and office buildings.
62. Office supply and office equipment sales and service stores.
63. Optician and optometrist shops.

64. Paint and glass stores.
65. Parking lots and garages.
66. Parks and open spaces.
67. Pawn shops.
68. Pet shops.
69. Photographic equipment sales and supply stores.
70. Photographic studios.
71. Picture framing shops.
72. Prescription shops.
73. Printing and publishing houses (including newspapers).
74. Public buildings, including post office, city offices, county offices, state offices.
75. Radio and television studios.
76. Railway, taxi and bus passenger stations.
77. Restaurants and tea rooms.
78. Service stations.
79. Self-service laundries and self-service dry cleaning establishments.
80. Sewing machine shops and stores.
81. Shoe stores.
82. Shoe repair and shoeshine shops.
83. Sporting and athletic goods stores.
84. Tailor shops.
85. Taverns.
86. Television and radio sales and service establishments.
87. Theaters.
88. Thrift Shops.
89. Toy stores.

90. Travel bureaus.
91. Upholstery shops.
92. Used car lots.
93. Utility company offices.
94. Variety stores.
95. Wallpaper and paint stores.
96. Watch and watch repair shops.
97. Accessory uses customarily incident to the above uses.

SECTION 4. INTENSITY OF USE REGULATIONS: No requirements except those to meet fire regulations.

SECTION 5. HEIGHT REGULATIONS: No building shall exceed 60 feet in height except as otherwise provided in the additional height, area and use regulations of this ordinance.

SECTION 6. YARD REGULATIONS:

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

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 8. PARKING REGULATIONS: (No parking required.)

SECTION 9. LANDSCAPING REQUIREMENTS: (None required.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XIX.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (None required.)

ARTICLE XIII

"I-P" INDUSTRIAL PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is the intent of the "I-P" Industrial Park District to allow certain industrial land uses in a park-like atmosphere and to control the type of use, setback, parking, loading and unloading. It is also intended that this zone be compatible with the adjoining dwelling and commercial land uses.

SECTION 2. DISTRICT REGULATIONS: The regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article are the regulations for "I-P" Industrial Park District. No building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 4 below.

SECTION 3. GENERAL REQUIREMENTS:

1. The tract for use as an Industrial Park District shall not be less than 10 acres in area.
2. An applicant for a change in zone to "I-P" Industrial Park District must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.
3. Such applicant also shall prepare and submit a rezoning application and a preliminary development plan for review and approval by the Planning Commission, which shall include:
 - (a) A topographic map showing contours at intervals of two feet.
 - (b) A plot plan showing:
 - (1) Building locations on the tract.
 - (2) Access from streets.
 - (3) Parking arrangement and number of spaces.
 - (4) Interior drives and service areas.
 - (5) Landscaped buffer strips.
 - (c) Location map showing the development and zoning of the adjacent property within 200 feet, including the location and the type of buildings and structures thereon.

- (d) The full legal description of the boundaries of the properties to be included in the area to be zoned "I-P" Industrial Park District.
 - (e) A map showing the general arrangement of streets, roads and highways, within an area of 1,000 feet from the boundaries of the area to be zoned "I-P" Industrial Park District.
 - (f) A map showing location of proposed sewer, water and other utility lines.
 - (g) A description of general character of the proposed buildings.
4. Upon approval of the preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. The final development plan and the Planning Commission recommendation shall be forwarded to the Governing Body for review and final action.

SECTION 4. USE REGULATIONS: The following uses may be permitted providing the entire operation is conducted within a building or an enclosed and landscaped yard.

- 1. Animal hospitals or clinics.
- 2. Bottling works.
- 3. Blacksmith and welding shops.
- 4. Building materials, storage and sales.
- 5. Carpenter, cabinet, plumbing and sheet metal shops.
- 6. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six foot solid fence or wall.
- 7. Dry cleaning and laundry plants.
- 8. Feed and seed stores.
- 9. Frozen food lockers.
- 10. Greenhouses and nurseries, retail and wholesale.
- 11. Lumber yards.
- 12. Machinery sales and storage lots (including farm and garden machinery).

13. Manufacturing or fabricating establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
14. Motor vehicle and farm implement sales and storage.
15. Public utility and public service uses.
16. Radiator repair shops.
17. Seed processing and treating plants where there is no emission of dust, husks or other particulate matter into the air.
18. Truck and rail terminals.
19. Upholstering shops.
20. Warehouses or storage houses.
21. Wholesale houses.
22. Commercial service establishments.
23. Accessory uses customarily incident to the above uses.

SECTION 5. INTENSITY OF USE REGULATIONS:

1. A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and as otherwise required in SECTION 7. below.
2. In the case where the required off-street loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except for land required for off-street parking and as otherwise required in SECTION 7 below.

