

## **CHAPTER XVI. ZONING AND PLANNING**

- Article 1. City Planning Commission/  
Board of Zoning Appeals
- Article 2. Zoning Regulations
- Article 3. Mobile Home Placement Guidelines
- Article 4. Flood Plain Zoning
- Article 5. Subdivision Regulations

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### **ARTICLE 1. CITY PLANNING COMMISSION/ BOARD OF ZONING APPEALS**

- 16-101. CITY PLANNING COMMISSION CREATED. There is hereby created a City Planning Commission for the City of Galena, Kansas, which shall consist of seven members, five of which shall be residents of the city and two of which shall reside outside of but within 3 miles of the corporate limits of the city. The City Planning Commission shall perform the duties of the following bodies as listed throughout Chapter 16 of the code and Kansas statutes applying to the subjects of granting or monitoring zoning, conditional uses, and variances: board of zoning appeals and planning commission. (Ord. 05-04; Code 2015)
- 16-102. MEMBERSHIP; APPOINTMENT; REMOVAL. The members of the city planning commission shall be appointed by the mayor by and with the consent of the city council. The members of the planning commission first appointed shall serve respectively for terms of one year, two years and three years, to expire on the dates set forth below, and divided equally or so nearly equal as is possible between those terms. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. The mayor by and with the consent of the city council may remove any member of the city planning commission at any time. Members of the planning commission shall serve without compensation. The following position numbers are designated for the membership of the planning commission with the expiration date of the original term of such position stated immediately following the position number. Positions #1, #2, #3, #4, and #5 shall be residents of the City of Galena, Kansas. Positions #6 and #7 shall reside outside of but within 3 miles of the corporate limits of Galena, Kansas. The Mayor is directed to make reasonable efforts to nominate new members to fill the seven designated positions below on or before first regular meeting of the city council in November, 2006. Any subsequent appointments shall designate the position number being filled.
- Position #1- expires October 17, 2007
  - Position #2- expires October 17, 2007
  - Position #3- expires October 17, 2008
  - Position #4- expires October 17, 2009
  - Position #5- expires October 17, 2009
  - Position #6- expires October 17, 2007
  - Position #7- expires October 17, 2008
- (Ord. 6-14; Code 2015)

- 16-103. MEETINGS, The members of the planning commission shall meet at least semi-annually. They shall select one of their number as chairperson and one as vice chairperson who shall serve one year and until their successor has been selected. They shall annually appoint a secretary who may be an officer or employee of the city. Special meetings may be called at any time by the chairperson, or in his or her absence, by the vice chairperson. A majority of the planning commission shall constitute a quorum for the transaction of business. The planning commission shall cause a proper record to be kept of its proceedings. (Code 2015)
- 16-104. POWERS AND DUTIES. (a) The planning commission and city governing body shall have all the powers and duties set forth in K.S.A. 12-701 et seq., and amendments thereto, and such other powers and duties as are now or may hereafter be prescribed by law.  
(b) In the event the city has no city planning commission or the city planning commission lacks a quorum, the city council may exercise the duties thereof. (Ord. 93-15; Code 1998)
- 16-105. BOARD OF ZONING APPEALS. The planning commission is hereby designated to also serve as the city's board of zoning appeals with all the powers and duties as provided for in K.S.A. 12-759. The board shall adopt rules in the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body. Public records shall be kept of all official actions of the board which shall be maintained separately from those of the commission. The board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal. Subject to subsequent approval of the governing body, the board shall establish a scale of reasonable fees to be paid in advance by the appealing party. (Code 2015)
- 16-106. BUDGET. The governing body shall approve a budget for the planning commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes. (Code 2015)

## ARTICLE 2. ZONING REGULATIONS

- 16-201.           PURPOSES. The several purposes of this article are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open space for light and air; to lessen the congestion on streets; to give an orderly growth to the city; to prevent undue concentrations of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and in general to promote public health, safety, and general welfare.  
(Ord. 82-5, Art. 1, Sec. 2; Code 2015)
- 16-201A.           POLICY REGARDING PROTECTION OF IMPORTANT LAND RESOURCES AND ORDERLY DEVELOPMENT. As a condition for receiving Farmers Home Administration financial assistance, the city agrees to comply with federal, state and local laws and regulations regarding protection of productive agricultural land and other land resources (wetland and floodplains) and the orderly development land for residential, commercial and industrial uses. When decisions concerning land use arise from requests for service from our utility system, the city agrees to:
- (a) Avoid unwarranted conversion of important farmland, wetlands and unwarranted encroachment on flood plains.
  - (b) Encourage development patterns which insure compact community development, contiguous development and in filling of development.
  - (c) Encourage planning which emphasizes sound land use and development patterns.
  - (d) To publicly announce the city's position relative to providing service to new users.
  - (e) To be guided by the local Soil and Water Conservation District and the results of the Land Evaluation Site Assessment System (LESA) with regard to service connections on prime and important farmland areas.
  - (f) Not to agree to service connections for properties that may be constructed on wetland or floodplains.
  - (g) To comply with the provision of Form FMHA 1942-47, "Loan Resolution (Public Bodies)" with regard to avoiding or reducing any adverse environmental impacts of the facility's construction or operation.
- (Ord. 92-7, Sec. 1; Code 2015)
- 16-202.           DEFINITIONS. As used in this article, the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:
- (a) Accessory Structure or Use. A structure or use incidental and subordinate to the main use of the property, including a home occupation, and which is located on the same lot with the main use.
  - (b) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
  - (c) Apartment House. See dwelling, multi-family.
  - (d) Basement. That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling.

- (e) Billboard. See Sign.
- (f) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- (g) City or Community. The City of Galena, Kansas.
- (h) City Development Plan. An official map, master or development plan, street plan, land use plan, building setback plan, design plan, or other map, plan or policy pertaining to the physical development of the city which has been officially adopted by the council.
- (i) Dwelling, Duplex: or Dwelling, Two-Family. A detached building containing two dwelling units.
- (j) Dwelling, Multi-Family. A building containing three or more dwelling units.
- (k) Dwelling, Single-Family. A detached building containing one dwelling unit, including a mobile home.
- (l) Dwelling Unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
- (m) Employees. All persons, including proprietors, working on the premises during the largest shift at peak season.
- (n) Family. An individual, or two or more persons related by blood, marriage, legal adoption, custodianship, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, custodianship or guardianship living together in a dwelling unit.
- (o) Fence, Sight Obscuring. A fence or evergreen planting arranged in such a way as to obstruct vision.
- (p) Floor Area. The area including in surrounding walls of a building, or portion thereof, exclusive of vents, shafts and courts.
- (q) Garage, Private. An accessory building or portion of a main building used for the parking or temporary storage of vehicles or used by occupants of the main building.
- (r) Garage, Public. A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.
- (s) Grade (ground level). The average of the finished ground level at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level should be measured at the sidewalk.
- (t) Height of Building. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of mansard roof or to the average height of the highest gable of a pitch or hip roof.
- (u) Home Occupation. An occupation carried on within a dwelling or accessory building by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.
- (v) Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

(w) Hotel. A building in which lodging is provided for guests for compensation and in which no provision is made for cooking the guest rooms.

(x) Kennel - means any establishment, commercial or otherwise, engaged in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs in an enclosure in one location only of a number of more than three (3) dogs of six months of age or older or more than one litter of pups, or more than three (3) cats of more than six months of age or more than one litter of kittens, or more than a total of 3 dogs and cats more than six months of age in any combination.

(y) Lot. A parcel or tract of land which is occupied by a structure together with the yards and other open spaces required by this article.

(z) Lot Area. The total horizontal area within the lot lines of a lot.

(aa) Lot, Corner. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

(bb) Lot, Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

(cc) Lot, Interior. A lot other than a corner lot.

(dd) Lot Line. The property line bounding a lot.

(ee) Lot Line, Front. In the case of an interior lot, the lot line separating the lot from the street other than an alley and in the case of a corner lot, the shortest lot line along a street other than an alley.

(ff) Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular triangular, or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

(gg) Lot Line, Side. Any lot line not a front or rear lot line.

(hh) Lot Width. The horizontal distance between the side lot lines. ordinarily measured parallel to the front lot line.

(ii) Motel. A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities, for rental to transients.

(jj) Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendments thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(kk) Parking Space. A rectangle area containing not less than 200 square feet with maneuvering and access space required for a standard automobile to park within the rectangle.

(ll) Person. Every natural person, firm, partnership, association, or corporation.

(mm) Screening. See fence, sight obscuring.

(nn) Service Drive. A driveway entering a street from a drive-in business establishment or an off-street parking area, excluding residential driveways, serving fewer than 10 dwelling units.

(oo) Sign. A presentation or representation, other than a house number. by words, letters, figures, designs, pictures, or colors publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid in other type of advertising.

This includes the board, metal, or surface upon which the sign is painted, included, or attached. Each display surface of a sign shall be considered to be a sign.

(pp) Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

(qq) Street. The entire width between the boundary lines of every way which provides for public use of the purpose of vehicular and pedestrian traffic and the placement of utilities including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.

(rr) Structure. That which is built or constructed. An edifice or building of any kind or any place of work artificially built up or composed of parts jointed together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

(ss) Structural Alteration. Any change to the supporting member of a structure including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.

(tt) Mobile Home. As defined in Section 5-501 of this Code (refer thereto). All mobile homes shall be skirted according to the standards of the State of Kansas and as may be proscribed in the code and shall be anchored to the ground.

(uu) Mobile Home Park. As defined in Section 5-501 of this Code (refer thereto). Such mobile home parks shall be under the ownership and control of one person or entity, and in no circumstance shall the mobile home space be sold or offered for sale in individual lots. The term "mobile home park" does not include a sales area on which unoccupied mobile homes, whether new or used, are parked for the purposes of sale, storage, or inspection. A mobile home, however, may be parked on a space for purposes of sale by the resident owner. In addition to the rental of the space, the mobile home park owner may also rent mobile home spaces made for that person.

(vv) Use. The purpose of which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(ww) Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and a railroad sides of which are lot lines measured from the corner in section of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersection have rounded comers, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area shall not contain plantings, walls, structures, or temporary or permanent obstructions exceeding 3 feet in height measured from the top of the curb or existing grade.

(xx) Yard. An open space on a lot which is unobstructed from ground upward except as otherwise provided in this article.

(yy) Yard, Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from front lot line to the nearest point of the main building.

(zz) Yard, Rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.

(aaa)Yard, Side. A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of building.

(Ord. 82-5, Art. I, Sec. 3, Ord. 86-5, Sec. 1; Ord. 05-07; Code 2015)

16-203. COMPLIANCE WITH PROVISIONS. No structure or premises shall hereafter be used or occupied and no structure or part hereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this article. (Ord. 82-5, Art. 1, Sec. 4; Code 1988)

16-204. CLASSIFICATION OF DISTRICTS. For the purpose of this article the city is divided into zones designated as follows:

<u>Districts</u>	<u>Abbreviated Designations</u>
Residential	R
Single-family residential	R-1
Two-family residential	R-2
Multi-family residential	R-3
Business Districts	
Retail business	C-1
General business	C-2
Industrial Districts	
General industry	M-1
Heavy industry	M-2
Agricultural	A
Mobile Home Park	MHP
Mobile Home Subdivision	MHS

(Ord. 82-5, Art. 1, Sec. 5; Code 1988)

16-205. ZONING MAP. The location and boundaries of the district designated in section 16-204 are hereby established as shown in the map entitled "A Zoning Map of the City of Galena" dated January 12, 2005, signed by the mayor and city clerk and hereafter referred to as the "Zoning Map."  
(Ord. 05-02; Code 2015)

16-206. R DISTRICT: ONE-FAMILY RESIDENTIAL DISTRICT. This district is composed of certain quiet, low-density residential areas of the city plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of most families and to prohibit activities of a commercial nature. To these ends, development is limited to single-unit dwellings providing homes for the residents plus certain public facilities which serve the residents in the district. The following regulations shall apply to all R Districts. (Ord.82-5. Art. 2, Part 1, Sec. 1; Code 1988)

- 16-207. SAME; USES PERMITTED OUTRIGHT. Single-family dwellings and their accessory uses are permitted out-right in an R District.  
(Ord. 82-5, Art. 2, Part 1, Sec. 2; Code 1988)
- 16-208. SAME; CONDITIONAL USES PERMITTED. The following uses and their accessory uses are permitted in an R District, when authorized in accordance with the requirements governing conditional units.
- (a) Church.
  - (b) Governmental structure or use including public park, playground, recreational building fire station, library or museum.
  - (c) School, nursery, primary, elementary, junior high or senior high.
  - (d) Utility substation or pumping station with no equipment storage.
  - (e) Hospital, sanitarium, rest home, home for the aged, nursing or convalescent home.
  - (f) Excavation of natural resources.
- (Ord. 82-5, Art. 2, Part 1, Sec. 3; Code 1988)
- 16-209. SAME; SIGNS. Signs permitted in an R District shall be erected and maintained at least 15 feet from the street line and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. In event of a complaint on the character or kind of sign being maintained, the decision of the planning commission shall be final as to compliance of the sign with this provision, which decision shall be made after an investigation and report. The following signs are permitted in an R zone:
- (a) One name plate or sign indirectly illuminated or not illuminated less than three square feet in area for each dwelling.
  - (b) One temporary sign, not illuminated, less than six square feet in area advertising the sale, lease, or rental of the property.
  - (c) One temporary sign per tract of land or subdivision advertising the sale of the tract of the lots in the tract and not exceeding 48 square feet in area. The sign shall be reduced in size by six square feet for each lot less than eight in the subdivision.
  - (d) One name plate or sign associated with uses other than those indicated in (a), (b), and (c) above, provided such sign or name plate shall not exceed 48 square feet in area.
- (Ord. 82-5, Art. 2, Part 1, Sec. 4; Code 1988)
- 16-210. SAME; LOT SIZE. The lot size in an R District shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet for an interior lot and 5,000 square feet for a comer lot.
  - (b) The minimum lot width at the front building line shall be 50 feet for an interior lot and 50 feet for a comer lot.
  - (c) The minimum lot depth shall be 100 feet.
- (Ord. 82-5, Art. 2, Part 1, Sec. 5, Ord. 13-12; Code 2015)
- 16-211. SAME; SETBACK REQUIREMENTS. The yards in an R District shall be as follows:
- (a) The front yard shall be a minimum of 15 feet.



(b) The side yard shall be a minimum of eight feet on one side and eight feet on the other side, except that on corner lots the setback for all buildings shall be a minimum of 15 feet on all the sides abutting a street.

(c) The rear yard shall be a minimum of 10 feet.

(d) The entrance side of a garage or carport shall be set back at least 15 feet from the access street, in the case of an alley, the entrance shall be set back at least 15 feet from the center line of the alley.

(Ord. 82-5, Art. 2, Part 1, Sec. 6, Ord. 13-12; Code 2015)

16-212. SAME; HEIGHT OF BUILDINGS. In an R District, no building shall exceed the height of 2 stories or 35 feet, whichever is less.

(Ord. 82-5, Art. 2, Part 1, Sec. 7; Code 1988)

16-213. SAME; LOT COVERAGE. In an R District, buildings shall not occupy more than 30 percent of the lot area.

(Ord. 82-5, Art. 2, Part 1, Sec. 8; Code 1988)

16-214. R-1 DISTRICT: ONE-FAMILY RESIDENTIAL DISTRICT. This district is composed of certain quiet, low-density residential areas of the city plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where children are members of most families and to prohibit activities of a commercial nature. To these ends, development is limited to single-unit dwellings providing homes for the residents plus certain public facilities which serve the residents of the district. The following regulations shall apply to all R-1 Districts. (Ord. 82-5, Art. 2, Part 2, Sec. 1; Code 1988)

16-215. SAME; USES PERMITTED OUTRIGHT. (a) Single-family dwellings and their accessory uses are permitted outright in an R-1 District. Mobile homes are permitted if all conditions of Article Three of this chapter are complied with.

(b) Home occupations, provided that any such occupation shall not occupy more than 10 percent of the total floor area, of the main building or if located in an accessory building, shall not occupy more than five percent of the total lot area.

(Ord. 82-5, Art. 2, Part 2, Sec. 2; Ord. 86-5, Sec. 2; Code 1988)

16-216. SAME; CONDITIONAL USES PERMITTED. The following uses and their accessory uses are permitted in an R-1 District, when authorized in accordance with the requirements governing conditional uses.

(a) Church.

(b) Governmental structure or use including public park, playground, recreational building, fire station, library or museum.

(c) School, nursery, primary, elementary, junior high or senior high.

(d) Utility substation or pumping station with no equipment storage.

(e) Hospital, sanitarium, rest home, home for the aged, nursing or convalescent home.

(f) Excavation of natural resources.

(Ord. 82-5, Art. 2, Part 2, Sec. 3; Code 2015)

- 16-217. SAME; SIGNS. Signs permitted in an R-1 District shall be erected and maintained at least 15 feet from the street line and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. In the event of a complaint on the character or kind of sign being maintained, the decision of the planning commission shall be final as to compliance of the sign with this provision, which decision shall be made after an investigation and report. The following signs are permitted in an R-1 zone:
- (a) One name plate or sign indirectly illuminated or not illuminated less than three square feet in area for each dwelling.
  - (b) One temporary sign, not illuminated, less than six square feet in area advertising the sale, lease, or rental of the property.
  - (c) One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots in the tract and not exceeding 48 square feet in area.  
The sign shall be reduced in size by six square feet for each lot less than eight in the subdivision.
  - (d) One name plate or sign associated with uses other than those indicated in (a), (b), and (c) above, provided such sign or name plate shall not exceed 48 square feet in area.
- (Ord. 82-5, Art. 2, Part 2, Sec. 4; Code 1988)
- 16-218. SAME; LOT SIZE. The lot size in an R-1 District shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet for an interior lot and 5,000 square feet for a corner lot.
  - (b) The minimum lot width at the front building line shall be 50 feet for an interior lot and 50 feet for a corner lot.
  - (c) The minimum lot depth shall be 100 feet.
- (Ord. 82-5, Art. 2, Part 2, Sec. 5, Ord. 13-12; Code 2015)
- 16-219. SAME; SETBACK REQUIREMENTS. The yards in an R-1 District shall be as follows:
- (a) The front yard shall be a minimum of 15 feet.
  - (b) The side yard shall be a minimum of eight feet on one side and eight feet on the other side, except that on corner lots the setback for all buildings shall be a minimum of 15 feet on all the sides abutting a street.
  - (c) The rear yard shall be a minimum of 10 feet.
  - (d) The entrance side of a garage or carport shall be set back at least 15 feet from the access street, except that in the case of an alley, the entrance shall be set back at least 15 feet from the center line of the alley.
- (Ord. 82-5, Art. 2, Part 2, Sec. 6, Ord. 13-12; Code 2015)
- 16-220. SAME; HEIGHT OF BUILDINGS. In an R-1 District, no building shall exceed the height of 2 stories or 35 feet, whichever is less.  
(Ord. 82-5, Art. 2, Part 2, Sec. 7; Code 1988)
- 16-221. SAME; LOT COVERAGE. In an R-1 District, buildings shall not occupy more than 30% of the lot area. (Ord. 83-5, Art. 2, Part 2, Sec. 8; Code 1988)
- 16-222. R-2 DISTRICT: TWO-FAMILY RESIDENTIAL DISTRICT. This district is composed of certain quiet, medium-density residential areas of the city representing a compatible co-mingling of single-family and two-family dwelling plus

certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district to promote and encourage a suitable environment for family life where children are members of many families and to prohibit activities of a commercial nature. To these ends, development is limited to a medium concentration and uses are typically single-family and two-family dwellings, plus certain additional uses, such as schools, parks, churches and certain public facilities which serve the residents of the district. The following regulations shall apply to all R-2 Districts. (Ord. 82-5, Art. 2. Part 3. Sec. 1; Code 1988)

- 16-223. SAME; USES PERMITTED OUTRIGHT. The following uses and their accessory uses are permitted outright in an R-2 District.
- (a) Any use permitted out-right in an R-1 District.
  - (b) Two-family dwellings.
  - (c) Mobile homes are permitted if all conditions of Article Three of this chapter are complied with.
- (Ord. 82-5, Art. 2. Part 3. Sec. 2, Ord. 86-5, Sec. 3; Code 1988)
- 16-224. SAME; CONDITIONAL USES PERMITTED. A use permitted as a conditional use in an R-1 District is permitted as a conditional use in an R-2 District. (Ord. 82-5. Art. 2, Part 3, Sec. 3; Code 1988)
- 16-225. SAME; SIGNS. A sign permitted in an R-1 District is permitted in an R-2 District. (Ord. 82-5, Art. 2. Part 3, Sec. 4; Code 1988)
- 16-226. SAME; LOT SIZE. The lot size in an R-2 District shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet.
  - (b) The minimum lot width at the front building line shall be 50 feet for an interior lot and 50 feet for a comer lot.
  - (c) The minimum lot depth shall be 100 feet.
- (Ord. 82-5, Art. 2, Part 3, Sec. 5. Ord. 13-12; Code 2015)
- 16-227. SAME; SETBACK REQUIREMENTS. In an R-2 District, the yards shall be the same as those required in an R-1 District. (Ord. 82-5, Art. 2, Part 3, Sec. 6; Code 1988)
- 16-228. SAME; HEIGHT OF BUILDINGS. In an R-2 District, no building shall exceed the height of 2 stories or 35 feet, whichever is less. (Ord. 82-5, Art. 2, Part 3, Sec.7; Code 1988)
- 16-229. SAME; LOT COVERAGE. In an R-2 District, buildings shall not occupy more than 30% of the lot area. (Ord. 83-5, Art. 2, Part 3, Sec. 8; Code 1988)
- 16-230. R-3 DISTRICT: MULTIPLE-RESIDENTIAL DISTRICT. This district is composed of certain high-density residential areas of the city plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit activities of a commercial nature. To these ends, development is limited to

a relatively high concentration and uses are typically single-family, two-family and multiple-family dwellings, plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents of the district. The following regulation shall apply to all R-3 Districts.

(Ord. 82-5, Art. 2, Part 4, Sec. 1; Code 1988)

16-231. SAME: USES PERMITTED OUTRIGHT. The following uses and their accessory uses are permitted outright in an R-3 District.

(a) A use permitted outright in an R-2 District.

(b) Multi-family dwelling.

(c) Mobile homes are permitted if all conditions in Article Three of this chapter are complied with.

(Ord. 82-5, Art. 2, Part 4, Sec. 2; Ord. 86-5, Sec. 4; Code 1988)

16-232. SAME; CONDITIONAL USES PERMITTED. The following uses and their accessory uses are permitted in an R-3 District in accordance with the requirements governing conditional uses.

(a) A use permitted as a conditional use in an R-2 District.

(b) Multi-family dwelling exceeding the lot area per dwelling unit standard specified in Section 16-234 or exceeding the height limits specified in Section 16-236, provided the gross floor area does not exceed 2 1/2 times the lot area And provided further that the side yards are increased one foot for every two foot increase in building height over 35 feet.

(c) Office for a doctor, dentist, or other practitioner of the healing arts; attorney; architect; engineer; surveyor; accountant; or realtor but only in a one-story building or a lot adjacent to or directly across a street from a business or industrial district and meeting the fire district standards of the business or industrial zone.

(d) Hotel, motel, boarding house, lodge, club.

(e) Mortuary.

(Ord. 82-5, Art. 2, Part 4, Sec. 3; Code 2015)

16-233. SAME; SIGNS. A sign permitted in an R-1 District is permitted in an R-3 District.

(Ord. 82-5, Art. 2, Part 4, Sec. 4; Code 1988)

16-234. SAME; LOT SIZE. The lot size in an R-3 District shall be as follows:

(a) The minimum lot area shall be 5,000 square feet for a single-family dwelling; 7,200 square feet for a duplex dwelling; and 7,500 square feet to 2,500 square feet per dwelling or whichever is greater, for a multi-family dwelling except provided by Section 16-232.

(b) The minimum lot width at the front building line shall be 50 feet for an interior lot and 50 feet for a corner lot.

(c) The minimum lot depth shall be 100 feet.

(Ord. 82-5, Art. 2, Part 4, Sec. 5, Ord. 13-12; Code 2015)

16-235. SAME; SETBACK REQUIREMENTS. In an R-3 District, the yards shall be as follows:

(a) The front yard shall be the same as required in an R-1 District.

- (b) Each side yard shall be a minimum of eight feet, except that on a corner the setback for all buildings shall be a minimum of 15 feet on the side abutting a street.
  - (c) The rear yard shall be the same as required in an R-1 District.
  - (d) A garage or carport shall be set back as required in an R-1 District.

(Ord. 82-5, Art. 2, Part 4, Sec. 6, Ord. 13-12; Code 2015)
  
- 16-236. SAME; HEIGHT OF BUILDINGS. In an R-3 District, no building shall exceed a height of 40 feet except as provided by section 16-232(b).  
(Ord. 82-5, Art. 2, Part 4, Sec. 7; Code 1988)
  
- 16-237. SAME; LOT COVERAGE. In an R-3 District, buildings shall not occupy more than 40 percent of the lot area.  
(Ord. 82-5, Art. 2, Part 4, Sec. 8; Code 1988)
  
- 16-238. MH-P DISTRICT: MOBILE HOME PARKS. This district is designed to provide for medium density mobile home parks where such uses may be located along arterial or collector streets. Mobile homes will not be allowed on individually owned zoning lots; mobile homes may be for rent or for the rental of space. Mobile home parks may be further governed in accordance to Mobile Homes Ordinance No. 82-6. (Ord. 82-5, Art. 2, Part 4-A. Sec. 1; Code 1988)
  
- 16-239. SAME; USES PERMITTED OUTRIGHT.
  - (a) Mobile home parks if all of the requirements of Article 5 of Chapter 5 are met.
  - (b) Group day care centers and nursery schools.
  - (c) Recreational facilities such as playgrounds, swimming pools, tennis courts, shuffleboards, ball fields, and lakes providing boating and fishing for residents of the mobile home to the exclusion of the general public.
  - (d) Recreation or community buildings, washrooms, restrooms, laundry facilities, storm shelters and offices for the mobile home parks.