SECTION 6. HEIGHT REGULATIONS:

1. When a building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 45 feet in height.
2. When a building or structure is more than 150 feet from a residential district zone, said building or structure shall not exceed ~~75~~ 60 feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard. A front yard of 30 feet shall be required for uses permitted in this district except as provided in the additional height, area and use regulations of this ordinance.
2. Side Yard and Rear Yard. No side or rear yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required 15 feet of side and/or rear yard on the side of the lot and/or on the rear of the lot which abuts the residential district; said 15 feet shall contain a fence or wall and a shrub border to screen residential zoned property from the proposed use. The wall and shrub border shall be adequately maintained by the property owner.

SECTION 8. SIGN REGULATIONS: (See Article XVI.)

SECTION 9. PARKING REGULATIONS: (See Article XVII.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XIX.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (See ARTICLE XX.)

SECTION 12. LANDSCAPING REQUIREMENTS: (See Article XVIII.)

ARTICLE XIV

"I-1" LIGHT INDUSTRIAL DISTRICT

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

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

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

SECTION 2. DISTRICT REGULATIONS: In District "I-1," no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below:

SECTION 3. USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales and repair.
3. Bottling works.
4. Billboards subject to requirements outlined in SECTION 9 below.
5. Building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke.)
6. Carpenter, cabinet, plumbing or sheet metal shops.
7. Car wash establishments.
8. Cheese factories.
9. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six foot solid fence or wall.
10. Dog kennels.
11. Dry cleaning and/or laundry plants.
12. Farm implement sales and services.
13. Frozen food lockers.

14. Greenhouses and nurseries, retail and wholesale.
15. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, smoke or other particulate matter.
16. Machinery sales and storage lots.
17. Monument sales.
18. Motor vehicle and farm implement sales and storage.
19. Public utility and public service uses as follows:
 - (a) Municipal power plant.
 - (b) Substations.
 - (c) Railroads.
 - (d) Telephone exchanges, micro-wave towers, radio towers, television towers, telephone transmission buildings, electric power plants.
 - (e) Public utility storage yards when the entire storage area is enclosed by at least a six foot wall or fence.
20. Sign printing and manufacturing.
21. Truck and rail terminals.
22. Upholstery shops.
23. Warehouses.
24. Wholesale merchandise sales and storage.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A building structure or use allowed in this district may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and as otherwise required for arterial and/or collector streets in ARTICLE XXII.
2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as otherwise required for arterial and/or collector streets in ARTICLE XXII.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 45 feet in height.
2. When a building or structure is more than 150 feet from a residential district zone, said building structure shall not exceed 75 feet in height.

SECTION 6. YARD REGULATIONS:

1. Front Yard: No front yard shall be required for uses permitted in this district except as required for arterial and collector streets in ARTICLE XXII.
2. Side Yard: No side yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required 15 feet of side yard on the side of the lot which abuts the residential district.
3. Rear Yard: No rear yard shall be required in this district except where such rear yard abuts a residential district zone, in which case there shall be required 15 feet of rear yard.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 8. PARKING REGULATIONS: (See ARTICLE XVII.)

SECTION 9. LANDSCAPING REQUIREMENTS: (See ARTICLE XVIII.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XIX.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (See ARTICLE XX.)

ARTICLE XV

"I-2" HEAVY INDUSTRIAL DISTRICT

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

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

SECTION 3. USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales and repair.
3. Bottling works.
4. Blacksmith and welding shops.
5. Building materials, storage and sales.
6. Carpenter, cabinet, plumbing and sheet metal shops.
7. Contractor's office and equipment storage yard.
8. Dog kennels.
9. Dry cleaning and laundry plants.
10. Feed and seed stores.
11. Frozen food lockers.
12. Grain elevators.
13. Greenhouses and nurseries, retail and wholesale.
14. Lumber yards.
15. Machinery sales and storage lots.
16. Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
17. Mobile home manufacture, sales, and storage.

18. Motor vehicle and farm implement sales and storage.
19. Poultry storage or slaughtering.
20. Public utility and public service uses.
21. Radiator repair shops.
22. Restaurants.
23. Service stations.
24. Storage yards providing the storage yard is completely enclosed with a six foot fence or wall.
25. Truck and rail terminals.
26. Upholstering shops.
27. Warehouses or storage houses.
28. Wholesale houses.
29. The following uses of land may be allowed in this district by special use permit when submitted, reviewed and approved by the Board of Zoning Appeals.
 - (a) Alfalfa dehydrating plants.
 - (b) Automobile wrecking yards, junk yards and scrap processing yards; when said yard is completely enclosed with six foot solid fence and no junk or scrap is stored outside the fence or wall, subject, however, to the restrictions in the article on the Board of Zoning Appeals.
 - (c) Petroleum and natural gas refining and processing.
 - (d) Stockyards and slaughter houses.
 - (e) Ready-mix concrete and asphalt mix plants.
 - (f) Storage of bulk oil, gas and explosives.
 - (g) Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required

for off-street parking, off-street loading and unloading and their access roads and/or arterial or collector streets in ARTICLE XXII.

2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as required for arterial and/or collector streets in ARTICLE XXII.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 45 feet in height.
2. When a building or structure is more than 150 feet from a residential district zone, said building or structure shall not exceed 150 feet in height if not in conflict with airport approach zones. 60

SECTION 6. YARD REGULATIONS:

1. Front Yard: No front yard shall be required for uses permitted in this district, except as required for arterial or collector streets in ARTICLE XXII.
2. Side Yard: No side yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required 15 feet of side yard on the side of the lot which abuts the residential district.
3. Rear Yard: No rear yard shall be required in the district except where such rear yard abuts a residential district zone, in which case there shall be required 15 feet of rear yard.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVI.)

SECTION 8. PARKING REGULATIONS: (See ARTICLE XVII.)

SECTION 9. LANDSCAPING REQUIREMENTS: (See ARTICLE XVIII.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XIX.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (See ARTICLE XX.)

ARTICLE XVI
SIGN REGULATIONS

SECTION 1. GENERAL REQUIREMENTS:

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended or attached any sign in violation of this zoning ordinance and this Article.
2. It shall be unlawful for any person or persons to fasten, paste, place, post, paint or attach in any way any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph or electric light pole, tree or bridge. It shall be unlawful to paste, place, paint or attach any sign on any building, street or property of the City; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or the planning area may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon.

SECTION 2. DISTRICT REGULATIONS: Signs shall be permitted in the various districts as follows:

1. Sign regulations for "R-1," "R-P", "M-H", and "M-P" Districts.
 - (a) Unilluminated name plates subject to the following restrictions:
 - (1) The name plate shall not exceed one square foot in area.
 - (2) The name plate shall show only the name and/or address of the occupant.
 - (3) There shall be no more than one name plate for each dwelling unit.
 - (4) The name plate shall be affixed to the principal building, flat against the wall.
 - (b) Unilluminated "For Sale" and "For Rent" single- or double-faced business signs subject to the following regulations:
 - (1) Only one sign shall be permitted per lot.

- (2) No sign shall exceed four square feet in area.
 - (3) Signs shall be located no closer than five feet from any property line and shall not obstruct the view of traffic approaching a street intersection.
 - (4) When said sign is affixed to a building, it shall not project higher than 10 feet above the ground level.
 - (5) Ground signs shall not project higher than four feet above ground grade.
- (c) Bulletin boards and signs for churches and other public institutions subject to the following regulations:
- (1) One sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - (2) If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - (3) No sign or bulletin board shall exceed 24 square feet in area.
 - (4) No sign shall be located closer than eight feet from any side or rear property line.
 - (5) A sign or bulletin board located in the front yard shall be no closer to the street line than one-half the required front yard.
 - (6) A sign or bulletin board, affixed to a building, shall not project higher than 10 feet above the ground level.
 - (7) Ground signs shall be permanently anchored to the ground and shall not exceed a height of six feet above normal grade.
 - (8) Buildings constructed on the property line prior to the adoption of this ordinance shall be allowed one identification sign providing said sign is a flat wall sign and permanently attached to the building.
 - (9) On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.

2. Sign regulations for "C-S" and "I-P" Districts. Business signs (single- or double-faced) shall be allowed in "C-S" and "I-P" districts subject to applicable City ordinances and the following regulations:
- (a) Flashing signs are not permitted in "C-S" or "I-P" districts within 500 feet of a residential district zone.
 - (b) Nonflashing signs shall be permitted providing said sign is illuminated only during business hours or until 11:00 p.m., whichever is later, when said sign is located adjacent to a residential district; providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any street. Clocks and/or thermometers installed for public convenience and information are exempt from the time limitation.
 - (c) Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination.
 - (d) The gross surface area, in square feet, on one side of any business sign on a lot shall not exceed three times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three times the lineal feet in the separate frontage. The total surface area shall not exceed 400 square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
 - (e) Any sign located within three feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have its lowest elevation at least 10 feet above curb level.
 - (f) Signs within 50 feet of a residential district shall be affixed to or be a part of the building.
 - (g) A maximum of two signs (only one on a facade) shall be allowed for a business or profession conducted on the premises.

- (h) No sign shall be permitted in or overhanging the road, street or alley right-of-way and no sign shall be located in a manner to constitute a traffic hazard.
- (i) Sandwich board signs may be allowed providing said sign is permanently affixed to the surface on which it rests.

3. Sign regulations for "C-1" District.

- (a) Where buildings or structures are established or are hereafter established on the property line, in "C-1" District, advertising and business signs shall conform with the following requirements, providing they are constructed and maintained in accordance with applicable City ordinances and the following regulations:
 - (1) The advertising or business sign shall be affixed flat against the face of the building or the front edge of a marquee. The front edge of the marquee shall be considered that portion of the marquee which is parallel to the street.
 - (2) Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any existing residential district.
 - (3) Lighted signs in direct vision of traffic shall not be in red, green or amber illumination.
 - (4) Flashing signs shall be allowed only upon approval of the Building Official, providing it is first determined that the sign will in no way create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.
 - (5) The gross surface area, in square feet, on one side of any sign of an advertising or business sign shall not exceed three times the lineal feet of separate frontage of the lot occupied by the building; each side of the lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three times the lineal feet in the separate frontage. The total surface area shall not exceed 400 square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

- (6) Any sign located within three feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have the lowest elevations at least 10 feet above the curb level.
- (7) Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with applicable City ordinances and in such a manner to prevent any potential hazard to the public from either natural or excessive natural stress.