(Ord. 82-5, Art. 2, Part 4-A, Sec. 2; Code 2015)
  
- 16-240. SAME; SIGNS. Signs permitted in an MH-P District shall be erected and maintained at least 15 feet from the street line and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. In event of a complaint on the character or kind of sign being maintained, the decision of the board of appeals shall be final as to compliance of the sign with this provision, which decision shall be made after an investigation and report by the planning commission, if deemed desirable by the board. The following signs are permitted in an MH-P zone:
  - (a) The name plate or sign indirectly illuminated or not illuminated less than eight square feet in area for each park.
  - (b) One temporary sign, not illuminated, less than six square feet in area advertising the sale, lease or rental of the park.

(Ord. 82-5, Art. 2. Part 4-A, Sec. 4; Code 1988)
  
- 16-241. SAME; LOT SIZE. The lot size in an MH-P District shall be as follows:
  - (a) The minimum lot area shall be 5,000 square feet.
  - (b) The minimum lot width shall be 50 feet.

(c) The minimum lot depth shall be 100-feet.  
(Ord. 82-5, Art. 2, Part 4-A, Sec. 5; Code 1988)

16-242. SAME; BULK REGULATIONS. Bulk regulations in an MH-P District shall be as follows:

- (a) Maximum height shall be 35 feet.
- (b) Minimum yard requirements shall be on all sides abutting a street.
  - (1) 20 feet for the mobile home parks.
  - (2) 20 feet for all other uses.
- (c) Minimum side yards shall be:
  - (1) 10 feet for the mobile home park.
  - (2) 15 feet for all other permitted uses.
- (d) Minimum rear yards shall be:
  - (1) 20 feet for mobile home parks.
  - (2) 20 feet for all other permitted uses.

(Ord. 82-5, Art. 2, Part 4-A, Sec. 6; Code 1988)

16-243. STANDARDS FOR MH-P MOBILE HOME PARKS. Each mobile home park shall be designed so as to comply with the following standards:

(a) The mobile home park shall be located on a well-drained site which is properly graded to insure rapid drainage and freedom from stagnant pools of water.

(b) Mobile homes shall be located so that there is at least a 15 foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the clearance shall not be less than 10 feet. No mobile home shall be located less than 10 feet from the front.

(c) All mobile homes spaces shall abut on a street or on a driveway that is not less than 24 feet in width. Such driveways shall have unobstructed access to a public street and shall have an all-weather surface which is well maintained and adequately lighted.

(d) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in another residential district.

(e) Each mobile home park is required to devote at least 10% of its gross area to open space provided for the recreational use and enjoyment of the occupants of the park. Required yards between mobile homes and vehicular driveways shall not be counted in computing such open space.

(f) Mobile home park owners are required to provide a landscape buffer area or fence, or both along yards which are adjacent to other residential areas and to include a storm shelter for the residents.

(g) In all other respects, mobile home parks shall comply with all of the applicable statutes of the State of Kansas and all applicable ordinances and regulations of all political subdivisions of the state.

(Ord. 82-5, Art. 2, Part 4-A, Sec. 7; Code 1988)

16-244. UNUSED MOBILE HOME PARK. Whenever a property, zoned for the MH-P Mobile Home Park District ceases to be used for such purposes a period of two years, the city planning commission may initiate an application to rezone the property to some other district compatible with the surrounding neighborhood area.  
(Ord. 82-65, Art. 2, Part 4-A, Sec. 8; Code 1988)

- 16-245. MH -S: MOBILE HOME SUBDIVISION DISTRICT. This district is intended as a medium density area of individually owned lots for locating all types of mobile homes with or without permanent foundations, but in any event must have a foundation or be skirted. (Ord. 85-2, Art. 2, Part 4-B, Sec. 1; Code 1988)
- 16-246. SAME; USES PERMITTED OUTRIGHT.  
 (a) Mobile homes, but not modular housing, if all requirements of Mobile Home Ordinance No. 82-6 are met.  
 (b) Agriculture, as defined in these regulations.  
 (Ord. 82-5, Art. 2, Part 4-B, Sec. 2; Code 1988)
- 16-247. SAME; CONDITIONAL USES PERMITTED. None.  
 (Ord. 82-5, Art. 2, Part 4-B, Sec. 3)
- 16-248. SAME; SIGNS. Signs permitted in an MH-S Mobile Home Subdivision District, shall be erected and maintained at least 15 feet from the street line and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. In the event of a complaint on the character or kind of sign being maintained, the decision of the board of appeals shall be final as to compliance of the sign with this provision, which decision shall be made after an investigation and report by the planning commission, if deemed desirable by the appeals board. The following signs are permitted in an MH-S Mobile Home Subdivision Zone:  
 (a) One name plate or sign indirectly illuminated, or not illuminated, less than three square feet in area for each mobile home.  
 (b) One temporary sign, not illuminated, less than six square feet in area, advertising the sale, lease or rental of the property.  
 (c) One temporary sign per tract of land or subdivision advertising the sale of the subdivision, or the lots in the subdivision, and not exceeding 48 square feet in the area. The sign shall be reduced in size by six square feet for each lot less than eight in the subdivision.  
 (d) One name plate or sign associated with uses other than those indicated in (a), (b), and (c) above, provided the sign name plate does not exceed 48 square feet area. (Ord. 82-5, Art. 2, Part 4-8, Sec. 4; Code 1988)
- 16-249. SAME; BULK REGULATIONS. Bulk regulations in an MH-S Mobile Homes Subdivision District shall be as follows:  
 (a) Maximum height shall be 35 feet.  
 (b) Yard requirements shall be:  
 (1) Minimum front yard is 25 feet on a lot abutting a street.  
 (2) Minimum side yards shall be eight feet each for each lot.  
 (3) Minimum rear yards shall be 20 feet on each lot.  
 (c) Maximum lot coverage shall be 50 percent of each lot.  
 (Ord. 82-5, Art. 2, Part 4-8, Sec. 5; Code 1988)
- 16-250. SAME; USE LIMITATIONS. Use limitations shall be as follows:  
 (a) A mobile home subdivision shall have a minimum gross area per lot of 20,000 square feet.  
 (b) A mobile home subdivision must be on land platted for each lot.

(c) All mobile home structures must be oriented on the lot so that the longest length of the home is parallel to the sides of the lot unless granted a variance by the board of appeals where the shape of the lot would warrant an orientation parallel to the front lot line.

(Ord. 82-5, Art. 2, Part 4-B, Sec. 6; Code 1988)

16-251. C-1 DISTRICT: RETAIL BUSINESS DISTRICT. This district is composed of certain land and structures used primarily to provide retailing and personal services, such as clothing stores and banks, and basically conducted within an enclosed structure. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for providing service to the families of the city, and to prohibit activities of an industrial nature. To these ends, development is primarily limited to retailing and personal services plus those uses permitted in any residential district. The regulations are designed to permit development of the enumerated functions limited by standards designed to retaining a favorable environment for the proper functioning of the district, plus certain public facilities which are needed to serve the occupants of the district. The following uses and

(a) There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are customarily sold at retail on the premises, and

(b) Such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

(c) All articles for sale, rent, display, storage, or hire must be kept within an enclosed building.

(Ord. 82-5, Art. 2, Part 5, Sec. 1; Code 1988)

16-252. SAME; USES PERMITTED OUTRIGHT. (a) Any use permitted outright in an R-3 District, excluding dwellings, except as stated in (g-1) below.

(b) Auditorium, exhibit or hall, or other public assembly room.

(c) Automobile or boat sales showrooms.

(d) Bank, loan company, or similar financial institution.

(e) Bus passenger station.

(e-1) Casino

(f) Club, lodge.

(g) Custom dressmaking, tailor shop.

(g-1) Dwellings – so long as such are located on the second floor of structures adjacent to Main Street between 8th Street and Front Street.

(h) Eating or drinking establishment.

(h-1) Hospital, medical office building, skilled nursing care facility, nursing home, medical or dental laboratory.

(i) Hotel, boarding house, motel.

(j) Laundry, cleaning, or pressing establishment using non-explosive and non-inflammable cleaning fluid.

(k) Locksmith.

(l) Hospital, medical office building, skilled nursing care facility, nursing home, medical or dental laboratory.

(m) Mortuary.

(n) News stand.



- (o) Parking lot or parking garage.
  - (p) Pet shop.
  - (q) Railway passenger station or express office.
  - (s) Retail store or business.
  - (t) Shoe repair shop.
  - (u) Studio, art, music, dance, health, photographic, radio or television broadcasting.
  - (v) Second-hand store.
  - (w) Theater, except drive-in type.
  - (x) Pawnshop.
  - (y) Watch and clock repair shop.
  - (z) Wholesale office and showroom with merchandise on the premises limited to samples only.
  - (aa) Other similar retail commercial uses but not including a use first listed in the C-2 District.
  - (bb) Governmental structure, including but not limited to, recreational building, fire station, library or museum.
- (Ord. 82-5, Art. 2, Part 5, Sec. 2, Ord. 12-1, Ord. 13-13; Code 2015)

16-253. SAME; CONDITIONAL USES PERMITTED. The following uses and their accessory uses are permitted in C-1 District when authorized in accordance with the requirements of governing conditional uses:

- (a) Dwellings: one-family, two-family and multi-family provided they shall be governed by the requirements of the R-1 District for single-family, the R-2 District for two-family and the district for multi-family.
  - (b) Any use permitted as a conditional use in an R-1 District.
  - (c) Automobile service station including minor auto repairs but excluding body and fender work, painting, and upholstery.
  - (d) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theaters.
- (Ord. 82-5, Art. 2, Part 5, Sec. 3, Ord. 12-1; Code 2015)

16-254. SAME; SIGNS. The following signs are permitted in the C-1 District:

- (a) Signs permitted in the R-1 District.
  - (b) Any sign that complies with the requirements of Article 12 of Chapter 4 of the code. No business sign shall be located within 50 feet of a lot in a residential district, a public park, or a school, except that such distance limitation shall not apply to Pappy Litch Park.
- (Ord. 82-5, Art. 2, Part 5, Sec. 4, Ord. 13-15; Code 2015)

16-255. SAME; LOT SIZE. (a) Lots used for dwelling purposes shall be governed by the requirements specified for R-3 Districts.

- (b) There shall be no minimum lot area.
  - (c) There shall be no minimum lot width.
  - (d) There shall be no minimum lot depth.
- (Ord. 82-5, Art. 2, Part 5, Sec. 5; Code 1988)

16-256. SAME; SETBACK REQUIREMENTS. (a) There shall be no requirements (front yard) for a building used for non-residential purposes.

(b) There shall be no requirements (rear yard) for a building used for non-residential purposes.

(c) There shall be no requirements (side yard) for a building used for non-residential purposes.

(Ord. 82-5, Art. 2, Part 5, Sec. 6; Code 1988)

16-257. SAME: HEIGHT OF BUILDINGS. In a C-1 District, a building height shall not exceed 60 feet. (Ord. 82-5, Art. 2, Part 5, Sec. 7; Code 1988)

16-258. SAME; LOT COVERAGE. There shall be no limitations as to lot coverage. (Ord. 82-5, Art. 2, Part 5, Sec. 8; Code 1988)

16-259. SAME: LIMITATIONS ON USE. In a C-1 District, the following conditions and limitations shall apply:

(a) All business, service, repair, processing, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, minor services for motor vehicles and display of merchandise along the wall of the building not extending more than five feet from the wall.

(b) All items produced or wares and merchandise handled shall be sold at retail on the premises except in the case of section 16-252(z).

(Ord. 82-5, Art. 2, Part 5, Sec. 9; Code 1988)

16-260. C-2 DISTRICT: GENERAL BUSINESS DISTRICT. This district is composed of certain land and structures used primarily to provide retailing and personal services of all kinds, including those uses permitted in the C-1 Districts, plus activities not basically conducted within an enclosed structure, such as used car lots. The regulations for this district, are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for providing service to the people of the area, and to prohibit activities of an industrial nature. To these ends, development is primarily limited to all types of retailing and personal services plus those uses permitted in any residential district. The regulations are designed to permit development of enumerated functions limited by standards designed to retaining a favorable environment for the proper functioning of the district; plus certain public facilities which are needed to serve the occupants of the district. The following regulations shall apply to all C-2 District. (Ord. 82-5, Art. 2, Part 6, Sec. 1; Code 1988)

16-261. SAME; USES PERMITTED OUTRIGHT. The following uses and their accessory uses are permitted outright in a C-2 District:

- (a) Any use permitted outright in a C-1 District.
- (b) Automobile, boat, or trailer sales establishment.
- (c) Automobile, boat, truck, or trailer storage garage, truck rental or
- (d) Automobile laundry.
- (e) Automobile service station.
- (f) Business, technical or trade school.
- (g) Catering establishment.
- (h) Blueprinting, photo-stating, or other reproduction process.
- (i) Bookbindery.
- (j) Building materials, retail outlet only.