4. Sign regulations "I-1" and "I-2" Districts.

- (a) Advertising and business signs (single- or double-faced) shall be allowed in "I-1" and "I-2" Industrial Districts subject to the following regulations and applicable City ordinances.
 - (1) Flashing signs shall be permitted only upon approval of the Building Official providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that the direct rays of the sign will not be directed into any residential district.
 - (2) Nonflashing signs shall be permitted, providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of lights shall not beam upon any residential building, or into any residential district or into any street.
 - (3) Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination.
 - (4) The gross surface area, in square feet on one side of any business sign on a lot shall not exceed three times the lineal feet of frontage of the lots; each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a lot shall not exceed three times the lineal feet in the separate frontage. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

- (5) Any sign located within three feet of a driveway or parking area or within 50 feet of the intersection of two or more streets shall have its lowest elevation at least 10 feet above curb level.
 - (6) Signs within 50 feet of a residential district shall be affixed to or be a part of the building.
 - (7) A maximum of two signs (only one on a facade) shall be allowed for a business or profession conducted on the premises.
 - (8) No sign shall project over any alley, road, street or highway right-of-way.
 - (9) Sandwich signs may be allowed providing said sign is permanently affixed to the surface on which it rests.
- (b) Billboards will be permitted in "I-1" and "I-2" Industrial District if they conform to the following provisions:
- (1) The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of or in control of said billboard.
 - (2) No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans shall have been filed with the Building Official and shall have been approved by the Building Official as to size, location and construction.
 - (3) Billboards shall not exceed 20 feet in height above ground.
 - (4) The owner, lessee and manager of such billboard and the owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, inoffensive and free and clean of weeds and noxious substances.
 - (5) No billboard shall project beyond the front, side or rear building line established for the district as set forth in the zoning ordinance.
 - (6) No billboard shall exceed 500 square feet in area (on a single face).

- (7) It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
 - (a) Obstruct the view of street crossings or railroad crossings.
 - (b) Be unable to stand a pressure of at least 40 pounds per square foot of advertising surface.
 - (c) Be dangerous to the public by falling or blowing down.
 - (d) Increase the danger of loss by fire or to increase fire insurance rates.
 - (e) Approach nearer than five feet from any building, unless attached to the building.
- (8) Billboards hereafter erected, constructed, reconstructed, altered or moved in the City and the planning area shall be constructed in such a manner and of such material that they shall be safe and substantial.
- (9) Billboards supported by the ground shall have all posts set in concrete.

SECTION 3. PERMITS AND FEES REQUIRED.

1. A permit shall be required for the erection, construction or alteration of any sign in the City and the planning area.
2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided and no signboard shall be erected or painted on any area until the application is acted upon and granted.
3. A charge of \$3.00 shall be made for each permit granted.
4. If a sign, for which a permit is granted, is not erected within 60 days from date of the permit, the permit shall, unless renewed, become void.

5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over 12 square feet in area.
6. All signs shall be constructed, located and placed in accordance with local ordinances and the laws of the State of Kansas.
7. Permits are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City or County, whose jurisdiction shall apply, may direct its removal.

SECTION 4. NONCONFORMING SIGNS. The lawful use of land for advertising, business signs or bulletin boards which are not installed or maintained in accordance with this Article and other City, County, State and Federal requirements pertaining to construction, location and size shall be removed or converted to conform with this Article and other City, State and Federal regulations within five years after the passing of these regulations.

SECTION 5. REMOVAL OF SIGNS FROM VACANT BUILDINGS: Signs located on vacant buildings shall be removed by the property owner or his authorized agent within 15 days after said premises are vacated.

ARTICLE XVII

PARKING REGULATIONS

SECTION 1. SPACE REQUIREMENTS: Whenever a structure is erected, converted or structurally altered and where required by this ordinance there shall be provided off-street parking space as follows:

1. Single- and Two-Family Dwellings and Mobile Homes: One off-street parking space shall be provided for each dwelling unit.
2. Multiple-Family Dwelling Units: One and one-half off-street parking space per unit shall be provided in the side or rear yard.
3. Home Occupations: Two off-street parking spaces shall be provided in the side or rear yard for home occupations. These shall be in addition to those required for dwelling purposes.
4. Schools: Schools shall provide off-street parking spaces as follows:
 - (a) Elementary School: Two parking spaces for each classroom.
 - (b) Junior High School: Four parking spaces for each classroom.
 - (c) High School: Eight parking spaces for each classroom.
5. Churches and Other Places of Public Assembly: One off-street parking space shall be provided for each five seats based on maximum seating capacity of the main assembly room or sanctuary.
6. Golf Courses; One space for each five members.
7. Hospitals, Nursing Homes, Boarding Houses and Lodging Houses: One off-street parking space shall be provided in the side or rear yard for each five beds.
8. Dormitory; Fraternity or Sorority House or Other Similar Use or Establishment: One off-street parking space shall be provided for each three sleeping accommodations provided.
9. Business and Professional Offices: One off-street parking space for each 100 square feet of gross floor area.

10. Eating Establishments: One off-street parking space for each three seats.
11. Medical, Dental or Health Clinics: One off-street parking space for each fifty square feet of gross floor area.
12. Motels: One off-street parking space for each living or sleeping unit.
13. Personal Service Establishments Including Barber Shops, Beauty Shops, Shoeshine Shops, Cleaning and Laundry Pick-up Stations, Shoe Repair Shops, Self-Service Laundry, Custom Dressmaking, Furrier, Millinery and Tailor Shops, Service Stations and Similar Personal Service Uses: One off-street parking space for each 50 square feet of gross floor area.
14. Industrial Uses Permitted in "I-1" and "I-2" Districts: One off-street parking space for each 1,000 square feet of gross floor area.

SECTION 2. LOCATION OF OFF-STREET PARKING LOTS:

1. Off-street parking lots for single- or multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes, boarding and lodging houses, dormitories, fraternity or sorority houses shall be located in the side or rear yard.
2. Off-street parking spaces for uses permitted in "C-S", "I-P", "I-1", and "I-2" Districts shall be located back of the required front yard line and shall be within 300 feet of the building they serve.

SECTION 3. PLANS AND APPROVAL REQUIRED: Plans for off-street parking lots, other than for single-family dwellings, shall be prepared and submitted to the Building Official for review and approval prior to issuance of a building permit. Before approving any parking layout, the Building Official shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.

SECTION 4. CONSTRUCTION REQUIREMENTS: Parking lots for other than single-family dwellings shall be surfaced with asphalt, concrete or similar dust-free surface.

SECTION 5. PERFORMANCE: In lieu of construction of the required parking lot, the Governing Body of the City may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.

ARTICLE XVIII

LANDSCAPING REQUIREMENTS

1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all storm water and shall be free of hazards, nuisances or unsanitary conditions.
2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.
3. No vegetation shall overhang a public street or sidewalk or obstruct views of pedestrian and vehicular movements.
4. Where districts "R-P", "M-P", "C-P", "C-S", "I-P", "I-1" and "I-2" adjoin "R-1" and "R-2" districts they shall be appropriately separated by a landscaped area of at least 10 feet wide or a decorative architectural screen of at least six feet high.
5. Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscaped area or architectural screen shall not exceed four feet in height.

ARTICLE XIX

TRAFFIC REGULATIONS

Plans for the erection or structural alteration of any business use dependent on vehicles entering onto the business site or parking lot shall be approved by the Governing Body. The Governing Body may require such changes therein in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

ARTICLE XX

LOADING AND UNLOADING REGULATIONS

SECTION 1. SPACE REQUIREMENTS:

1. Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for commercial and industrial uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located as to avoid undue interference with public use of streets, alleys and walkways. The number of spaces shall be provided as follows:

<u>Number of Spaces</u>	<u>Gross Floor Area in Square Feet</u>
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One additional space shall be provided for each 50,000 square feet above 150,000 square feet.

SECTION 2. PLANS AND APPROVAL REQUIRED: Plans showing the layout and design of all required loading and unloading areas shall be submitted and approved by the Building Official prior to issuance of a building permit. Before approving the layout, the Building Official shall satisfy himself that all spaces provided are usable and meet standard design criteria and that the complete loading and unloading operation is performed off-street.

SECTION 3. PERFORMANCE: In lieu of actual construction of the required off-street loading and unloading area, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount fixed by the Governing Body and conditioned upon actual construction of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.

ARTICLE XXI

BUILDINGS AND USES AFFECTED

SECTION 1. MINIMUM BUILDING REQUIREMENTS: No building or structure shall be erected, enlarged, reconstructed or moved into the City or the planning area with less than the following:

1. Dwelling Units:

- (a) All dwelling units shall provide a minimum floor area, exclusive of porches, breezeways and garages, as follows:

<u>Type of Dwelling Unit</u>	<u>Minimum Area</u>
Single-Family	600 square feet
Two-Family	600 square feet per unit
Multiple-Family	480 square feet per unit

- (b) Every dwelling unit shall be provided with at least one water closet, which water closet shall be located within the dwelling and in a room which affords privacy.
- (c) Every dwelling unit shall contain a kitchen sink which is connected to running water and an approved sewer system.
- (d) Every dwelling unit shall be enclosed with an exterior wall surface, other than tar paper or corrugated metal.
- (e) No basement or cellar shall be occupied for residential purposes until the main portion, aboveground, is completed.
2. Mobile Home or Trailer Houses: No mobile home or trailer house may be used or occupied for residential purposes unless said mobile home or trailer house is located in a mobile home district or mobile home park district.
3. Motels:
- (a) The number of motel units permitted on a tract of land shall not exceed the number obtained by dividing the total square feet of area of the site by 1,500.
- (b) Motels shall be served with an approved public water supply and approved public sanitary sewer system.