- (k) Commercial amusements, if conducted wholly within an enclosed.
  - (l) Custom manufacturing of goods for retail sale on the premises.
  - (m) Electric power generator, transformer station, or substation.
  - (n) Fuel oil storage and distribution with underground tanks.
  - (o) Laboratory
  - (p) Newspaper or printing establishment.
  - (q) Public garage, including automobile repairing, and incidental automobile body and fender work, painting, and upholstering, if conducted completely within an enclosed building.
  - (r) Storage building for household goods.
  - (s) Telephone exchange.
  - (t) Tire shop, including incidental recapping.
  - (u) Plumbing, sign painting, upholstering, cabinet or carpenter shop.
  - (v) Utility station or substation.
  - (w) Veterinary office or animal hospital.
  - (x) Sign painting shop.
  - (y) Other similar uses, but not including a use first listed in the M-1 District.
- (Ord. 82-5, Art. 2, Part 6, Sec. 2, Ord. 13-13; Code 2015)

16-262. SAME; CONDITIONAL USES PERMITTED. The following uses are permitted in the C-2 District when authorized in accordance with the requirements governing conditional uses.

- (a) Any use permitted as a conditional use in a C-1 District.
- (b) New railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
- (c) Drive-in theater.

(Ord. 12-1; Code 2015)

16-263. SAME; SIGNS. The following signs are permitted in the C-2 District:

- (a) Signs permitted in the R-1 District.
- (b) Any sign that complies with the requirements of Article 12 of Chapter 4 of the code. No business sign shall be located within 50 feet of a lot in a residential district, a public park, or a school, except that such distance limitation shall not apply to Pappy Litch Park.

(Ord. 82-5, Art. 2, Part 6, Sec. 4, Ord. 13-15; Code 2015)

16-264. SAME; LOT SIZE. The lot size in a C-2 District shall be as follows:

- (a) Lots used for dwelling purposes shall be governed by the requirements as specified for R-3 Districts.
- (b) The minimum lot area for non-residential uses shall be 5,000 square feet.
- (c) The minimum lot width at the front building line shall be 50 feet.
- (d) The minimum lot depth shall be 100 feet.

(Ord. 82-5, Art. 2, Part 6, Sec. 5; Code 1988)

16-265. SAME: SETBACK REQUIREMENTS. In a C-2 District, the yards shall be as follows:

- (a) The minimum yard dimensions of the residential district shall apply on the sides of a lot abutting a residential district.

(b) The front yard shall be a minimum of 15 feet, and in the case of corner lots, the minimum requirements shall be 15 feet for all yards abutting a street.

(c) Side Yard. There shall be no side yard requirements for Non-residential uses, except as provided above; provided further that corner lots shall have a minimum yard of 15 feet for all yards abutting a street.  
(Ord. 82-5, Art. 2, Part 6, Sec. 6; Code 2015)

16-266. SAME; HEIGHT OF BUILDINGS. In a C-2 District no structure shall exceed 60 feet in height.  
(Ord. 82-5, Art. 2, Part 6, Sec. 7; Code 1988)

16-267. SAME; LOT COVERA.GE. In a C-2 District, business buildings shall not occupy more than 50 percent of the lot area.  
(Ord. 82-5, Art. 2, Part 6, Sec. 8; Code 1988)

16-268. SAME; LIMITATION ON USE. In a C-2 District, the following conditions and limitations shall apply:

(a) All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

(b) Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on the residential properties.

(c) Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape areas.  
(Ord. 82-5, Art. 2, Part 6, Sec. 9; Code 1988)

16-269. M-1DISTRICTS: GENERAL INDUSTRIAL DISTRICTS. This district is composed of certain lands and structures used primarily for wholesaling and light industrial purposes. The regulations of this district are intended to provide intensity standards and standards of external effect compatible with the surrounding or abutting districts. To these ends, development is limited to wholesaling and light industrial which can be operated in a clean and reasonably quiet manner, plus certain public facilities which are needed to serve the occupants of the district. The following regulations shall apply to all M-1 Districts.  
(Ord. 82-5, Art. 2, Part 7, Sec. 1; Code 1988)

16-270. SAME; USES PERMITTED OUTRIGHT. The following uses and their accessory uses are permitted outright in an M-1 District:

(a) Any use permitted outright in a C-2 District.

(b) Assembly, manufacture, or preparation of articles and merchandise from the following types of previously prepared materials; bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, hair, glass, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wire, wood (excluding sawmills, lumber mills, planing mills, and molding plants, but not cabinet shops or woodworking shops), yarn, or paint not employing a boiling process.

- (c) Assembly of electrical appliances or equipment, electronic instruments and devices, radios, phonographs, television, including the manufacture of small parts such as coils, condensers, transformers, crystal holders.
  - (d) Assembly of metal products.
  - (e) Manufacture of figurines, pottery, or similar ceramic products using only previously pulverized clay.
  - (f) Manufacture of musical instruments, novelties, rubber or metal stamps, toys.
  - (g) Manufacture of optical goods, scientific or precision instruments or equipment.
  - (h) Manufacture of artificial limbs, dentures, hearing aids, surgical instruments or dressings, or other devices employed by the medical and dental professions.
  - (i) Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products or meat, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, except that the rendering of fat or oils, fish or meat slaughtering, and processing of fermented food such as sauerkraut, vinegar, or yeast shall be excluded.
  - (j) Manufacture or maintenance of signs, billboards, commercial advertising structures or name plates.
  - (k) Manufacture of medicines.
  - (l) Auto or truck storage garage; truck rental or sales.
  - (m) Automobile painting or upholstering.
  - (n) Building of marine pleasure craft.
  - (o) Building materials storage or sale yard.
  - (p) Bottling plant.
  - (p-1) Casino
  - (q) Cabinet or carpenter's shop.
  - (r) Coin machine manufacture or repair.
  - (s) Contractor's equipment storage.
  - (t) Cold Storage Plant.
  - (u) Creamery.
  - (v) Dwelling or caretaker or watchman working on the property.
  - (w) Electroplating shop.
  - (x) Equipment sales, rental, storage; or repair.
  - (y) Farm machinery sales or service.
  - (z) Fuel supply outlet or distributor, providing no dust is produced.
  - (aa) Laundry, dry cleaning, dyeing, or rug cleaning plant
  - (bb) Railroad tracks and facilities such as switching yards, spur or holding tracks, freight depots.
  - (cc) Sheet metal shop or other metal working shop, machine shop not using drop hammer or punch press.
  - (dd) Plumbing contractor.
  - (ee) Warehousing.
  - (ff) Welding shop.
  - (gg) Wholesale distributor or outlet.
  - (hh) A landfill owned or operated by the city.
  - (ii) Any other similar use but not including a use first listed in the M-2 District.
- (Ord. 82-5, Art. 2, Part 7, Sec. 1, Ord. 04-03, Ord. 13-13; Code 2015)

- 16-271. SAME; CONDITIONAL USES PERMITTED. The following uses are permitted in an M-1 District when authorized in accordance with the requirements of Article 3.
- (a) Governmental structure or use.
  - (b) Drive-in theater.
- (Ord. 82-5, Art. 2, Part 7, Sec. 3; Code 1988)
- 16-272. SAME; SIGNS. In an M-2 District any sign that complies with the requirements of Article 12 of Chapter 4 of the code. No business sign shall be located within 50 feet of a lot in a residential district, a public park, or a school, except that such distance limitation shall not apply to Pappy Litch Park.
- (Ord. 82-5, Art. 2, Part 8, Sec. 4, Ord. 10-15; Code 2015)
- 16-273. SAME; LOT SIZE. The lot size in an M-1 District shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet.
  - (b) The minimum lot width at the front building line shall be 50 feet.
  - (c) The minimum lot depth shall be 100 feet.
- (Ord. 82-5, Art. 2, Part 7, Sec. 5; Code 1988)
- 16-274. SAME; SETBACK REQUIREMENTS. (a) In an M-1 District, lots across a street from or abutting a residential district shall have a minimum yard dimension of 25 feet for that side of the lots facing the residential district.
- (b) There shall be a minimum side yard of not less than 10 feet.
  - (c) There shall be a minimum rear yard of not less than 25 feet.
- (Ord. 82-5, Art. 2, Part 7, Sec. 6; Code 1988)
- 16-275. SAME; HEIGHT OF BUILDINGS. In an M-1 District, no structure shall exceed a height of 60 feet except that within 100 feet of a residential district no structure shall exceed 50 feet in height.
- (Ord. 82-5, Art. 2, Part 7, Sec. 7; Code 1988)
- 16-276. SAME; LOT COVERAGE. In an M-1 District, buildings shall not occupy more than 70 percent of the lot area except that not more than 50% of the area of that part of the lot which is within 100 feet of a residential district shall be covered by buildings. (Ord. 82-5, Art. 2, Part 7, Sec. 8; Code 1988)
- 16-277. SAME; LIMITATION ON USE. In an M-1 District, the following conditions and limitations shall apply:
- (a) All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by a sight obscuring fence permanently maintained at six feet in height.
  - (b) Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
  - (c) Motor vehicle, boat, or trailer rental, sales or storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area.

(d) Yards abutting or across a street from a residential district shall be continuously maintained in lawn or other landscaping unless screened from the residential district as provided in section 57(1).

(e) Access points from a public road to properties in an M-1 District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets or primarily residential character.

(f) All materials including wastes shall be stored and all ground shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

(g) The emission of odorous gases or matter in such quantities to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.

(Ord. 82-5, Art. 2, Part 7, Sec. 9; Code 1988)

16-278. M-2 DISTRICTS: HEAVY INDUSTRIAL DISTRICTS. This district is composed of certain lands suitable for relatively heavy industrial uses, such as flour and feed milling, and chemical plants. The purpose of this district is to permit the normal operations of most all industries, subject to the regulations of this article and other ordinances of the city regulating nuisances or special fire hazards. The regulations for this district are to promote and encourage a suitable environment for the proper functioning of the district, plus certain public facilities which are needed to serve the occupants of the district. The following regulations shall apply to all M-2 Districts. (Ord. 82-5, Art. 2, Part 8, Sec. 1; Code 1988)

16-279. SAME; USES PERMITTED OUTRIGHT. The following uses and their accessory uses are permitted outright in an M-2 District.

(a) Any use permitted in an M-1 District, except those uses permitted in any R, R-1, R-2, or R-3 District.

(b) Acetylene gas manufacture.

(c) Aircraft manufacture.

(d) Alcoholic beverage manufacture.

(e) Asphalt manufacture or refining.

(f) Asphalt or concrete mixing plant.

(g) Automobile manufacture.

(h) Blast furnace.

(i) Boiler works.

(j) Brick, tile, terra cotta or clay products manufacture.

(k) Coal and petroleum products, refining or wholesale storage of petroleum.

(l) Concrete, cinder, pumice block manufacture.

(m) Creosote treatment of manufacture.

(n) Emery cloth or sand paper manufacture.

(o) Fat rendering or tallow grease or lard refining or manufacturing of products from fats.

(p) Flour and feed milling and storage.

(q) Forge plant.

(r) Gas (illuminating or heating).

(s) Glucose or starch manufacture.

(t) Iron, steel, brass or copper foundry, fabrication or works.

(u) Nitrating process.

- (v) Oilcloth or linoleum manufacturing.
- (w) Oiled rubber or leather goods manufacture.
- (x) Paint, oil shellac, varnish, or turpentine manufacture.
- (y) Paper manufacture.
- (z) Rock crushers.
- (aa) Rolling mills.
- (bb) Rubber, natural or synthetic, or treatment from crude or scrap materials or the manufacture of articles therefrom.
- (cc) Salt works.
- (dd) Sauerkraut or pickle, etc., manufacture.
- (ee) Saw mills.
- (ff) Shoe polish manufacturing
- (gg) Soap manufacture.
- (hh) Soda ash manufacture.
- (ii) Stone mill.
- (jj) Sugar manufacture.
- (kk) Tar or asphalt roofing or water-proofing manufacture.
- (ll) Vinegar Manufacture.
- (mm) Yeast plant.
- (nn) The following uses, provided that the location and development are first approved by the planning commission after a recommendation by the planning commission:
  - (1) Acid manufacture.
  - (2) Ammonia, bleaching powder or chlorine manufacture.
  - (3) Automobile or machine wrecking and salvage yards.
  - (4) Crematory.
  - (5) Disinfectants, cattle dips, exterminators or insecticides manufacture.
  - (6) Dyestuff manufacture.
  - (7) Fertilizer and industrial chemical manufacture.
  - (8) Fireworks or explosive manufacture or storage or the handling of explosives.
  - (9) Gas manufacture or storage (other than illuminating or heating).
  - (10) Gelatine, glue or size manufacture or process involving recovery from animal material.
  - (11) Incineration or other reduction of garbage.
  - (12) Junk yards, including the handling and baling of paper, rags, or junk of other description.
  - (13) The manufacture of cement, lime, gypsum or plaster of Paris.
  - (14) Pulp mills.
  - (15) Pyroxylin or celluloid manufacture, or explosive or inflammable cellulose or pyroxylin products manufacture.
  - (16) Stock yards.
  - (17) Tanning, curing or storage of raw hides or skins.
  - (18) Other uses which in the judgment of the planning commission are of the same general character as those listed in this section have been approved by formal action of the planning commission may be recommended to the board of appeals.