(c) Each motel unit shall contain not less than 200 square feet of floor area.

4. Tents: No tent, except play tents for children, and camping in areas authorized by the Governing Body, shall be used for any purpose except those authorized by the Governing Body.

SECTION 2. BUILDINGS AND STRUCTURES MOVED IN: Buildings and structures may be moved into various districts providing:

1. The proposed use conforms with the district zoning regulations of the district into which it is to be moved, and
2. The building or structure meets applicable building, fire, safety and health regulations, and
3. The Board of Zoning Appeals finds that the building or structure will not devalue properties in the area where the structure is proposed to be moved.

SECTION 3. ELEVATION: Unless otherwise directed by the Building Official, the first floor elevation of a building or group of buildings shall be at least 18 inches above the grade of the center of the street or roadway.

ARTICLE XXII

ADDITIONAL HEIGHT, AREA AND USE REGULATIONS

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS: The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

1. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one foot of additional height will be permitted for each one foot of additional building setback provided.
2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed 150 feet.
3. Accessory buildings may be built in a rear yard but such accessory building shall not be nearer than the main building to any side lot line, except that when a garage is entered from an alley, it shall not be located closer than 20 feet from the alley line.
4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
5. The setback line shall be determined by measuring the horizontal distance from the property line to nearest architectural projection of the building.
6. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation.
7. For the purpose of the side yard regulations, a two-family dwelling, or a multiple-family dwelling shall be considered as one building occupying one lot.

8. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.
9. Where a lot or tract is used for a nonresidential purpose, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
10. No side yards are required where dwelling units are erected above commercial and industrial structures.
11. Whenever the number of employees is restricted in connection with any use in the neighborhood shopping or commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or similar activities.
12. Radio and television towers shall be permitted in any commercial or industrial district providing the height of said radio or television tower does not conflict with any airport approach or landing zone or with any other ordinance.

SECTION 2. FENCES: Except as otherwise specifically provided in other codes, ordinances or resolutions, the following regulations shall apply to the construction of fences:

1. No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected.
2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the Building Official has certified that the proposed fence will not constitute a traffic hazard.
3. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
4. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence which shall adversely affect the public health, safety and welfare.

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

6. All fences shall conform to applicable ordinances and resolutions of the City of Colwich.

SECTION 3. BUILDING SETBACK LINES: Building setback lines are hereby established for all arterial and collector streets, as shown on the approved major street plan. The setback lines as established in this section shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development and shall conform with the following requirements:

1. **Arterial Streets:** No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus 50 feet.
2. **Collector Streets:** No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus 40 feet.

SECTION 4. LOTS OF RECORD: A lot or group of lots which were platted and recorded in the office of the Register of Deeds prior to the effective date of this ordinance may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure on a lot or group of lots that do not conform with the minimum yard and height requirements unless specifically authorized by the Board of Zoning Appeals.

SECTION 5. CANOPY AND MARQUEE: A canopy or marquee may be permitted to "overhang a public way" in District "C-1" providing:

1. The canopy or marquee is constructed and maintained in accordance with applicable ordinances and resolutions of the City of Colwich.
2. No portion of the canopy or marquee shall be less than eight feet above the level of the sidewalk or other public way.
3. The canopy or marquee shall not extend beyond a point two feet inside the curb line of a public street.

ARTICLE XXIII

NONCONFORMING USES

SECTION 1. NONCONFORMING USES WHICH MAY BE CONTINUED:

1. The following lawful nonconforming uses of land may be continued:
 - (a) A use of land which existed prior to the effective date of Zoning Ordinance No. _____.
 - (b) A use of land existing at the time of an annexation.
 - (c) A use of land existing at the time an amendment is made to the zoning ordinance which changes such land to the more restricted district.
2. The lawful use of a building located upon any land, except as provided in SECTION 2 below, may be continued although such use does not conform with the provisions of this zoning ordinance and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made nonconforming by any subsequent amendment or change of this zoning ordinance.

SECTION 2. NONCONFORMING USES WHICH MAY NOT BE CONTINUED:

1. Whenever a nonconforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
2. A nonconforming building which has been damaged to the extent of more than 50 percent of its structural value by fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with all zoning regulations of the zoning district. In the event a question may arise on the structural value of such a building, the same shall be determined by three appraisers; one shall be selected by the Governing Body, one shall be selected by the owner of the building, and the third appraiser shall be selected by the two selected appraisers. If the first two appraisers selected cannot agree on the selection

of the third such appraiser, the Judge of the appropriate court shall be requested to appoint the third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned to the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

ARTICLE XXIV

ENFORCEMENT, VIOLATION AND PENALTY

SECTION 1. ENFORCEMENT: The Building Official shall administer and enforce this zoning ordinance. Appeals from the decision of the Building Official may be made to the Board of Zoning Appeals.