(Ord. 82-5, Art. 2, Part 8, Sec. 2, Ord. 13-13; Code 2015)



- 16-280. SAME; CONDITIONAL USES PERMITTED. The following uses are permitted in an M-2 District when authorized in accordance with the requirements of sections 16-285:291.
- (a) Governmental structure or use.
  - (b) Drive-in theater.
- (Ord. 82-5, Art. 2, Part 8, Sec. 3; Code 1988)
- 16-281. SAME; SIGNS. In an M-2 District any sign that complies with the requirements of Article 12 of Chapter 4 of the code. No business sign shall be located within 50 feet of a lot in a residential district, a public park, or a school, except that such distance limitation shall not apply to Pappy Litch Park.
- (Ord. 82-5, Art. 2, Part 8, Sec. 4, Ord. 10-15; Code 2015)
- 16-282. SAME; LOT SIZE. The lot size in an M-2 District shall be as follows:
- (a) The minimum lot area shall be 5,000 square feet.
  - (b) The minimum lot width at the front building line shall be 50 feet.
  - (c) The minimum lot depth shall be 100 feet.
- (Ord. 82-5, Art. 2, Part 8, Sec. 5; Code 1988)
- 16-283. SAME; SETBACK REQUIREMENTS. (a) In an M-2 District, lots across a street from or abutting a residential zone shall have a minimum yard dimension of 25 feet for that side of the lots facing the residential district.
- (b) There shall be a minimum side yard of not less than 10 feet.
  - (c) There shall be a minimum rear yard of not less than 25 feet.
- (Ord. 82-5, Art. 2, Part 8, Sec. 6; Code 1988)
- 16-284. SAME; HEIGHT OF BUILDINGS. In an M-2 District, no structure shall exceed a height of 85 feet, except that within 100 feet of a residential district, no structure shall exceed 50 feet in height.
- (Ord. 82-5, Art. 2, Part 8, Sec. 7; Code 1988)
- 16-285. SAME; LOT COVERAGE. In an M-2 District, buildings shall not occupy more than 70 percent of the lot area except that not more than 50 percent of the area of that part of the lot which is within 100 feet of a residential district shall be covered by buildings.
- (Ord. 82-5, Art. 2, Part 8, Sec. 8; Code 1988)
- 16-286. SAME; LIMITATIONS ON USE. In an M-2 District, the following conditions and limitations shall apply:
- (a) All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by a sight obscuring fence permanently maintained at least six feet in height.
  - (b) Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if the access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
  - (c) Motor vehicle, boat, or trailer rental, sales, or storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape areas.

(d) Yards abutting or across a street from a residential district shall be continuously maintained in lawn or other landscaping unless screened from the residential district as provided in this section.

(e) Access points from a public road to properties in an M-2 District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

(f) All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

(g) The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.

(Ord. 82-5, Art 2, Part 8, Sec. 9; Code 1988)

16-287. A-DISTRICT: AGRICULTURAL DISTRICT. This district is created to establish and protect areas within which agricultural uses may exist and prosper free from future intrusion from residential developments and other urban land uses. It is intended to avoid the operational conflicts which occur when farm and nonfarm residential uses become interspersed and to reduce the adverse pressures upon farm livelihood caused by speculative land values and consequent increases in property tax levies upon farmland.

(Ord. 82-5, Art. 2, Part 9, Sec. 1; Code 1988)

16-288. SAME; USES PERMITTED OUTRIGHT. The following uses and their accessory uses are permitted outright in the A District.

(a) General farming including dairying, livestock, and poultry raising, greenhouses and other similar uses, except that no buildings for the production of livestock or poultry shall be located within 600 feet of any boundary of a residential lot other than that of the owner or lessee of the buildings producing livestock or poultry.

(b) Single-family dwellings whose occupants are engaged in general farming.

(c) Single-family dwellings whose lot size conforms to the regulations set forth in section 16-282.

(d) Roadside stands selling produce from the farm operation on the premises.

(e) Churches.

(f) Agricultural processing facilities such as feed mills and similar operations.

(g) Golf Courses.

(h) Cemeteries

(i) Public parks and recreational areas.

(j) Public utility substations for the transmission of natural gas or electricity.

(Ord. 82-5, Art. 2, Part 9, Sec. 2; Code 1988)

16-289. SAME; CONDITIONAL USES PERMITTED. (a) Institutional and public uses.

(b) Excavation of natural resources.

(c) Commercial recreational areas.

(d) Drive-in theaters.

(e) Veterinary offices or animal hospital.

(f) Mobile home.  
(Ord. 82-5, Art. 2, Part 9, Sec. 3; Code 1988)

16-290. SAME; SIGNS. The only type of signs permitted in the A District are name-plate signs; construction signs; real estate signs and business signs pertaining only to the sale of agricultural products produced on the premises. There shall be only one sign permitted for each structure or use being identified. The sign shall not exceed 50 square feet in size and the maximum height shall be 20 feet.  
(Ord. 82-5, Art. 2, Part 9, Sec. 4; Code 1988)

16-291. SAME; LOT SIZE. There shall be a minimum lot size of three acres, and each lot shall have a minimum width of 200 feet, and/or, a minimum lot depth of 200 feet.  
(Ord. 82-5, Art. 2, Part 9, Sec. 5; Code 1988)

16-292. SAME; SETBACK REQUIREMENTS. (a) There shall be a minimum of 50 feet for a front yard setback of a residential building.  
(b) There shall be a minimum of 75 feet for a front yard setback for a non-residential building.  
(c) There shall be no rear or side yard setback requirements.  
(Ord. 82-5, Art. 2, Part 9, Sec. 6; Code 1988)

16-293. SAME; HEIGHT OF BUILDINGS. In an A District the height restrictions for residential buildings as set forth in section 16-212, shall be utilized. There are no height restrictions on a non-residential building.  
(Ord. 82-5, Art. 2, Part 9, Sec. 7; Code 1988)

16-294. LOT COVERAGE. There shall be no limitations as to lot coverage.  
(Ord. 82-5, Art. 2, Part 9, Sec. 8; Code 1988)

16-295. AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES. Uses designated in this ordinance as conditional uses permitted shall be permitted or enlarged or altered upon approval by the board of appeals following a recommendation of the planning commission if necessary, all in accordance with the standards and procedures specified in 16-295:2,101. In permitting a conditional use, the board of appeals may impose, in addition to the regulations and standards expressly specified by this ordinance, other conditions found necessary to protect the best interest of the surrounding property or neighborhood or the city as a whole. These conditions may include requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking and loading spaces required, limiting the number of signs, limiting the coverage of height of buildings because of obstruction to view and reduction of light and air to adjacent property, requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the board of appeals and new conditions imposed. Change in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional existing prior

to the effective date of this article, shall conform to all regulations pertaining to conditional uses.

(Ord. 82-5, Art. 3, Sec. 1; Code 1988)

16-296.           APPLICATION FOR A CONDITIONAL USE. A request for a conditional use or modification of any existing conditional use may be initiated by a property owner or his or her authorized agent by filing an application with the city clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development, and by a fee of \$25. The board of appeals may require other drawings or material essential to an understanding of the proposed use and its relationship to surrounding properties.  
(Ord. 82-5, Art. 3, Sec. 2; Code 1988)

16-297.           PUBLIC HEARING ON A CONDITIONAL USE. Before approving or disapproving a conditional use by the board of appeals, such conditional use shall be considered by the board of appeals at a public hearing held within 45 days after filing of the application. The city clerk shall give notice of the hearing in the following manner.

(a) By publication of a notice in a newspaper of general circulation in the city not less than 20 days nor more than 30 days prior to the date of the hearing.

(b) By sending notices by mail not less than 10 days prior to the date of the hearing to the property owners within the area enclosed by lines parallel to and 200 feet from the exterior boundaries of the property involved, using for this purpose the name and address of owners as shown upon the records of the register of deeds of Cherokee County, Kansas. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall to invalidate any proceedings in connection with the application for a conditional use.  
(Ord. 82-5, Art. 3, Sec. 3; Code 1988)

16-298.           RECESS OF THE HEARING BY BOARD OF APPEALS. The board of appeals may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners or persons who it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the board of appeals shall announce the time and date when the hearing will be resumed.  
(Ord. 82-5, Art. 3, Sec. 4; Code 1988)

16-299.           ACTION ON A CONDITIONAL USE. The board of appeals shall either approve or disapprove a conditional use within 60 days after an application is filed. If no action is taken within 60 days, it shall be deemed to be disapproved. A file containing a written record of the action taken by the board of appeals with regard to conditional uses shall be maintained by the board of appeals.  
(Ord. 82-5, Art. 3, Sec. 5; Code 1988)

16-2,100.          NOTIFICATION OF ACTION. The city clerk shall notify the applicant for a conditional use in writing of the board of appeals action within seven days after the decision has been rendered.  
(Ord. 82-5, Art. 3, Sec. 6; Code 1988)

16-2,101.

**STANDARDS GOVERNING CONDITIONAL USES.** A conditional use shall ordinarily comply with the standards of the district concerned for uses permitted outright except as specifically modified in granting the conditional permit or as otherwise follows:

(a) Setbacks. In any residential district, no yards provided shall be less than 2/3 the height of the principal structure. In other district, yards may be increased over those required for uses permitted outright when necessary to meet the general objective of conditional use control.

(b) Height Exception. The height limitations of any district may be exceeded by a conditional use to a maximum permitted height of 60 feet, provided that total floor area of the conditional use shall not exceed 1 times the area of the site and provided that yards have a minimum width equal to at least 2/3 of the height of the principal structure.

(c) Limitations on access to lots and on openings to buildings. The board of appeals may limit or prohibit vehicular access from a conditional use to residential streets not designated as arterial streets on an officially adopted street plan, and it may limit or prohibit openings in sides of a building or structure permitted as a conditional use within 50 feet of a residential district if such openings will cause glare, excessive noise, or other adverse effects on adjacent residential properties.

(d) Signs permitted within the district or one indirectly illuminated or non-illuminated sign on each side of a conditional use abutting a street shall be permitted, whichever is less restrictive. A sign shall not exceed 20 square feet in area, shall pertain to the conditional use, and may not be located in required yards.

(e) Drive-in establishments, drive-in theaters, access and egress drives serving drive-in establishments, including drive-in theaters, shall meet the requirements of 16-294 for access and egress drives serving off street parking areas, and shall be reviewed with regard to adequacy and safety of vehicular and pedestrian circulation.

(f) Automobile Service Stations. In addition to the other standards of this section, automobile service stations, when permitted as conditional uses shall meet the following requirements:

(1) The maximum permitted lot size shall be 10,000 square feet.

(2) Sales of merchandise shall be confined to items used for the maintenance and servicing of passenger cars.

(3) No automobile repairs other than incidental minor repairs, battery, or tire changing shall be allowed on the property.

(4) A sight obscuring fence of not less than five feet nor more than six feet shall be provided between the station site and abutting residential property.

(g) Schools.

(1) Nursery schools shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child of total capacity. A sight obscuring fence at least four feet but not more than six feet in height shall be provided separating the play area from abutting lots.

(2) Primary schools shall provide one acre of site area for each 90 pupils or one acre for each three classrooms, whichever is greater.

(h) Elementary schools shall provide one acre of site area for each 75 pupils or one acre for each 2 classrooms, whichever is greater.

(i) Utility substation or pumping substation. The minimum lot size of the district in which a public utility facility is to be located may be waived only on finding that the waiver will not result in noise or other detrimental effect on adjacent

property. No equipment storage shall be permitted on the site in a residential district or in a C-1 District. Such uses shall be fenced and provided with landscaping as found necessary.  
(Ord. 82-5, Art. 3, Sec. 7; Code 1988)

16-2,102. OFF STREET PARKING. At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure with any district in the city, off-street parking spaces shall be as provided in this section unless greater requirements are otherwise established. If parking spaces has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by 16-2,102(a)-(g). Where square feet are specified, the area measured shall be the floor area primary to the functioning of the particular use of property and shall exclude stairwells; elevator shafts; hallways; ornamental balconies; space occupied by heating, air conditioning or other utility equipment; and space devoted to off-street parking or loading. The number of employees of a new or expanding business shall be estimated in a manner approved by the board of appeals and the number of employees of an established business shall be determined from an examination of the payroll. The following off-street parking requirements shall apply to all districts, except the C-1 District.

Uses

(a) Residential Uses:

- (1) One-two and multi- family dwellings.
- (2) Residential hotel rooming or boarding house.

Standard-One space per dwelling unit.

Four spaces per five guest accommodations plus one additional space for owner.

(b) Commercial Residential Uses:

- (1) Hotel: One space per two guest rooms plus one space per two employees.
- (2) Motel: One space per guest room or suite plus one additional space for owner or manager.
- (3) Club, Lodge: Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.

(c) Institutions:

- (1) Welfare or correctional institutions:  
One space per five beds for patients or inmates.
- (2) Convalescent hospital,  
sanitarium, for patients or residents  
Rest home, home for aged:  
One space per two beds nursing home,
- (3) Hospital: Three spaces per two beds.

(d) Places of Public Assembly:

- (1) Church: One space per four seats or eight feet of bench  
Length in the main auditorium.
- (2) Library; reading room: One space per 400 feet of floor  
area plus one space per 2 employees.
- (3) Pre-school nursery;  
kindergarten: Two spaces per teacher.

- (4) Elementary or Junior: One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.
- (5) High School: One space per classroom plus one space per administrative employee plus one space for each six students or one for four seats or eight feet of bench length in the main auditorium, whichever is greater.
- (6) College; commercial school for adults: One space per five seats in classrooms.
- (7) Other auditoriums; meeting rooms: One space per four seats or eight feet of bench length.
- (e) Commercial amusements:
  - (1) Stadium, arena; theater: One space per four seats or eight feet of bench length.
  - (2) Bowling alley: Five spaces per alley plus one space per two employees.
  - (3) Dance hall; skating rink: One space per 100 feet of floor area plus one space per two employees.
- (f) Commercial:
  - (1) Retail store except as provided in section 16-2,102(f) (2): One space per 125 square feet of floor space.
  - (2) Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture: One space per 400 square feet floor space.
  - (3) Bank; office (except medical and dental): One space per 400 square feet of floor area plus one space per two employees.
  - (4) Medical and dental clinic: One space per 100 square feet of floor area plus one space per two employees.
  - (5) Eating or drinking establishment: One space per 100 square feet of floor area.
  - (6) Mortuaries: One space per four seats or eight feet of bench length in chapels.
  - (7) Storage warehouse; manufacturing establishment; air, rail or trucking freight terminal: One space per employee.
  - (8) Wholesale establishment: One space per employee plus one space per 700 square feet of patron serving area.

(Ord. 82-5, Art. 4, Sec. 1; Code 1988)

16-2,103. OFF-STREET LOADING. (a) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(b) Merchandise, materials, or supplies. Buildings or structures to be built or substantially altered which receive and distribute material by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this article shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs. (Ord. 82-5, Art. 4, Sec. 2; Code 1988)

16-2,104. GENERAL PROVISIONS - OFF-STREET PARKING AND LOADING.

(a) The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Use of property in violation hereof shall be a violation of this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

(b) Requirements for types of buildings and uses not specifically listed herein shall be determined by the board of appeals, after a report and recommendation from the planning commission, based upon the requirements of comparable uses listed.

(c) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

(d) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deeds, leases, or contractors to establish the joint use.

(e) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(f) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(g) Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side or rear yard.



(h) A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- (1) Delineation of individual parking and loading spaces.
- (2) Circulation area necessary to serve spaces.
- (3) Access to streets and property to be served.
- (4) Curb cuts.
- (5) Dimensions, continuity, and substance of screening.
- (6) Grading, drainage, surfacing and sub-grading details.
- (7) Delineation of obstacles to parking and circulation in finished parking area.
- (8) Specifications as to signs and bumper guards.
- (9) Other pertinent details.

(i) Design requirements for parking lots.

(1) Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.

(2) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet nor more than six feet in height except where vision clearance is required.

(3) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches high and set back a minimum of four feet from the property line or by a bumper rail.

(4) Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.

(5) Access aisles shall be of sufficient width for all vehicles turning and maneuvering.

(6) Except for single-family and duplex dwellings, groups more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

(7) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic to provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than 30 feet in width and shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives on the same lot frontage shall be separated by a minimum length of curb of 30 feet, provided that for every foot by which the lot frontage exceeds 100 feet, the minimum required length of curb shall be increased by one foot, up to a maximum requirement of 200 feet. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than 10 feet to a side lot line except that a common service drive to two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.

(8) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining the lines through points 30 feet from their intersection.

(9) Completion time for parking lots. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector, providing a performance bond or its equivalent, is posted equaling the cost to complete the improvements as estimated by the building inspector provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city.

(Ord. 82-5, Art. 4, Sec. 3; Code 1988)

16-2,105. DISTRICT BOUNDARIES. Unless otherwise specified, district boundaries are lot lines or the center line of streets, alleys, railroad right-of-way, or such lines extended. Where a district divides a land parcel under a single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedures for a district change shall be followed.

(Ord. 82-5, Art. 5, Sec. 1; Code 1988)

16-2,106. GENERAL PROVISIONS REGARDING ACCESSORY USES. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations;

(a) Fences, which may be located within yards, shall not exceed 3 feet in height measured from the curb elevation in the front yard or in a vision clearance area.

(b) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

(c) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.

(d) Regardless of the side yard requirements of the zone a side yard may be reduced to three feet for an accessory structure erected more than 40 feet from a street other than an alley provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor any area of 700 square feet. (Ord. 82-5, Art. 5, Sec. 2; Code 1988)

16-2,107. PROJECTIONS FROM BUILDINGS. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than three feet into a required yard or into required open space as established by coverage standards.

(Ord. 82-5, Art. 5, Sec. 3)

16-2, 108. MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS. No lot area, yard, or other open space, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or

size below the minimum required by this article, nor shall any lot area, yard, or other open space or off-street parking or loading area which is required by this article for one use be used as the lot area, yard, or other open space or off street parking or loading area requirement for any other use.

(Ord. 82-5, Art. 5, Sec. 4; Code 1988)

16-2,109. GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS. If, at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the district subject to the other requirements of the district, and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

(Ord. 82-5, Art. 5, Sec. 5; Code 1988)

16-2,110. EXCEPTIONS TO YARD REQUIREMENTS. The following exception to the front yard requirement for a dwelling is authorized for a lot in any district. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard for the lot need not exceed a depth of one-half way between the depth of the abutting lot and the required front yard depth.

(Ord. 82-5, Art. 5, Sec. 6; Code 1988)

16-2,111. GENERAL EXCEPTION TO BUILDING HEIGHT LIMITATIONS. The following type of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

(Ord. 82-5, Art. 5, Sec. 7; Code 1988)

16-2,112. ACCESS. (a) All lots shall abut a street other than an alley for a width of at least 35 feet.

(b) Service drives to drive-in business establishments shall meet the requirements of section 16-2,104(i)(1), (7) and (8).

(Ord. 82-5, Art. 5, Sec. 8; Code 1988)

16-2,113. VISION CLEARANCE. Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area:

(a) In a residential district, the minimum distance shall be 30 feet at intersections except an alley which shall have 10 feet.

(b) In all other districts, except a C-1 district, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle or intersection between streets is less than 30 degrees, the distance shall be 25 feet.

(Ord. 82-5, Art. 5, Sec. 9; Code 1988)

- 16-2,114.       **ZONING OF ANNEXED AREAS.** Any territory hereafter annexed to the city shall, simultaneously with annexation, be referred to the planning commission for classification. The city council shall have 30 days from the decision of the planning commission to vote to confirm, deny, or alter such zoning classification. If the city council shall not take action on the decision of the planning commission within such timeframe the decision of the planning commission shall take effect upon the expiration of such 30 day period.  
(Ord. 82-5, Art. 5, Sec. 10, Ord. 13-14; Code 2015)
- 16-2,115.       **CONTINUATION OF NONCONFORMING USE OR STRUCTURE.** Subject to the provisions of 16-2,115:2,122 a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an extension of a nonconforming use. A complete record of the location, value, nature and extent of all nonconforming uses shall be made and kept by the planning commission.  
(Ord. 82-5, Art. 6, Sec.1; Code 1988)
- 16-2, 116.       **NONCONFORMING STRUCTURE.** A structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension does not result in a violation of this article.  
(Ord. 82-5, Art. 6, Sec. 2; Code 1988)
- 16-2,117.       **DISCONTINUANCE OF A NONCONFORMING USE.** (a) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.  
                  (b) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.  
(Ord. 82-5, Art. 6, Sec. 3; Code 1988)
- 16-2,118.       **TERMINATION OF CERTAIN NONCONFORMING USES.**  
                  (a) A nonconforming use not involving a structure or one involving a structure having an assessed value of less than shall be discontinued within two years from the date of passage of this article.  
                  (b) Notwithstanding any other provision of this ordinance, any automobile wrecking yard or other junkyard in existence in any residential district at the date of enactment of this ordinance shall at the expiration of three years from such date become a prohibited an unlawful use and shall be discontinued.  
                  (c) A use which is nonconforming with respect to provision for screening shall provide screening within a period of two years from the date of passage of this article.  
(Ord. 82-5, Art. 6, Sec. 4; Code 1988)
- 16-2,119.       **CHANGE OF NONCONFORMING USE.** If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the district, and after change, it shall not be changed back against the original nonconforming use.  
(Ord. 82-5, Art. 6, Sec. 6; Code 1988)

- 16-2,120.        **DESTRUCTION OF A NONCONFORMING USE.** If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 50 percent of the cost of replacement of the building using new materials, a future structure or use on the property shall conform to the provisions of this article.  
(Ord. 82-5, Art. 6, Sec. 6; Code 1988)
- 16-2,121.        **COMPLETION OF BUILDING.** Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a building for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of 16-2,117 be a discontinued use if not in operation within two years of the date of issuance of the building permit.  
(Ord. 82-5, Art. 6, Sec. 7; Code 1988)
- 16-2,122.        **DISTRICT CHANGES.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, sections 16-2,115:2,121 shall also apply to any nonconforming uses existing therein.  
(Ord.82-5, Art. 6, Sec. 8; Code 1988)
- 16-2,123.        **PLANNED DEVELOPMENTS.** In view of the trend toward the development of group houses, planned neighborhoods, shopping centers or other planned developments intended for greater convenience or utility, which may necessitate variations from existing zoning classifications or regulations, such variations may be permitted, provided development plan shall be referred to the planning commission for study, public hearing and report to the city council, and the city council may approve or disapprove the development plan. If the city council approves the plan, the city council may authorize the issuance of building permits and certificates of occupancy.  
(Ord. 82-5, Art. 7, Sec. 1; Code 1988)
- 16-2,124.        **BOARD OF APPEALS; ESTABLISHMENT.** The board of zoning appeals, hereinafter called the board, shall consist of five members appointed by the mayor. The board shall organize, adopt rules, hold meetings and keep records all as provided by law.  
(Ord. 82-5, Art.8, Sec. 1; Code 1988)
- 16-2,125.        **POWERS AND DUTIES.** The board shall have the powers and duties prescribed by law and by this article, which are more particularly specified in 16-2, 127:2, 129.  
(Ord. 82-5, Art. 8, Sec. 2; Code 1988)
- 16-2,126.        **INTERPRETATIONS.** The board shall hear and make decisions upon the following:  
                  (a) Appeal from a decision by an official or agency charged with administering this ordinance.

(b) Questions involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

(c) Review and approve or disapprove conditional uses which shall be considered as exceptions under state statutes.  
(Ord. 82-5, Art.8, Sec. 3; Code 1988)

16-2,127.

**VARIANCES.** The board of appeals may authorize variances from the requirements of this article where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this article would cause an undue or unnecessary hardship except a variance shall not be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance the board of appeals may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this article. No variance shall be granted unless it can be shown that all of the following conditions exist:

(a) Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

(b) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of the property in the same district or vicinity.

(c) The authorization of the variance shall not be materially detrimental to the purposes of this article, be injurious to property in the district or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.

(d) The variance requested is the minimum variance from the provisions and standards of this article which will alleviate the hardship.  
(Ord. 82-5, Art. 8, Sec. 4; Code 1988)

16-2,128.

**PROCEDURE.** The procedures to be followed by the board of appeals shall be as follows:

(a) Written application for the approval of the variances referred to in sections 16-2, 126 and 16-2, 127 shall be filed with the board upon forms and in a manner prescribed by the board. A fee of \$25 shall be paid to the city clerk or his or her agent upon the filing of each application for variance for the purpose of defraying costs of the proceedings described herein. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such manner as prescribed by law. Such applications, which appeal decisions by the enforcing officer, shall be made within 20 days of the date of such decision.