SECTION 2. CERTIFICATE OF OCCUPANCY:

1. Subsequent to the effective date of this zoning ordinance no change in the use or occupancy of land nor any change in the use or occupancy of an existing building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the Building Official. The certificate of occupancy shall state that the land and/or building complies with the provisions of this zoning ordinance.
2. No permit for excavation or the erection or alteration of any building shall be issued before an application has been made and approved for a certificate of occupancy and compliance and no building or premises shall be occupied until such certificate is issued.
3. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished for \$2.00 on request by any person having an interest in the land or building affected.
4. Buildings used for single-family purposes shall be exempt from this requirement.

SECTION 3. PLATS: Each application for a building permit shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this regulation. A record of applications and plats shall be kept in the office of the Building Official.

SECTION 4. VIOLATION AND PENALTY:

1. The owner or agent of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or

who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed \$500.00. Each and every day that such violation continues shall constitute a separate offense.

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

ARTICLE XXV

BOARD OF ZONING APPEALS

five members of the City and one from the Planning Dept.

SECTION 1. BOARD OF ZONING APPEALS ESTABLISHED: A Board of Zoning Appeals is hereby established. Such board shall consist of not less than five members, all of whom shall be residents of the ~~city~~ *official planning*, appointed by the Mayor by and with the consent of the city governing body. None of the members shall hold any other public office of the city except that one member shall be a member of the planning commission. The members first appointed shall serve respectively for terms of one, two and three years, divided as nearly equally as possible between the members. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term. All members of said board shall serve without compensation.

SECTION 2. ELECTION OF OFFICERS: The Board shall annually elect one of its members as chairman and shall appoint a secretary who may be an officer or an employee of the City or County.

SECTION 3. RULES OF PROCEDURE: The Board shall adopt by laws and rules or procedure for the conduct of business.

SECTION 4. MEETINGS: Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

SECTION 5. RECORDS: The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and voting upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

SECTION 6. FILING FEE: For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing an appeal, shall pay to the City Clerk a fee in the amount of \$35.00. Promptly upon filing the appeal and required filing fee, the City Clerk shall refer said appeal to the secretary of the Board of Zoning Appeals.

SECTION 7. PUBLIC HEARING AND NOTICE: The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official newspaper at least 20 days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Planning Commission.

SECTION 8. POWERS AND JURISDICTIONS: The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the zoning ordinance. The Board shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.
2. To interpret the provisions of this ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and as shown upon the zoning district maps fixing the several districts accompanying, and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the zoning district map.
3. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this ordinance. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.
4. To hear and grant exceptions to district zoning regulation subject to SECTION 11 below.

SECTION 9. PROCEDURE:

1. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the City or County or any governmental agency or body affected by any decision of the official administering the provisions of this zoning ordinance.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
3. Appeals and requests to the Board for variances and exceptions to this zoning ordinance shall be prepared and submitted on forms approved and furnished by the Planning Commission.
4. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in SECTION 7 above.

5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the Building Official for filing and action, if action is required.
6. Any person, official or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the County, to determine the reasonableness of any such order or determination.

SECTION 10. VARIANCES TO THIS ZONING ORDINANCE:

1. The applicant must show that his property was acquired in good faith and, where by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of this zoning ordinance or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of this zoning ordinance actually prohibit the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. Variances are limited to yard regulations and may not be more than one-half the required yard and shall not encroach upon the required setback for adjacent buildings.
3. In granting a variance, the Board of Zoning Appeals must satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner. The Board shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of this zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries.
4. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from the Building Official. The Board may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the same powers as the Building Official from whom the appeal is taken. If the Board approves the variance they shall notify the Building Official of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.

5. Every variation granted or denied by the Board shall be accompanied by the written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the City and/or County Clerk, to be available for public inspection.

SECTION 11. EXCEPTIONS TO THIS ZONING ORDINANCE:

1. Exceptions to this zoning ordinance shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.
2. Prior to review of the request of an exception, by the Board of Zoning Appeals, the applicant shall:
 - (a) File an application on forms provided.
 - (b) File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
 - (c) File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.
3. A plot plan shall be filed with the application showing:
 - (a) Legal dimension of the tract to be used.
 - (b) Location of all proposed improvements including curb-cut access, off-street parking and other such facilities as the applicant proposes to install.
 - (c) Grade elevations.
 - (d) Building setback from all property lines.
 - (e) Front, side and rear elevations of all improvements to be erected.

- (f) Perspective drawings of the proposed improvements, in such detail as will clearly show the finished appearance of the improvements proposed.
 - (g) Location and type of planting, screening or walls.
 - (h) Such other items as the Board shall deem reasonably necessary to properly process the application.
4. In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan, and the health, safety, morals, comfort and general welfare of the inhabitants of the City, including but not limited to the following factors:
- (a) The stability and integrity of the various zoning districts.
 - (b) Conservation of property values.
 - (c) Protection against fire and casualties.
 - (d) Observation of general police regulations.
 - (e) Prevention of traffic congestion.
 - (f) Promotion of traffic safety and the orderly parking of motor vehicles.
 - (g) Promotion of the safety of individuals and property.
 - (h) Provision for adequate light and air.
 - (i) Prevention of overcrowding and excessive intensity of land uses.
 - (j) Provision for public utilities and schools.
 - (k) Invasion by inappropriate uses.
 - (l) Value, type and character of existing or authorized improvements and land uses.
 - (m) Encouragement of improvements and land uses in keeping with overall planning.
 - (n) Provision for orderly and proper urban renewal, development and growth.
5. Exceptions may be authorized by the Board of Zoning Appeals in "I-2" Heavy Industrial Districts only and shall be limited to the following and under such conditions as the Board may impose.