(b) The board shall hold a public hearing on each application for a variance. Applications must be accompanied with a certified list of property owners of record, and their addresses, if available, and if not available, then the addresses of the occupant of the premises, if tenanted, in all directions from the subject property, for a distance of twice the frontage the property included in the application provided no distance need be more than 1,000 feet, and cannot be less than 200 feet.

(c) The board shall make its findings and determination in writing within 40 days from the date of filing the application and shall forthwith transmit a copy thereof to the applicant.

(d) The board shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep record of its examinations and other official actions, which shall be a public record.

(e) In approving applications for variances, the board shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood.

(Ord. 82-5, Art. 8, Sec. 5; Code 1988)

16-2,129. AUTHORIZATION TO INITIATE AMENDMENTS. An amendment to the text of the zoning map of this ordinance may be initiated by the city council, by the planning commission, or by application of a property owner or his or her authorized agent. The planning commission shall, within 30 days after a hearing, recommend to the city council approval, disapproval, or modification of the proposed amendment. The planning commission shall initially consider proposed amendments initiated by a property owner or his or her authorized agent only at the regularly scheduled meetings.

(Ord. 82-5, Art. 9, Sec. 2; Code 1988)

16-2,130. APPLICATION AND FEE. An application for amendment by a property owner or his or her authorized agent shall be filed with the city clerk 30 days prior to the planning commission meeting at which the proposal is to be considered. The application shall be accompanied by a fee of \$30.

(Ord. 82-5, Art.9, Sec. 2; Code 1988)

16-2,131. PUBLIC HEARING ON AN AMENDMENT. Before taking final action on proposed amendment, the planning commission shall hold a public hearing thereon. After receipt of the report on the amendment from the planning commission, the council takes appropriate action.

(a) Notice of Hearing. Notice of time and place of the public hearing before the planning commission and of the purpose the proposed amendment shall be given to the city in the following manner:

(1) Prior to an amendment to the zoning map or text, a notice shall be published in a newspaper of general circulation, the city not less than 21 days prior to the date of hearing and by mailing written notice not less than 10 days prior to the date of hearing to owners of property within the area enclosed by lines parallel to and 200 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the county assessor. Where all property abutting that of the same ownership shall be notified in the same manner as provided in this section.

(2) Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.

(b) Recess of Hearing. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the planning commission shall announce the time and date when the hearing will be resumed. (Ord. 82-5, Art. 9, Sec. 3; Code 1988)

- 16-2,132. APPROVAL OF AMENDMENT TO ZONING MAP. In granting an amendment to the zoning map, upon application by a property owner or his or her authorized agent, the city council may require the dedication of additional street right-of-way where an officially adopted street plan indicates need for increased width or where the nature of the proposed development warrants increased street width, and the council may require permanent screen strips or other devices to minimize conflict with residential land use. (Ord. 82-5, Art. 9, Sec. 4; Code 1988)
- 16-2,133. RECORDS OF AMENDMENTS. The city clerk shall maintain a record of amendments to the text and map of this article in a form convenient for the use of the public. (Ord. 82-5, Art. 9, Sec. 5; Code 1988)
- 16-2,134. ENFORCEMENT. The building inspector shall have the power and duty to enforce the provisions of this article. An appeal from a ruling of the building inspector shall be made to the board of appeals. (Ord. 82-5, Art. 10, Sec. 1; Code 1988)
- 16-2,135. FORM OF PETITIONS, APPLICATIONS AND APPEALS. All petitions, applications and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the administrator (building inspector) in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent presentation of pertinent facts and to maintain a permanent record. All applications for building and occupancy permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be used and/or built upon; the exact sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine conformance with the provisions of this article and of the building code. (Ord. 82-5, Art. 10, Sec. 2; Code 1988)
- 16-2,136. TEMPORARY PERMITS. The building inspector shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. (Ord. 82-5, Art. 10, Sec. 3; Code 1988)
- 16-2,137. TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE OR A VARIANCE. A building permit for a conditional use or for a use involving a variance shall be void after six months if no substantial construction has taken place. (Ord. 82-5, Art. 10, Sec. 4; Code 1988)
- 16-2,138. INTERPRETATION. The provisions of this article shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provisions of this article are less restrictive than comparable conditions imposed by any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. (Ord. 82-5, Art. 10 Sec. 5; Code 1988)



16-2,139. SEVERABILITY. The provisions of this article are hereby declared to be severable. If any section, sentence, clause, or phrase of this article is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this article.  
(Ord. 82-5, Art. 10, Sec. 6; Code 1988)

16-2,140. PENALTY. The owner or owners of any building or buildings or premises or part thereof where anything in violation of this article exists or is placed or maintained; and any architect, builder, or contractor who assists in the commission of any such violation, and all persons or corporations who violate or maintain any violation of any of the provisions of this article or who fail to comply therewith or with any requirements thereof or who build in violation of any statement of plan submitted and approved thereunder shall, for each and every violation or noncompliance, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$500 for each offense. Every person violating or contributing in any way to the violation of any provision of this article shall be deemed guilty of a separate offense for each day during which such violation continues, and may be punished therefor as herein provided.  
(Ord. 82-5, Art. 10, Sec. 7; Code 1988)

### ARTICLE 3. MOBILE HOME PLACEMENT GUIDELINES

16-301. GUIDELINES FOR APPLICATION.

(a) A request for placement of a mobile home must be initiated by the property owner by obtaining an application for a mobile home permit in the office of the city clerk. The application must be conspicuously displayed at the intended site for a period of not less than 30 days. Upon obtaining the application, the applicant is to pay to the city clerk a fee of \$50, to cover the cost of publishing a notice in the official city newspaper, the Galena Sentinel-Times, cost of research and notification of property owners within 200 feet.

(1) All applications for placement of mobile homes shall be forwarded to the planning commission for review. A date shall be set for the public hearing.

(2) The city clerk will cause a notice to be placed in the official city newspaper not less than 21 days before the hearing.

(3) The city clerk will also notify the property owners located within 200 feet of the proposed location of the mobile home by mail, the proposed location of the mobile home, the date of the public hearing, and include a sample of any written protests to the placement of the mobile home.

(b) A public hearing shall be held on each application for placement of a mobile home in R-1, R-2 and R-3 zoned areas. The following guidelines are to be implemented as a method of determining where mobile homes are located. This does not include recreational vehicles or travel trailers.

(Ord. 86-6, Sec. 3; Code 1988)

16-302. FORM AND METHOD OF HANDLING PROTEST. (a) The planning commission shall within 30 days after the hearing is concluded, recommend some action to the council. More than one-half of the members must be present to make a quorum.

(b) Regardless of whether or not the planning commission approves or disapproves a proposed location of a mobile home, if a protest against the location is filed in the office of the city clerk within 14 days after the date of the public hearing, duly signed and acknowledged by the owners of 20 percent or more of any real property or by owners of 20 percent of the total area, excepting public streets and ways, located within 200 feet of the boundary of proposed location of the mobile home, shall not be passed except by at least three-fourths vote of all of the members of the city council.

(Ord. 86-6, Sec. 4; Code 1988)

16-303. PERMIT REQUIREMENTS. No mobile home permit shall be approved by the planning and zoning commission or city council unless it is established that all city and public utilities are available for immediate hook-up service. It shall be unlawful to occupy a mobile home unless all utility hook-ups have first been established and inspections made by the city building inspector. All mobile homes must have individual meters and hook-ups for all utilities.

(Ord. 86-6, Sec. 6; Code 1988)

- 16-304. PERMIT ISSUED TO LAND OWNER. Mobile home permits will be issued for land owner occupied inhabitation only. Placing of mobile homes for rental purposes shall not be allowed outside a mobile home park. If anyone other than the owner is found to be living in a mobile home, the utilities shall be immediately disconnected and the owner of the property shall be subject to a fine of \$25 per day until the mobile home is removed or occupied by the owner.  
(Ord. 86-6, Sec. 6; Code 1988)
- 16-305. ADOPTION OF STANDARDS. In order to protect the health and welfare of the public body of the city, the body and frame design and construction requirements and the installation of plumbing, heating, and electrical systems of all mobile homes located within the city limits shall be governed by the standards promulgated by the Southern Building Code on mobile homes.  
(Ord. 86-6, Sec. 7; Code 1988)
- 16-306. MOBILE HOME PLACEMENT. (a) All mobile or manufactured homes located in residential areas within the City of Galena, Kansas shall be set upon a permanent or masonry foundation and if the structure is in a Mobile Home Park, such mobile or manufactured home shall be completely fitted with appropriate skirting as shall be determined by City Code Enforcement Official.  
(b) No single wide mobile home shall be located in any area within the corporate limits of the City of Galena, Kansas unless such dwelling is within a Mobile Home Park that is operating under the approval of and compliance with the City of Galena, Kansas.  
(Ord. 01-02, Ord. 01-03; Code 2015)
- 16-307. TIE DOWNS, ETC. All mobile homes shall be secured with tie-downs, ground anchors, and block foundations with piers under the outside frame.  
(a) Tie-downs required.  
(1) 50-70 feet mobile homes- four over the top type  
(2) 70 feet and longer- five over the top type  
(3) Doublewide 50 feet and longer- four frame tie downs on each side.  
(b) Ground anchors shall consist of steel auger anchors, cast in place concrete "deadman" eyelets embedded in concrete, or arrowhead augers. Screw augers shall be sunk to a depth of at least four feet.  
(Ord. 86-6, Sec. 8; Code 1988)
- 16-308. AGE OF MOBILE HOME. No mobile home over 10 years old shall be allowed, and all mobile homes allowed shall be subject to the mobile home standards as set forth in section 16-305.  
(Ord. 86-6, Sec. 9; Code 1988)
- 16-309. LOT SIZE. Lot size and coverage and setback requirements for individual mobile homes placed outside mobile home parks shall conform to zoning codes for specified mobile home areas in R-1, R-2 and R-3 zones.  
(Ord. 86-6, Sec 10; Code 1988)

- 16-310. VIOLATIONS. Each violation is a separate offense. Every person violating or contributing in any way to the violation of any provision of this article, shall upon conviction, be deemed guilty of a separate offense for each day during which the violation continues and shall be punished as hereinafter provided by a fine of not less than \$25 nor more than \$150 per day.  
(Ord. 86-6, Sec. 12; Code 1988)
- 16-311. ENFORCEMENT. The building inspector shall have the power and duty to enforce the provisions of this article. An appeal from a ruling of the building inspector shall be made to the board of appeals.  
(Ord. 86-6, Sec. 13; Code 1988)

#### **ARTICLE 4. FLOOD PLAIN ZONING**

16-401. REGULATIONS INCORPORATED. There are hereby incorporated by reference, as if set out fully herein, the floodplain management regulations adopted by the governing body of the City of Galena, Kansas, in Ordinance No. 08-08, and entitled "Floodplain Management for Galena, Kansas".

One copy of the floodplain management regulations marked "Official Copy as incorporated by the Code of the City of Galena" and to which there shall be a published copy of this section attached, shall be filed with the city clerk to be open for inspection and available to the public at all reasonable business hours.  
(Ord. 08-08; Code 2015)

## ARTICLE 5. SUBDIVISION REGULATIONS

- 16-501. INTERPRETATION AND PURPOSES. In the interpretation, the provisions of these regulations shall be held to be the minimum requirements adopted for the protection of the health, safety, and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services, and safe streets.  
(Code 2015)
- 16-502. SCOPE. These regulations shall apply to any lots forming a part of subdivision created and recorded after the effective date of this document. It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with restrictive covenants running with the land to which the City is a party. Where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinances, contract, or deed, the provisions of these regulations shall control. (Code 2015)
- 16-503. APPROVING AGENCY. The provisions of these regulations shall be administered by the Planning Commission and the Galena City Council.  
(Code 2015)
- 16-504. DEFINITIONS. For the purposes of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" or "will" are always mandatory and not merely directory.
- (a) City - the City of Galena, Kansas
  - (b) City Council - the City Council of the City of Galena, Kansas
  - (c) Final Plat - the map, drawing, chart, or other media, on which the subdivider's plan of subdivision is presented to the Planning Commission for approval and which, if approved, will be submitted to the County Recorder for recording.
  - (d) Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of, another.
  - (e) Official Map - The map established by the City Council showing the streets, highways, and parks theretofore laid out, adopted, and established by law and any amendments thereto adopted by the City Council, or additions thereto, resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.
  - (f) Owner - Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
  - (g) Planning Commission - The Planning Commission of the City of Galena, Kansas.

(h) Preliminary Plat - The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

(i) Streets and Alleys - "Street" is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated. "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street; "Cul-de-Sac" or "Dead-end Street" is a minor street with only one outlet; "Width, Street" is the shortest distance between the lines delineating the right-of-way of a street.

(j) Sub-divider - Any individual, firm, association, syndicate, co-partnership, trust, corporation, or other entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or herself or for another.

(k) Subdivision - The division of a parcel of land into three (3) 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; provided that a division of land which may be ordered or approved by a court or affected by testamentary or in testate provisions, or a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term "subdivision" includes "re-subdivision" and, when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided. The term shall include any division in an existing subdivision of two (2) or more parcels into three (3) or more parcels for the purpose of transfer of ownership or building development, whether the newly created parcels are divided simultaneously or in stages.

(Code 2015)

16-505. APPLICATION OF REGULATIONS. Except as provided herein, no person shall subdivide any tract of land, which is located within the city, except in conformity with the provisions these regulations. (Code 2015)

16-506. ENFORCEMENT. (a) Recording of Plat. No plat of any subdivision shall be entitled to recording in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid.

(b) Sale of Land in Subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. The description of such lot or parcel of land by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall exempt the transaction from the provisions of these regulations.

(c) Permits. The Code Enforcement Officer shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

(d) Public Improvements. The City hereby defines its policy to be that the City will withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated

to the public which have not been approved by the City Council in the manner prescribed herein.

(e) Revision of Plat After Approval. No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission.

(Code 2015)

16-507.

PROCEDURE.

(a) Preliminary Plat.

(1) Contents. The preliminary plat shall show, on a map, all the facts needed to enable the Planning Commission to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest.

(2) Preparation. The preliminary plat shall be prepared by a registered engineer or surveyor.

(3) Filing. The sub-divider three days prior to the Planning Commission meeting at which consideration is desired, shall file an application for preliminary approval with the City Clerk and provide at least three (3) copies of the preliminary plat according to the standards and other provisions of these regulations.

(b) Approval.

(1) Time Requirement. The Planning Commission shall act on the preliminary plat within sixty (60) days after filing unless time is extended by agreement with the sub-divider or his/her agent. If no action is taken within said sixty (60) days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and it shall be the duty of the Chairman of the planning Commission to comply with the provisions below.

(2) Notice of Action Taken. The Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, or disapproved and shall give notice to the sub-divider in the following manner:

(A) If approved, the Chairman of the Planning Commission shall affix his/her signature to the plat and attach thereto a notation that it has received preliminary approval and return it to the sub-divider for compliance with final approval requirements.

(B) If approved with modification or disapproved, the Chairman of the Planning Commission shall attach to the plat a statement of the reasons for such action and return it to the sub-divider. In any case, a notation of the action taken and requisite reasons therefore, shall be entered in the records of the Planning Commission.

(3) Effect of Approval. Approval of the preliminary plat by the Planning Commission shall not constitute final acceptance of the subdivision by the City Council.

(c) Right of Sub-divider.

(1) After Approval. Preliminary approval shall confer upon the sub-divider the right for a one (1) year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed.



(2) Improvements. Prior to any construction taking place or a Building Permit being issued for construction within any subdivision in the City of Galena, Kansas, or prior to a sub-divider offering lots for sale to the public for the purpose of building homes or structures thereon, all improvements required by section 15-509 shall have been constructed servicing the lot or lots to be sold or built upon.

(3) Final Plat. The final plat will have incorporated all changes or modifications required by the Planning Commission, otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the sub-divider proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations.

(4) Preparation. The final plat shall be prepared by a registered engineer or surveyor.

(d) Filing.

(1) Required Matter. After receiving notice of the action of the Planning Commission approving the preliminary plat, the sub-divider shall proceed to file with the City Commission:

(A) Three (3) copies of the final plat;

(B) A written application for final approval;

(C) A statement by the Code Enforcement Officer and Superintendent of Public Works certifying that they are in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed and that the sub-divider has complied with paragraph (B) above.

(2) Time Limits. The final plat shall be filed not later than one hundred twenty (120) days after the date of approval of the preliminary plat, otherwise it will be considered void unless an extension is requested in writing by the sub-divider and for good cause granted by the City Council. The final plat shall be filed at least five (5) working days prior to the meeting at which it is to be considered. The final plat shall be considered officially filed after it is reviewed by said Commission, found to be in full compliance with the formal provisions of these regulations, accepted by said Commission, and such approval certified thereon.

(3) Recording. The sub-divider shall record an original and nine (9) copies of the final plat in the office of the County Recorder of Cherokee County, Kansas within thirty (30) days after the date of approval, otherwise the small plat shall be considered void.

(Code 2015)

16-508. SUBDIVISION DESIGN STANDARDS.

(a) Streets.

(1) Conformity. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement and other design standards of streets shall conform to the provisions found herein.

(2) Relationship to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.

(3) Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

(4) Streets to be Carried to Property Lines. When a new subdivision adjoins un-subdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract to be subdivided.

(5) Street Jogs Prohibited. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

(6) Dead-end Street or Cul-de-Sac. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than seven hundred (700) feet and shall be provided at the closed end with a turn-around having an outside street property line diameter of at least one hundred (100) feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

(7) Street Widths. Street widths shall not be less than fifty (50) feet. Surfaced portion shall be not less than twenty-six (26) feet exclusive of curb and gutter.

(8) Intersections. The intersection of more than two (2) streets at one point shall be avoided except where it is impracticable. Street intersections shall be rounded with a radius of twenty (20) feet measured at the back of curbs when the intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve radius acceptable to the Planning Commission.

(9) Subdivision into Tracts Larger than Ordinary Building Lots. Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision.

(10) Half Streets Prohibited. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(11) Street Names and Numbers. Names of new streets shall not duplicate existing or planned street names unless a new street is a continuation of, or in alignment with the existing or platted streets.

(12) Access to Streets Across Ditches. The sub-divider shall provide access to all proposed streets, across ditches, in a manner approved by the City.

(13) Vacation of Streets. The City Council shall not vacate any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

(14) Private Streets. Private streets shall not be approved nor shall public improvements be approved for any private street.

(15) Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(b) Easements.

(1) Provided for Utilities. Easements with a minimum right-of-way width of ten (10) feet shall be provided on each side of all rear lot lines and along certain side lot lines where necessary for utilities.

(2) Provided for Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

(3) Blocks-Factors Governing Dimensions. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the code's zoning provisions and to provide for convenient access, circulation control, and safety of street traffic.

(c) Lots.

(1) Dimensions. Lot dimensions and area shall not be less than the requirements of the code's zoning provisions.

(2) Location. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received public status as such.

(3) Lines. Side lot lines shall be at substantially right angles to straight street lines or radial to curved street lines.

(4) Corner Lots. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

(5) Uninhabitable Lots. Lots subject to flooding and lots deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by inundation nor produce unsatisfactory living conditions.

(6) Lot Remnants. All remnants of lots below minimum size left over after subdividing or a larger tract shall be added to adjacent lots, rather than allowed to remain as unusable parcels.

(Code 2015)

16-509.

REQUIRED IMPROVEMENTS.

(a) Bond Required. Prior to granting of formal approval, the sub-divider shall have installed or shall have furnished adequate bond for the ultimate installation of the following:

(b) Monuments. Monuments shall be placed at all block corners, angle points, points of curve in streets, and at intermediate points as shall be required by the Code Enforcement Officer and Superintendent of Public Works. The monuments shall be of such size, material, and length as may be approved by the Code Enforcement Officer and Superintendent of Public Works.

(c) Time for Improvements. Prior to any lots being offered for sale in a subdivision or prior to the construction of any residence or other structure in a subdivision, the sub-divider shall have installed the following to and servicing the lot to be built upon or sold.

(d) Streets.

(1) Surfacing. All streets shall be surfaced in accordance with applicable specifications of the City. Such construction shall be subject to

inspection and approval by the Code Enforcement Officer and Superintendent of Public Works.

(2) Curbs, Gutters, and Drainage. Curbs, gutters, drainage, and drainage structures shall be provided in accordance with and construction inspected and approved by the Superintendent of Public Works and Code Enforcement Officer.

(e) Water Supply.

(1) Accessible Public Water Supply. Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision shall be provided with a connection thereto; the sub-divider shall furnish and install the water main(s) required for the service and shall pay the entire cost of such connection and installation. The sub-divider shall provide the necessary and required fire hydrants, valves, and other appurtenances. All connections shall be subject to approval of the City.

(2) Non-accessible Public Water Supply. In a proposed subdivision, pending accessibility of a public water supply, the sub-divider may be required to construct wells or a private water supply in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness, and potableness of the water supply shall be subject to the approval of the Kansas Department of Health and Environment.

(f) Sanitary Sewer System.

(1) Public Sanitary Sewer System. Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Code Enforcement Officer and Superintendent of Public Works. Public sanitary sewer shall be considered reasonably accessible when the total cost of extending and installing the public sewer main(s) to the closest three (3) lots in the land being subdivided does not exceed the cost of a private sanitary sewer system for said three lots by more than twenty-five percent (25%) as determined by the Superintendent of Public Works, who shall determine such costs taking into consideration the following:

(A) The cost of extending and installing the public sanitary sewer to the center of the street abutting upon the three lots to be served plus the cost of installing and connecting four-inch sewer service lines to the sewer main and running the same to a point four (4) feet outside the buildings to be served on said three (3) lots.

(B) The cost of a private sanitary sewer system for said three lots shall be determined considering the use of a concrete septic tank of one thousand one hundred (1,100) gallon minimum capacity, one concrete distribution box, and a minimum of two hundred (200) feet of field tile, all installed in accordance with acceptable standards.

(Code 2015)

16-510.

PRELIMINARY PLAT.

(a) Form. The Preliminary Plat shall be clearly and legibly drawn. The size of the map shall not be less than eleven (11) inches by seventeen inches (11" x 17"). The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise required by the Planning Commission.

(b) Map Contents. The Preliminary Plat shall contain the following information:

- (1) Description.
  - (2) Name of the proposed subdivision. The name shall not duplicate, be the same in spelling, or alike in pronunciation with any other recorded subdivision.
  - (3) Name of adjacent subdivisions and owners of adjoining parcels of un-subdivided land.
  - (4) Names and addresses of the sub-divider, owner, and engineer.
  - (5) Location by section, range, township, city, county, and state.
  - (6) Names of streets within adjoining plates.
  - (7) Existing Conditions.
  - (8) Boundaries of the subdivision indicated by a heavy line and the approximate acreage involved.
  - (9) Location, widths, and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section lines, and corporate limits.
  - (10) Zoning districts, if any.
  - (11) Drainage channels, wooded areas, power transmission poles and lines, and any other significant items should be shown.
  - (12) Drafting of Plan.
  - (13) Date of preparation, scale of drawing, and north point.
  - (14) Proposals.
  - (15) Location and principal dimensions for all proposed streets, alleys, easements, lot lines, and areas reserved for public use.
  - (16) Other Information.
  - (17) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, or congestion.
  - (18) Proposed covenants and restrictions.
  - (19) Source of water supply.
  - (20) Provision for sewage disposal, drainage, and flood control.
  - (21) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- (Code 2015)

16-511.

FINAL PLAT.

(a) Form. The final plat shall be clearly and legibly drawn in India ink on vellum or Mylar media. The size of the map shall not be less than eleven inches by seventeen inches (11" x 17"). The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals fifty feet (1" = 50'). All other subdivisions shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise required by the Planning Commission.

(b) Map Contents.

- (1) Description.
- (2) Name of the subdivision.
- (3) Names of adjacent subdivisions and owners of adjoining un-subdivided parcels.
- (4) Names and Addresses of the sub-divider, owner, and engineer.

- (5) Location by section, block, range, township, city, county, and state.
- (6) (Names of streets within adjoining plates).
- (7) Existing Conditions.
- (8) All plat boundaries.
- (9) Bearings and distances to the nearest established street lines, section corners, or other recognized permanent monuments which shall be accurately described on the plat.
- (10) Municipal, township, County, or section lines accurately tied to the lines of the subdivision by distance and bearings.
- (11) Accurate location of all monuments.
- (12) Survey Data.
- (13) Length of all arcs, radii, internal angles, points of curvature, points of intersection, and tangent bearings. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the width at the building line shall be shown.
- (14) Drafting of Plat.
- (15) Date of preparation, scale of drawing, north point.
- (16) Proposals.
- (17) All easements for right-of-way provided for public services or utilities, and any limitations of such easements.
- (18) All lot numbers and lines, with accurate dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk-way lines.
- (19) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
- (20) Building setback lines, with dimensions.
- (21) Other Information.
- (22) Protective or restrictive covenants shall be shown on the plat.
- (23) Code Enforcement Officer's certificate.
- (c) Certifications Required.
  - (1) Certification shall be furnished from the County Treasurer that all taxes and assessments have been paid on the land within the proposed subdivision.
  - (2) If a zoning change is involved, certification from the Planning Commission shall be furnished indicating that the change requested has been approved and is in effect.
  - (3) Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him/her and that all monuments shown thereon actually exist, and that their location is correctly shown.
  - (4) An acknowledgment by the owner or owners, of his, her or their adoption of the plat, and of the dedication of streets and other public areas.

16-512. PENALTIES. Any person violating the provisions of these regulations shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$100.00 or confinement in jail for not more than 30 days, or by both such fine and imprisonment. Each and every day that such violation exists shall be deemed to be a separate offense.  
(Code 2015)