- (a) Automobile wrecking yards, junk yards and scrap processing yards subject to the following:
 - (1) Located on a tract of land at least 300 feet from a residential district zone.
 - (2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least six feet high) and uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
 - (3) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
 - (4) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done during daylight hours only.
- (b) Petroleum and natural gas refining and processing.
- (c) Stock yards and slaughter houses.
- (d) Ready-mix concrete and asphalt mix plants.
- (e) Manufacturing or storage of bulk oil, gas and explosives.
- (f) Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

SECTION 12. PERFORMANCE:

- 1. In making any decision varying or modifying any provisions of this zoning ordinance or in granting an exception to the district regulations, the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

2. In lieu of actual construction of an approved off-street parking lot, the Board of Appeals may accept, in the name of the City and/or County, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the City and/or County and conditioned upon actual completion of such improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Clerk.

ARTICLE XXVI

AMENDMENTS

SECTION 1. AMENDMENTS: The Governing Body may from time to time amend, supplement or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

SECTION 2. APPLICATIONS:

1. Any party desiring any change in zoning district boundaries or regulations contained in this zoning ordinance, as to any lot, tract or area of land, shall file with the City Clerk an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing said application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all owners of any land located within 200 feet of the outer limits of said area to which the applicant desires change of zoning.
2. An applicant for a change in zone to "R-P" Community Unit Plan District, "M-P" Mobile Home Park District, "C-P" Planned Shopping District, or "I-P" Industrial Park District must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction. The proposed construction shall begin and be completed within the specified time limits as outlined in the GENERAL REQUIREMENTS section in each of the above-named Zoning Districts. Such applicant shall also prepare and submit a rezoning application and a preliminary development plan for review and approval by the Planning Commission which plan shall include:
 - (a) A topographic map showing contours at intervals of two feet:
 - (b) A plot plan showing:
 - (1) Building locations on the tract to conform with the yard requirements of the district.

- (2) Access from streets.
- (3) Location and number of off-street parking spaces.
- (4) Interior drives and service areas.
- (5) Landscaped buffer strips and walls or fences.
- (c) Location map showing the development and zoning of the adjacent property within 200 feet, including the location and the type of buildings and structures thereon.
- (d) The full legal description of the boundaries of the properties to be included in the area to be rezoned.
- (e) A map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the area to be zoned.
- (f) A map showing location of proposed sewer, water and other utility lines.
- (g) A description of the general character of proposed buildings.
- (h) Applicants for a "M-H" Mobile Home Park District shall show on a copy of the plot plan the following:

Location of mobile home sites.

Location of service buildings.

Location of off-street parking area.

Location and size of electrical outlets.

Location and size of sanitary lines and sewer outlets.

Location and size of water line and connections.

Location and size of recreation areas.

Location and width of sidewalks.

Upon approval of the zoning application and preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. Alterations in the preliminary schedule of construction shall be submitted at this time. The final development plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.

In the event that, within 18 months following approval by the Governing Body of a "R-P", "M-P", "C-P" or "I-P" District, the applicant does not proceed with construction substantially in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property. A public hearing, as required by law, shall be advertised and held, at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall submit their recommendation to the Governing Body for official action.

SECTION 3. FILING FEE: For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application shall pay to the City Clerk a fee in the amount of \$35.00. Promptly upon the filing of any such application, the City Clerk shall refer the application to the Planning Commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and that said application has been referred to the Planning Commission.

SECTION 4. PUBLIC HEARING AND NOTICE: Before the Planning Commission shall, by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official newspaper and at least 20 days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district and, if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that, in addition to such publication notice, written notice of such proposed change shall be mailed to all the owners of land located within 200 feet of the area proposed to be altered and an opportunity granted to interested parties to be heard. Failure to receive such notice shall not invalidate any subsequent action taken.

SECTION 5. PROTEST: If a protest against such amendment is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to said publication notice, said protest being duly signed and acknowledged by the owners of 20 percent or more of any real property proposed to be rezoned or by the owners of 20 percent of the area, excepting public streets and ways, located within or without the corporate limits of the City and located within 200 feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths vote of the members of the Governing Body.

ARTICLE XXVII

VALIDITY

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

ARTICLE XXVIII

APPROVAL AND EFFECTIVE DATE

SECTION 1. This is to certify that this zoning ordinance and the Zoning District Maps referred to in this zoning ordinance were duly approved by the Planning Commission on this ____ day of _____, 19__.

Secretary

Chairman

SECTION 2. This ordinance shall become effective upon its publication once in the official area newspaper.

PASSED this ____ day of _____, 19__.

ATTEST:

City Clerk

Mayor